

LEGAL UPDATE



ERISA Enforcement

- The DOL has broad authority to investigate or audit an employee benefit plan's compliance with ERISA.
- The DOL's EBSA division handles audits of employee benefit plans.
- To perform these audits, EBSA employs investigators working out of field offices, many of whom are lawyers or CPAs or who have advanced degrees in business or finance.

DOL Releases Audit Results of ERISA Enforcement During 2022

The U.S. Department of Labor (DOL) has released the results of its Employee Benefits Security Administration's (EBSA) [enforcement actions](#) during fiscal year (FY) 2022.

Through its enforcement of the Employee Retirement Income Security Act (ERISA), the EBSA oversees approximately **2.5 million health plans, 747,00 retirement plans, and 673,000 other welfare benefit plans**. According to the audit, these plans cover 152 million workers, retirees and dependents.

Enforcement Statistics

In FY 2022, EBSA recovered over 1.4 billion dollars for employee benefit plans, participants and beneficiaries. Other key EBSA enforcement results include the following:

- EBSA closed 907 civil investigations. Of these, 66% resulted in monetary results for employee benefit plans or other corrective actions;
- EBSA referred 55 cases for civil litigation and closed 164 criminal investigations; and
- EBSA's criminal investigations led to the indictment of 103 individuals—including plan officials, corporate officers and service providers—for offenses related to employee benefit plans.

Compliance Assistance Statistics

The DOL audit fact sheet also includes statistics for the EBSA's compliance assistance programs, the Voluntary Fiduciary Correction Program (VFCP) and the Delinquent Filer Voluntary Compliance Program (DFVCP).

The VFCP allows plan officials who have identified specified ERISA violations to take corrective action to remedy the breaches and voluntarily report the violations to EBSA without becoming the subject of an enforcement action. In FY 2022, EBSA received 1,374 applications through the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. EBSA received 22,444 annual reports through this program in FY 2022, and the EFAST2 Help Desk handled over 21,000 inquiries to help filers meet their reporting obligations.