



# THE ERISA INDUSTRY COMMITTEE

*Advocating the Employee Benefit and Compensation Interests of America's Major Employers*

*The ERISA Industry Committee (ERIC) is a non-profit association committed to the advancement of the employee retirement, health, and welfare benefit plans of America's major employers. Our experts analyze key developments, advocate on behalf of ERIC's membership with Congress and government agencies, and promote the interests of our members before the courts.*

## Together, we accomplished a lot in 2013

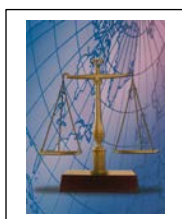
### Advocacy



We ensured that legislators and regulators understood the unique challenges and issues facing large employers that sponsor benefit plans. As a result, Congress and the government agencies:

- Issued relief with respect to the timing of the payment of PBGC premiums, provided flexibility for the timing of participant fee disclosures, and published temporary relief for frozen defined benefit plans.
- Eased the rules for Employee Assistance Programs (EAPs), employer shared responsibility requirements, and health plan out-of-pocket limits.
- Maintained the tax benefits for health and retirement plans.
- Are considering changes to the ACA reporting rules.

### Litigation



We represented the interests of ERIC members in important benefit cases, urging the courts to:

- Apply the presumption of prudence in 401(k) stock drop cases at the pleadings stage in order to avoid costly unnecessary litigation.
- Confirm that FICA taxes do not apply to supplemental unemployment and most severance benefits.
- Not rewrite a plan document, or penalize the administrator who follows the plan document, merely because a SPD may be somewhat vague or not address all the details of a plan document.
- Find that class certification cannot be used to import a theory of liability under ERISA that it could not pursue on the merits.

### Education



We helped you to understand how new benefits guidance impacted your plans, including the impact of:

- Late-breaking developments regarding your health plans, including the employer shared responsibility, wellness, ACA reporting and mental health parity rules.
- Recent issues relating to your retirement plans, including lifetime-income disclosures, PBGC reportable events, and frozen defined benefit plans.
- Numerous cases that affected your benefit plans, including the Supreme Court's decision in *U.S. v. Windsor*.

## **We can accomplish even more together in 2014**

In 2014, ERIC will continue to vigorously advocate for the benefit interests of large companies regarding:

- Key retirement issues, including hybrid plan and DOMA guidance, PBGC premiums and reportable events, tax reform, nondiscrimination issues for frozen defined benefit plans, and lifetime-income disclosures.
- Critical health issues, such as ACA reporting, the transitional risk reinsurance fee, and wellness programs.
- Important legal issues, including the presumption of prudence for plans with company stock, the deference given to fiduciaries, equitable remedies, and litigation involving plan fees.

ERIC appreciates the support and efforts of our members, which have enabled us to have a positive impact on employee benefits. Whether your company's issues are the same as most of ERIC's members or relatively unique, ERIC is dedicated to assisting you find positive resolutions to your important and complex issues.

**We encourage additional major employers to join us in our efforts and encourage our current members to share this information with their colleagues at similar organizations. Interested employers can sign up for our upcoming calls or for a no obligation trial membership at: <http://bit.ly/ERIC-Calls>. Working together, we can have an even greater impact on employee benefits.**

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