

**THE  
ROSENBAUM  
LAW FIRM P.C.**

# THE LAW FIRM REVIEW

A Publication for Plan Sponsors and Retirement Plan Professionals

## The Eventual Comeback Of MEPs.

It's inevitable.



Sometimes what is old is new again. Over the years, clothing styles, hairstyles, political styles, movie styles, and television program styles may come back after being out of fashion. People tell my fashion styles always come back in fashion, but I do notice as a kid from the 1970s that ruffled shirts and leisure suits haven't come back in style. Unlike

ruffled shirts and leisure suits, it looks like multiple employer retirement plans (MEPs) may make a comeback. Many retirement plan providers have been touting MEPs recently and made plan sponsors think this is a new concept. MEPs have been around for years, but are only going back into style because of recent regulatory change and renewed interest. The comeback of MEPs is a positive development in the retirement plan business because it offers a choice to retirement plan sponsors on how to get a better plan at a better price while eliminating most of the liability that goes with being a plan sponsor and fiduciary. While MEPs aren't for everyone, they are a choice for many plans to consider whether being part of a MEP outweighs the risk of being a standalone plan.

For the article, click [here](#).

## When a 401(k) Plan Sponsor May Have To Fire Their TPA.

There are times when it needs to be done.

Saying goodbye is never easy, but there are certain times when you need to do it. Personally, I've had to say goodbye to certain places of employment, friends, and organizations because it was the end of the line and keeping the relationship continuing would have caused a greater harm. There are many times where you do need to say goodbye. As a 401(k) plan sponsor,

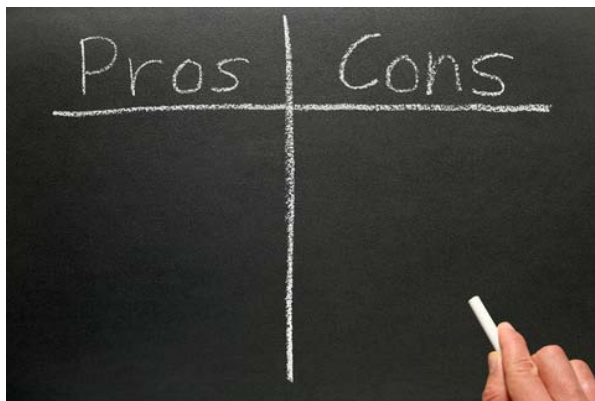


that goodbye is when you have to fire a plan provider. When it comes to firing a third party administrator (TPA), there are many reasons why you have to fire a TPA and there are reasons when you have no choice. This article is about when you may have to fire your TPA.

To read the article, please click [here](#).

## **Bad Reasons For Hiring 401(k) Plan Providers.**

**Avoid these bad reasons.**



As people, we make mistakes and the mistakes we often make is making decisions on what impresses us that really isn't that impressive when you think about it. Substance is always more important than flash, especially when it comes to hiring plan providers for your 401(k) plan. Due to how providers may market themselves to you, you may pick a plan provider for the wrong reason and you're breaching your fiduciary duty by hiring plan providers that aren't up to the job. So

this article is about things that plan providers may tout that shouldn't really impress you because it doesn't mean they'll be good at their job.

To read this article, please click [here](#).

## **A 401(k) Plan Sponsor Needs A Plan Review.**

**It needs to be done.**

Retirement plan sponsors tend to be reactive rather than pro-active. They would rather not spend money to undergo a plan review and assume everything is fine until they run into a big compliance issue or mistakes are discovered on a government audit. Like a good medical checkup, a plan review can discover and root out plan problems before they become bigger and costlier. This article is why plan sponsors should get an independent plan review from an ERISA attorney (cough,



cough) or a retirement plan consultant.

To read the article, please click [here](#).

## The problem with committees.

**It's not always the perfect solution.**



Many articles talking about good retirement plan practices will talk about the need for employers to set up retirement plan committees to manage their 401(k) plan.

While I agree that there needs to be some sort of process in place to run the plan, there are many instances when committees are a

hindrance when they become a bureaucracy. I once joked that as an associate attorney at a semi-prestigious firm that if the managing attorney wanted to kill an idea, she'd create a committee for it. Recently, someone at synagogue told me that they created a committee to improve the members' experience and there are 37 people on the committee.

A committee to handle a 401(k) plan has to be put in place to actually run the plan, it can't be created as another roadblock in getting the plan run in a prudent manner. If it becomes a bureaucracy and is paralyzed from acting in the best interests of plan participants, then the committees become part of the problem and not the solution.

## Make sure participant records are secure.


**Part of your job as a plan sponsor.**

Being a plan sponsor is difficult because you're a plan fiduciary which requires the highest duty of care. Running the plan is hard and making everything operate according to the law is important. Not only that, but you also need to make sure that plan records are secure.

Cybersecurity is a big thing and it's discounted way too much. There is a dark web there with people trying to pierce websites and steal plan participant information, especially social security numbers.



So as plan sponsor, you need to make sure that your records and the records held by your plan provider can withstand any cyber attack.

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The Rosenbaum Law Firm Review, December 2018 , Vol. 9 No. 12

The Rosenbaum Law Firm P.C.

[ary@therosenbaumlawfirm.com](mailto:ary@therosenbaumlawfirm.com)

[www.TheRosenbaumLawFirm.com](http://www.TheRosenbaumLawFirm.com)

734 Franklin Avenue, Suite 302

Garden City, New York 11530

Phone 516-594-1557

Fax 516-368-3780

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