



# Fiduciary and compliance services

Plan management support to help you minimize risk

Plan compliance ranks high on the list of plan sponsor priorities. Given increased oversight, growing complexities and the potential high cost of noncompliance, careful planning and ongoing governance can be critical in helping you manage your plan and meet your fiduciary and compliance responsibilities with confidence.

Whether working on your own or with the support of an advisor, TIAA can assist you in managing ever-increasing regulatory demands—helping you to stay focused on maintaining a competitive plan that may help your participants achieve financial well-being. Please note that TIAA cannot and does not provide legal or tax advice and that we recommend you consult your own legal counsel for such advice.



## Potential costs of noncompliance

In fiscal year 2020, the Employee Benefits Security Administration (EBSA) closed 230 criminal investigations. EBSA's criminal investigations as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 70 individuals—including plan officials, corporate officers and service providers—for offenses related to employee benefit plans.\*

## Solutions to help maximize your efficiency in compliance

TIAA's plan sponsor services include a robust suite of solutions to help you understand and achieve your fiduciary obligations and plan compliance.

- **Plan document service** to help you meet documentation requirements
- **Investment services** to help you take charge of your fiduciary responsibilities
- **Compliance monitoring services** to help you prevent noncompliant transactions and contribution limit violations, and assist with nondiscrimination testing
- **Financial reporting & plan audit services** to simplify your IRS and Department of Labor (DOL) filings and associated plan financial audits, if applicable
- **Service & fee disclosure support** to help you meet your regulatory and fiduciary responsibilities, assess plan fees and expenses, and satisfy your annual participant disclosure requirement as outlined by the DOL.

These can be used individually or with a set of administrative services that make it even easier to meet enrollment goals and maintain a compliant plan. Bundles include support for eligibility, online and automatic enrollment, vesting and contribution calculation.

\*Source: Employee Benefits Security Administration FY 2020 enforcement results. <https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/fact-sheets/ebsa-monetary-results.pdf>. Or go to [www.dol.gov/agencies/ebsa](http://www.dol.gov/agencies/ebsa). Click on About us/What We Do/Agency Enforcement Results.

### **Simplified employee communication and education**

Many requirements include mandates for participant notices and information such as fee disclosure notices, automatic enrollment and Qualified Default Investment Alternative notices, summary plan descriptions and your summary annual report.

Our comprehensive employee communication and education program plays a key role in helping you fulfill those obligations. It provides some of the required employee notifications on your behalf. And, just as important, it helps you to provide your employees with the general information and education they need to effectively manage their retirement accounts through:

- Targeted communications addressing the needs of employees at different life stages
- Financial education and workshops
- Information and advice services available virtually, by phone or online using our Retirement Advisor online advice tool in our secure website
- Comprehensive online tools and information designed to drive employees to action
- Ongoing regulatory and administrative communications

### **Easy access to the information you need, when you need it**

Whether you're looking for information and resources to help you understand your obligations as a plan sponsor or for specific services to help you more efficiently meet them, you have easy access to:

- Consolidated information and resources through the Compliance section of our secure PlanFocus® website
- *Quarterly Plan Sponsor Pathways* newsletters
- Timely regulatory alerts
- Thought leadership on the plan sponsor pages of [TIAA.org](https://www.tiaa.org)

### **Support in establishing and maintaining compliance processes**

Experienced TIAA team members can help you identify best practice administrative policies and approaches designed to help you reduce your fiduciary and compliance risks. They can work hand in hand with you to implement those most appropriate for your specific situation as well as offer resources to support you.

### **Information and strategies to help you meet your requirements**

- Best practices for confident plan compliance**
- Fiduciary and compliance responsibilities checklist** - for a quick check on how well your plan meets your fiduciary and compliance requirements
- Plan governance toolkit** - to help you document your compliance efforts

**To learn about our fiduciary and compliance services, log in to the Compliance section of the PlanFocus website.**

**Whether you use all of our services—or select just those that meet your specific needs—we work with you to drive better outcomes for your organization and your employees. To talk more about which services best meet your needs, please contact your TIAA representative. If you are served exclusively by the Administrator Telephone Center, please call 888-842-7782, weekdays, 8 a.m. to 5 p.m. (ET).**

### Use this chart to better understand and manage your responsibilities

Fiduciary/Compliance responsibility	Things to consider	How TIAA helps
Maintain a written plan document and comply with its terms	<p>Ensure plan document is accurate, compliant and consistent with funding vehicles such as annuity contracts</p> <p>Review and update plan documentation regularly</p>	<p><b>Plan document service</b></p> <ul style="list-style-type: none"> <li>IRS pre-approved plan documents, adoption agreements and sample summary plan descriptions (if applicable) for a variety of plan types<sup>1</sup></li> <li>Plan document provisions that are compliant with the services offered by TIAA and broad enough to support multiple service models</li> <li>Ongoing document updates to assist in complying with future legislative and regulatory changes if you continue to use the services</li> </ul>
Diversify and monitor plan investments	<p>Create or review an investment policy statement<sup>2</sup></p> <p>Make prudent investment menu selections</p> <p>Monitor ongoing investment performance</p>	<p><b>Investment services</b></p> <ul style="list-style-type: none"> <li><b>Investment policy statement support</b> – Guidelines, a sample statement and a template to help your plan advisors draft your investment policy statement</li> <li><b>Investment and fiduciary education</b> – Menu gap analysis and sample menus to support your investment lineup</li> <li>Fund search according to client's investment policy statement criteria</li> <li><b>Performance monitoring</b> – Annual investment reviews</li> </ul>
Make sure the design and operation of your plan is compliant with regulatory and fiduciary requirements	<p>Perform required nondiscrimination testing</p> <p>Monitor plan transactions</p> <p>Review plan design periodically to promote optimal participant outcomes</p> <p>Find and fix plan errors with IRS fix-it guides</p>	<p><b>Compliance monitoring services</b></p> <ul style="list-style-type: none"> <li><b>Nondiscrimination Testing Service</b> – Preparation of applicable nondiscrimination tests and reports summarizing test results and details.</li> <li><b>Compliance Coordinator®</b> – A secure web tool that helps ensure loans and hardship withdrawals are processed in compliance with IRS requirements by all providers that send data</li> <li><b>Contribution Limit Monitoring</b> – Support that works best for your plan—simple reports to help you monitor contributions or a limit monitoring service that can notify you when limits are reached and when contributions may be resumed</li> </ul>
File accurate and timely annual financial reports and audits	<p>Efficiently manage annual filings of forms 5500 and 8955-SSA and related plan audits (only applicable to ERISA plans)</p>	<p><b>Financial reporting &amp; plan audit services</b></p> <ul style="list-style-type: none"> <li><b>Comprehensive online reporting package</b> – Simplify annual plan financial reporting with secure online access to your year-end financial reports and our <b>Plan sponsor reporting &amp; audit guide</b></li> <li><b>Audit support</b> – Documentation for auditor's tests of transactions, auditor web access to your year-end reporting package and a Service organization controls report (for ERISA DC plans) that can lessen auditor testing and help you implement complementary onsite controls</li> <li><b>Form 5500 preparation service</b> – Preparation of forms 5500/5500-SF and 8955-SSA with all applicable schedules and assistance with electronic filing</li> </ul>
Evaluate the reasonableness of your plan fees and expenses, and identify potential conflicts of interest as well as comply with annual participant disclosure requirements as outlined by the DOL	<p>Benchmark your fees against other service providers and industry standards</p> <p>Make informed decisions about your plan's services and investments based on the compensation being paid</p> <p>Comply with DOL annual reporting obligations</p>	<p><b>Service &amp; fee disclosure support</b></p> <ul style="list-style-type: none"> <li><b>Plan disclosure for fiduciaries (408(b)(2))</b> – A package containing information about the fees and expenses we charge in exchange for the services provided</li> <li><b>Ongoing support</b> – Updated disclosures for any new services or investments added to your plan, notification on changes and four fee disclosure reports as part of your annual plan financial reporting package</li> <li><b>Participant fee disclosures</b> – Plan and investment notice; and Disclosure Assist®, an online tool to help streamline the creation and delivery of your disclosures</li> </ul>



<sup>1</sup> 457(b) plan documents provided by TIAA are specimen plans that have not been pre-approved by the IRS. All plan documents should be reviewed by your legal counsel.

<sup>2</sup> Having an investment policy statement in place is considered “best practice” but is not an ERISA requirement.

This material is for informational or educational purposes only and does not constitute investment advice under ERISA. This material does not take into account any specific objectives or circumstances of any particular investor, or suggest any specific course of action. Investment decisions should be made based on the investor’s own objectives and circumstances.

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