

Table of Contents

ABOUT DALBAR	4
INTRODUCTION	5
THE BURDENS OF KNOWLEDGE	5
FAMILIAR TERMINOLOGY	5
WHO IS DISCLOSING WHAT TO WHOM AND WHY	6
THE NEW DISCLOSURES	6
COVERED SERVICE PROVIDER	7
IN SUMMARY	8
PLAN SPONSOR Q&A	8
GOALS & OBJECTIVES OF NEW FEE DISCLOSURE	10
DOL GOALS	10
NEW STANDARD: NO RELIEF FOR EXISTING ARRANGEMENTS	10
REASONABLE COMPLIANCE	11
ENFORCEMENT, PENALTIES & THREATS	12
408(B)(2) ENFORCEMENT	12
SCHEDULE C PENALTIES	12
404(A)(5) DUTY	13
THREAT OF LITIGATION	13
THE RESPONSIBILITY OF KNOWING	14
LEGAL RESPONSIBILITY VERSUS PARTICIPANT EXPECTATION	15
RISK OF MISINFORMATION	15
PROTECTION OF NEW FEE DISCLOSURE REGULATIONS	15
PRESCRIBED RESPONSIBILITIES	17
OTHER APPLICABLE PLAN SPONSOR RESPONSIBILITIES	17
WHAT WILL A JURY SAY?	18
BALANCING REASONABLE COST AND PARTICIPANTS INTERESTS	19
DEMONSTRATING SOUND JUDGMENT	19
VALUES AFFECTING REASONABLENESS OF COSTS	19

<u>PLAN SPONSOR POWERS</u>	<u>21</u>
HIRING & FIRING EXPERTS	21
NEGOTIATING FEES	22
CHANGING PLAN INVESTMENTS	22
FILING COMPLAINTS AGAINST SERVICE PROVIDERS	22
<u>APPLYING FIDUCIARY RESPONSIBILITY TO NEW FEE DISCLOSURE</u>	<u>23</u>
THE EXCLUSIVE BENEFIT RULE	23
THE PRUDENT MAN RULE	23
COMPLYING WITH THE 404(C) REGULATIONS	24
CASE LAW ON MISINFORMING PARTICIPANTS	24
<u>CHECKS & BALANCES OF NEW FEE DISCLOSURE</u>	<u>25</u>
DISCLOSURES SHOULD AGREE	25
PROVIDERS SHOULD AGREE	25
ESTIMATES SHOULD MATCH ACTUALS	25
ESTABLISHING REASONABLE BELIEF	26
READINESS ASSESSMENT QUESTIONS	26
<u>GOVERNMENT REPORTING RESPONSIBILITIES</u>	<u>27</u>
SCHEDULE C REQUIREMENTS	27
DUTY OF THE PLAN SPONSOR	27
APPLICABLE COMPENSATION	27
DIRECT COMPENSATION	28
INDIRECT COMPENSATION	28
ALTERNATIVE REPORTING	28
GIFTS AND ENTERTAINMENT	29
<u>SPECIFIC DUTIES: 408(B)(2)</u>	<u>30</u>
REQUIRED DISCLOSURES	30
PLAN SPONSOR DUTIES	30
<u>SPECIFIC DUTIES: 404(A)(5)</u>	<u>32</u>
REQUIRED DISCLOSURES	32
UNDERSTANDABLE DISCLOSURES	32
DISCLOSURE TO ELIGIBLE EMPLOYEES	33

ALLOCATING EXPENSES TO PARTICIPANTS	33
SELECTION & MONITORING	33
<u>HOW TO MEASURE REASONABLENESS</u>	34
UNIFORM APPROACH	34
PROCESS FOR DETERMINATION	34
<u>AVAILABLE RESOURCES</u>	36
DO-IT-YOURSELF PLAN SPONSORS	36
THIRD PARTY EVALUATOR	37
IMPLEMENTATION SERVICES	37
<u>APPENDIX A FEE DISCLOSURES RECONCILIATION WORKSHEET</u>	38
WORKSHEET	38
<u>APPENDIX B 408(B)(2) FACT SHEET</u>	39
<u>APPENDIX C 404(A)(5) FACT SHEET</u>	42
<u>APPENDIX D CHECKLIST OF REQUIRED DISCLOSURES</u>	46
408(B)(2) –DISCLOSURES TO PLAN SPONSORS	46
404(A)(5) –DISCLOSURES TO PARTICIPANTS	48