

**Public Employees' Retirement Board
May 8, 2014**

**Topic: Board Admin Policy 14 – 457(b) Deferred Compensation
Plan Administrative Fund**

During our annual participant fee review we also reviewed this policy and determined that the policy should be updated. We recommend updating the policy to accurately reflect the revenue received in the form of assessed per participant fees and to clarify that the administrative fund level should be measured against all plan paid administrative expenses.

Staff Recommendation:

Approve policy changes.

Board Motion:

I move:

approve staff recommendation

Or

Board pleasure

Moved by

Seconded by

Vote

MONTANA PUBLIC EMPLOYEES' RETIREMENT BOARD

TITLE: 457(b) Deferred Compensation Plan Administrative Fund

POLICY NO: BOARD Admin 14 EFFECTIVE DATE:
4/10/2009 05/08/2014

I. POLICY AND OBJECTIVE

It is the policy of the Montana Public Employees' Retirement Board (the Board) to assess appropriate fees to participants of the State 457(b) Deferred Compensation Plan (the 457 Plan).

The primary objective of this policy is to establish guidelines to maintain a participant fee structure that will ensure sufficient revenue to pay reasonable 457 Plan administrative expenses. The policy defines the level of the administrative fund and action the Board may take if the fund level described in Section V is not maintained. The policy further defines uses of revenue and types of (additional) services the Board may offer.

It is the intent of the Board to maintain consistent fees and services and, when possible, improve services. Consistent fees build confidence, integrity and allow 457 Plan participants to accurately determine how their individual accounts are affected by fees. Consistent fees also allow the Board to comply with, or meet the intent of, Federal Department of Labor and other regulatory authorities' disclosure requirements or guidance.

II. APPLICABILITY

This policy applies only to participants of the 457 Plan and the following revenue associated with the 457 Plan:

- a) assessed basis point fees,
- b) assessed per participant fees and,
- ~~bc)~~ investment options' ~~42b-1 or reallocation~~ revenue sharing fees.

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~~This policy does not apply to fees assessed by any contracted third party relative to the provision of their contracted services. However, R~~ revenue received through the sources identified above may be used to pay for contracted services, subject to the provisions of this policy.

III. USE OF REVENUE

Revenue will be used for the following purposes - to the extent available and provided that the administrative fund level established in Section V of this policy is maintained.

- A. Pay for contracted recordkeeping and administrative services.
- B. Pay all standard expenses approved by the Board in its annual budget for MPERA administration of the 457 Plan;
- C. Pay extraordinary or unknown expenses that could not be anticipated or budgeted; and
 - 1. examples would be litigation, SEC claims, or federal law changes
- D. Provide additional services to 457 Plan participants recommended by the Board's Employee Investment Advisory Council (EIAC) and approved by the Board;
 - 1. examples include additional member education (beyond that required in §19-3-112, MCA), investment advice or self-directed brokerage windows.

IV. GUIDELINES FOR FEE CHANGES

Generally, the Board will review revenue on an annual basis as its annual budget is established and approved. The Board will, typically, make necessary changes to the basis point fee, and/or per participant fee charged to 457 Plan participants only at that time and under the following limited circumstances:

- A. the administrative account fund level established in Section V will not be maintained, based upon the new annual budget needs; or
- B. the administrative account fund level established in Section V will be exceeded, based upon the new annual budget needs.

This Section does not prohibit the Board from increasing the basis point fee at any time during the fiscal year, if deemed necessary due to extraordinary and unknown circumstances.

V. LEVEL OF THE ADMINISTRATIVE FUND

The fund level of the 457 Plan administrative account must be sufficient to ensure operations and administration are not halted or adversely affected by market fluctuations. The fund level must also be conservative and reasonable. Consequently, the administrative fund level will be one (1) year of administrative expenses and contracted recordkeeping expenses ~~administrative expenses paid by the plan sponsor~~ pursuant to the Board's approved annual budget plus or minus ten percent (10%).

VI. CROSS REFERENCES

The following laws, rules or policies may contain provisions that might modify a decision relating to the 457 Plan Administrative Fund policy. This list should not be considered exhaustive – others may apply.

Montana Constitution Article VIII, Sections 13 and 15
Section 19-50-101 through 104, MCA
Board Policy Admin 06 – General Education
Board Policy Admin 07 – Investment Education

VII. HISTORY

New Policy
[Revised May 8, 2014](#)