



LEVY & ASSOCIATES

Qualified Retirement Plan Consulting and Administration

Employee Eligibility For Electronic Distribution Of The Summary Plan Description (SPD) And Summary Of Material Modification (SMM)

1. Employers may electronically distribute the SPD/SMM to employees with the ability to access the electronic media where they perform their job duties. In other words, they use a computer with internet access in their daily work.
2. When employees do not use a computer to perform their duties and thereby lack the ability to access electronic media at their workstation (including retirees and beneficiaries), the participant must sign a written consent form before the employer can send electronically distribute the SPD/SMM to them. This consent form must tell the participant that consent can be withdrawn at any time and provide the procedures for withdrawing along with current contact information to do so. The form must also tell them what hardware and software (app) is needed to view, access, and save the SPD/SMM and related documents.

Employer Requirements For Electronic Distribution Of The SPD/SMM

The employer must ensure that the electronic delivery system used for the SPD:

- Provides a document that is the same in style and format as the paper SPD.
- Informs employees that the document is being distributed via electronic media, why it is vital to the employee to access it, and that a paper copy of the SPD will be supplied upon request.
- Gives the employer proof that the employee has received and accessed the document (using a return receipt system).
- Protects all confidential information submitted by the employee/participant

Also, the delivery system must:

- Result in actual receipt of the document (e.g., using return receipt notices).
- Protect the confidentiality of any personal information.
- Use the same style and format as the paper document.
- Provide notice, when the document is distributed, of why it's important and saying that the participant can ask for a free paper copy of the SPD.