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CLARK & BRADSHAW, P. C.  
ATTORNEYS AT LAW  
92 NORTH LIBERTY STREET  
P. O. BOX 71  
HARRISONBURG, VIRGINIA 22801-0071  
TELEPHONE [REDACTED]  
FACSIMILE (540) 433-5528

V. STEPHEN BRADSHAW  
RETIRED

ELLEN H. BRODERSEN, C. P. A.  
(NOT AN ATTORNEY)

HENRY C. CLARK  
M. STEVEN WEAVER  
MARK B. CALLAHAN  
TODD C. RHEA  
LAURA S. EVICK  
ROBERT M. HIMMEL

April 13, 1998

Top Hat Plan Exemption  
Pension & Welfare Benefits Administration  
Room N-5638, US Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

RE: Top Hat Plan Statements and 5500s

To Whom It May Concern:


Under the authority of Section 110 of the Employee Retirement Income Security Act of 1974, the Department of Labor has prescribed an alternative form of compliance with the reporting and disclosure requirements of Part 1 of the Act for certain pension plans for a select group of management or highly compensated employees.

Currently, if such a plan files a statement with the Secretary of Labor describing the plan within 120 days after the plan becomes subject to Part 1 of ERISA, the plan is not required to file 5500 forms. It is my understanding from speaking with Department of Labor representatives over the phone that if this 120 day deadline is missed, the plan must always complete 5500s every year. (While the plan administrator could elect to come in under the delinquent filer program, pay the \$2500 penalty and file a late statement, it is not an attractive option for those plan administrators who have complied with the 5500 filing requirements and are not facing any other penalties.)

I would like to suggest that the Department of Labor amend its regulations to require timely filing of 5500s only until the alternative statement is filed with the Department. I believe this exception would be consistent with the purposes of ERISA's reporting and disclosure requirements and would provide adequate reporting to the Department. Also, the completion of a 5500 form every year for such a plan provides very little information to the Department in comparison with the costs to the company to have the form prepared.

I thank you for your time in reviewing this letter and would appreciate a response at your convenience.

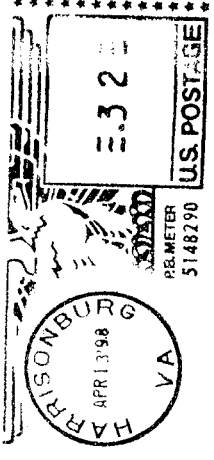
Sincerely,

  
Amy L. Rush, CPA

54-1089099

COMMUNICATIONS

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