INDEPENDENT ERISA FIDUCIARY SERVICES · SECOND EDITION · 2026

The Plan Sponsor's Guide to 401(k) Fiduciary Responsibility

TRANSFER THE RESPONSIBILITY, NOT JUST THE WORK

Admin316 — ERISA §402(a) Named Fiduciary and §3(16) Plan Administrator

We don't just advise the plan. We take responsibility. Advisors and TPAs recommend; Admin316 is appointed in writing in the plan document and service agreement, and accepts the named administrative and fiduciary roles that most plans leave sitting with the business owner.

Written for owners, CEOs, CFOs, HR and benefits leaders, and retirement plan committees who want to know exactly what remains theirs after every provider has been hired.

CONTENTS

How This Guide Is Organized

Sections 1—3 establish the legal framework. Sections 4—6 show where plans actually break and who is on the hook. Sections 7—11 set out what Admin316 takes over, what stays with you, and how the work is run and documented year after year. Sections 12—14 are working tools: a self-assessment, the correction programs, and a plain-English glossary.

HOW TO USE THIS GUIDE

Read Section 1, then take Section 13 to your next committee meeting and answer the seventeen questions out loud. Any question that produces a pause, a "we think so," or a look around the table is the reason this guide exists. Bring those items to a Tier 1 review — it starts from public filings and costs you nothing but a conversation.

SECTION 01 · EXECUTIVE OVERVIEW

The Question Every Plan Sponsor Should Be Able to Answer

Who is actually responsible when something goes wrong?

Most sponsors assemble a capable roster — recordkeeper, TPA, advisor, payroll provider, auditor — and reasonably conclude the plan is covered. Under ERISA it does not work that way. Hiring vendors does not by itself transfer fiduciary responsibility. Fiduciary status follows **function and authority**, not job title, and every plan must name at least one fiduciary with authority over its operation. If nobody else has been appointed in writing to that role, it is the employer — in practice, the owner or an officer, personally.

That is the gap this guide is about. Below are the six areas where the question "who is responsible?" has to have a documented answer.

01 **Plan documents**

Is the plan being operated exactly according to its written terms — eligibility, compensation definition, match formula, vesting, distributions?

02 **Contributions**

Are participant deferrals and loan repayments transmitted as soon as they can reasonably be segregated from company assets, and is that timing reconciled and evidenced every pay period?

03 **Fees**

Is there a documented, periodic process demonstrating that total direct and indirect compensation is reasonable for the services actually received?

04 **Providers**

Were service providers selected through a prudent process — and are they monitored after hiring, against service standards, errors, fees, and stated fiduciary status?

05 **Participants**

Are required notices and disclosures delivered and retained, and are eligibility, enrollment, loans, hardships, QDROs, and distributions administered under written procedures?

06 **Governance**

If a decision were challenged tomorrow, could the committee produce a file showing what was reviewed, what was decided, why, and by whom?

WHERE ADMIN316 FITS

Admin316 is engaged to become the plan's ERISA §3(16) Plan Administrator and, where the engagement includes it, the §402(a) Named Fiduciary. That is categorically different from providing administrative support. Support means someone helps you do the work and you remain answerable for it. A named appointment means a defined body of responsibility is assigned, accepted in writing, performed, documented, and answered for — and the short list of items that genuinely require your action is escalated to you deliberately rather than discovered late.

SECTION 02 · FUNDAMENTALS

Who Is a Fiduciary, and How Does Liability Attach?

ERISA defines fiduciary status functionally. You can become one without a title, a contract, or any intention of taking the role.

The functional test

A person or firm is a fiduciary to the plan to the extent it exercises discretionary authority or control over the management of the plan or the disposition of its assets, renders investment advice for a fee, or has discretionary authority in the plan's administration. Three consequences follow, and they surprise people:

- **Titles are irrelevant.** A provider labeled "administrator" may accept no discretionary authority at all, while an HR manager who approves hardship requests is exercising it.
- **Status is scoped, not global.** A firm can be a fiduciary for one function and a non-fiduciary vendor for everything else. The scope is defined by the plan document and the service agreement.
- **Fiduciary duties are personal.** ERISA fiduciaries can be held personally liable to restore losses to the plan caused by a breach. Corporate form is not automatic protection, and indemnification has limits.

The roles, in plain terms

ROLE	WHAT THE ROLE HOLDS	WHO TYPICALLY FILLS IT
§402(a) Named Fiduciary	Named in the plan document with authority to control and manage the operation and administration of the plan. Every plan must have one.	Default is the employer — meaning ownership or an officer. Can be an independent firm appointed in writing.
§3(16) Plan Administrator	Responsible for plan administration: filings, notices, disclosures, eligibility and benefit determinations, participant-level decisions.	Default is the employer. Can be an independent professional administrator appointed in the document.
§3(21) Investment adviser	Provides investment advice for a fee; shares investment fiduciary responsibility within the agreed scope. Recommends — the sponsor still decides.	Plan advisor / broker-dealer / RIA.
§3(38) Investment Manager	Accepts discretion to select, monitor and replace plan investments within the delegated mandate. Decides, and is accountable for deciding.	Registered investment manager, appointed in writing.
Trustee	Holds plan assets. A directed trustee acts on proper direction; a discretionary trustee holds far broader authority. Materially different liability.	Bank, trust company, recordkeeper affiliate, or individual trustees.
Non-fiduciary service provider	Performs ministerial work within a framework the sponsor sets: recordkeeping, testing calculations, payroll processing, document drafting.	Recordkeeper, TPA, payroll company, ERISA counsel.

Co-fiduciary exposure

A fiduciary can be liable for another fiduciary's breach — for knowingly participating in it, for enabling it through its own failure, or for knowing of a breach and not taking reasonable steps to remedy it. Practically: appointing a provider and never monitoring it is itself a fiduciary failure, and "the vendor handled that" is not a defense if you were the one who was supposed to be watching.

Bonding is not insurance

Two separate things get confused constantly, and plans routinely carry one while believing it does the job of the other.

ERISA FIDELITY BOND — REQUIRED

Protects the **plan** against loss from fraud or dishonesty by those who handle plan funds. Generally at least 10% of the funds handled, with a $1,000 minimum and a $500,000 cap ($1,000,000 where the plan holds employer securities). Missing or insufficient bonding is reported on the Form 5500 and is a common examination finding.

FIDUCIARY LIABILITY INSURANCE — OPTIONAL

Protects the **fiduciary** against claims of breach. Not required by ERISA, not a substitute for the bond, and it does not reduce the duty itself. Coverage, exclusions, and whether outsourced fiduciaries are insured on their own paper are worth confirming annually.

THE DISTINCTION THAT MATTERS MOST

A service provider can perform a plan function without accepting responsibility for it. Before you assume a duty has moved, find the sentence in the service agreement that says the provider accepts fiduciary status for that function — and check that the plan document names them. If neither exists, the duty never left.

SECTION 03 · THE DOL FRAMEWORK

What the Department of Labor Expects From Plan Fiduciaries

The DOL's fiduciary guidance is consistent and, read plainly, mostly about process: act for participants, act prudently, follow the document, pay only reasonable expenses, avoid conflicts — and be able to show it.

DUTY	WHAT IT REQUIRES	HOW IT IS EVIDENCED
Act solely for participants	Decisions made for the exclusive purpose of providing benefits and defraying reasonable expenses of administering the plan.	Minutes showing the participant-interest rationale for each material decision.
Use a prudent process	The care, skill, prudence and diligence of a prudent person familiar with such matters. Where expertise is lacking, obtain it.	Documented analysis, alternatives considered, and the basis for the choice made.
Follow the plan document	Operate consistently with the governing terms, unless those terms conflict with ERISA.	Periodic operational review comparing actual practice to the adoption agreement and SPD.
Diversify investments	Diversify to minimize the risk of large losses, unless clearly prudent not to.	Current IPS, lineup reviews, QDIA documentation.
Pay only reasonable expenses	Understand services, all direct and indirect compensation, and conflicts; determine that total cost is reasonable for what is delivered.	408(b)(2) review file and a periodic benchmarking analysis.
Select and monitor providers	Hiring a provider is itself a fiduciary act; the relationship must be monitored afterward, not just at selection.	Selection file plus recurring provider scorecard and issue log.
Transmit contributions promptly	Participant contributions must reach the plan as soon as they can reasonably be segregated from the employer's general assets. The DOL treats delinquent contributions as a priority issue.	Per-payroll reconciliation showing withholding date, funding date, and any exception.
Maintain required bonding	Persons handling plan funds or property must generally be covered by an ERISA fidelity bond at the required level.	Current bond, coverage math, and named-persons schedule.
Avoid prohibited transactions	Certain transactions between the plan and parties in interest are barred outright unless an exemption applies.	Party-in-interest screening and, where relevant, exemption analysis.
Document governance	A defensible process shows what was reviewed, what was decided, why, and who was responsible.	A maintained fiduciary file — charter, minutes, delegations, acceptances, reports.

THE PRACTICAL READING

ERISA does not require perfect outcomes; it requires a prudent, documented process. In an examination or a claim, the fiduciary file is the process. Work that was performed but never documented is, evidentially, work that is hard to prove happened at all — which is why Admin316 treats documentation as a deliverable rather than a byproduct.

SECTION 04 · RISK AREAS

Ten Common Fiduciary & Operational Deficiencies

These are not a DOL ranking. They are the recurring risk areas Admin316 evaluates in an Executive Fiduciary Assessment, aligned with DOL fiduciary guidance and what we actually find in live plans.

DEFICIENCY	WHAT IT LOOKS LIKE	WHY IT MATTERS
1. Late participant contributions	Payroll deferrals or loan repayments are not deposited as soon as they can reasonably be segregated from company assets. Often "whenever payroll gets around to it."	Lost earnings and correction cost, a reportable answer on the Form 5500, and a possible prohibited transaction — the use of participant money by the employer.
2. Plan document not followed	Eligibility, entry dates, compensation definition, match formula, vesting or distribution practice differs from the written plan.	Operational failures require correction under formal IRS procedures, often with employer-funded corrective contributions and earnings.
3. Incorrect census or payroll data	Compensation, hours, dates of hire and termination, ownership, family relationships, or employee classification are wrong or incomplete.	Testing, eligibility, contributions and vesting can all be wrong even when the recordkeeper processed the file perfectly. Bad input, clean processing, wrong plan.
4. Eligibility and enrollment failures	Employees are missed or entered late; automatic enrollment or escalation is not administered as written; rehires and part-time employees are mishandled.	Missed-deferral-opportunity corrections and lost earnings are typically the employer's cost, not the participant's.
5. Missing or late participant notices	Required notices and disclosures are not distributed on time, not documented, or not retained. Nobody can say which version went out, when, or to whom.	Creates compliance gaps, can jeopardize safe harbor or QDIA relief, and undermines the ability to prove a prudent process.
6. Fees not benchmarked or documented	The plan pays fees, but there is no periodic comparison of services, direct and indirect compensation, share classes, or total plan cost.	Reasonableness must be determined and documented. Lowest cost is not the standard — an undocumented conclusion is the problem.
7. Service providers not monitored	Providers hired years ago and never formally reviewed against service standards, error rates, fees, or their stated fiduciary status.	Selection and monitoring are both fiduciary acts. An unmonitored provider is an open co-fiduciary exposure.
8. Weak investment governance	No current Investment Policy Statement, inconsistent reviews, unclear QDIA process, undocumented fund changes, or decisions made informally between meetings.	Investment fiduciaries are judged on a prudent, documented monitoring process — not on returns.
9. Distribution, loan, hardship or QDRO errors	Approvals made without consistent written procedures, adequate substantiation, or a retained decision record. Frequently handled ad hoc by HR.	Incorrect payments create participant harm, correction work, taxable-event problems, and direct fiduciary exposure for the approver.
10. Weak committee governance and records	Meetings are irregular, roles and delegations are unclear, no written acceptances on file, and minutes do not show what was reviewed or decided.	When a decision is challenged, the fiduciary file is the evidence. Thin records convert a defensible decision into an indefensible one.

READ THIS THE RIGHT WAY

A well-run plan can still have several of these issues; most do. The purpose of a review is not to assume a violation. It is to determine whether the process, the documentation, and the plan's actual operations support the sponsor's fiduciary obligations — and to fix what does not, in priority order, before someone else finds it.

SECTION 05 · THE COMPLIANCE CALENDAR

The Recurring Deadlines Somebody Has to Own

This is an orientation calendar for a calendar-year plan, not a complete compliance schedule — exact dates depend on plan year, plan design, size, and elections. The point is volume: this is what "administration" actually is, month after month, and every line needs a named owner.

CYCLE	OBLIGATION	NOTES
Every payroll	Deposit deferrals and loan repayments; reconcile payroll to the recordkeeper	As soon as reasonably segregable. Plans with fewer than 100 participants may rely on a 7-business-day safe harbor; larger plans have no such bright line, and an established faster pattern becomes the practical standard.
Each entry date	Determine eligibility, notify newly eligible employees, apply automatic enrollment	Track hours and service for part-time and rehired employees, not just full-time new hires.
Monthly	Contribution monitoring, transaction oversight, open-item follow-up	Catch-and-correct within the month is dramatically cheaper than catching it at year end.
Quarterly	Participant statements and fee disclosures; committee or plan-status review	Investment review coordination and provider issue log.
Q1	Prior-year ADP/ACP correction window; census finalization; testing data	Excess amounts generally must be corrected within 2½ months after plan year end to avoid an employer excise tax; correction remains possible later at higher cost.
Q1—Q2	Corrective distributions, 402(g) excess deferrals, Form 5330 where applicable	Excess deferrals are generally distributed by April 15.
Q2—Q3	Plan audit fieldwork for large plans; audit-firm engagement and oversight	Hiring and monitoring the audit firm is itself a fiduciary act.
By the 7th month after year end	Form 5500 (with Schedules), Form 8955-SSA	July 31 for a calendar-year plan; Form 5558 extends roughly 2½ months. Someone must sign — and be responsible for accuracy.
Within 9 months after year end	Summary Annual Report to participants	Follows the 5500 filing, including extensions.
30—90 days before plan year	Safe harbor, automatic enrollment, QDIA and annual fee-related notices	Timing windows differ by notice; delivery must be documented and retained.
Annually	Fee benchmarking, provider review, IPS and lineup review, ERISA bond and fiduciary insurance check, plan-design review, executive assessment	This is the fiduciary file for the year.
As needed	Distributions, loans, hardships, QDROs, force-outs, RMDs, beneficiary claims, corrections, amendments, provider changes, DOL/IRS correspondence	Unpredictable volume, hard deadlines, and the category where ad hoc handling causes the most damage.

SECTION 06 · WHO DOES WHAT

The Retirement Plan Team

A strong plan uses specialists. The only question that matters is which responsibilities each one actually accepts — and which are left with you by default.

ROLE	PRIMARY FUNCTION	FIDUCIARY / GOVERNANCE POINT
Recordkeeper	Maintains participant accounts, processes transactions, provides the participant website and statements.	Operational platform. Recordkeeping alone does not make the firm the ERISA Plan Administrator, and most contracts say so explicitly.
TPA	Testing, compliance calculations, plan-document support, technical administration.	A TPA may perform extensive work while accepting no broad discretionary fiduciary responsibility.
Plan advisor / §3(21)	Investment advice, plan-level recommendations, committee and participant education support.	Typically shares investment fiduciary responsibility within the agreed investment scope. Recommends; the sponsor still decides.
§3(38) Investment Manager	Selects, monitors and replaces investments within the delegated mandate.	Accepts discretion — and accountability — for investment selection and monitoring inside its contractual scope.
Payroll provider	Withholds deferrals, transmits files and funds on the employer's instruction.	Generally ministerial. Timing failures usually land on the employer, not the payroll company.
Education specialist	Participant education, enrollment support, retirement-readiness and financial-wellness communication.	Improves understanding and engagement; normally not responsible for plan administration or investment selection.
Trustee	Holds plan assets and performs trustee functions.	Directed and discretionary trustee roles carry materially different authority and liability. Know which one you have.
Plan auditor	Independent audit for plans generally requiring one.	Not a fiduciary. Selecting and monitoring the auditor is a fiduciary act performed by the sponsor or its delegate.
ERISA counsel	Legal advice, document drafting, correction filings.	Advises; does not assume the sponsor's fiduciary role.
Admin316 — §3(16)	Plan administration, notices, participant determinations, approvals, filings, operational oversight, provider coordination.	Appointed as the ERISA Plan Administrator for the responsibilities delegated in the plan document and service agreement.
Admin316 — §402(a)	Named-fiduciary governance, oversight, escalation and accountability within the agreed scope.	Creates a defined fiduciary accountability structure instead of leaving broad oversight solely with the business owner.

THE GAP PLAN SPONSORS MISS

Excellent providers can still leave the most consequential responsibilities with the employer. The governing documents and the service agreements — not the vendor's title, brochure, or relationship manager — determine who has accepted what. Most plans we review have no §402(a) Named Fiduciary other than the owner, and no §3(16) Plan Administrator other than the company itself.

SECTION 07 · SERVICE MODEL

What Admin316 Can Take Over

The categories below reflect the responsibility list in the Admin316 service materials. Final scope is always defined by the plan document and the executed service agreement — that is the point of a named appointment.

PLAN ADMINISTRATION & FILINGS

- Serve as ERISA §3(16) Plan Administrator
- Form 5500 accuracy, signing and filing
- Form 8955-SSA and Form 5330 support where applicable
- Plan document interpretation and maintenance oversight
- Restatement and amendment tracking
- Annual testing and year-end data oversight
- Summary Annual Report preparation and distribution

PARTICIPANT ADMINISTRATION

- Eligibility calculations and notifications
- Automatic enrollment and escalation administration
- Distribution, death benefit and force-out approvals
- Loan and hardship determinations under written procedures
- QDRO determinations and documentation
- Required minimum distributions and beneficiary administration
- Missing-participant search and documentation

NOTICES & DISCLOSURES

- 404(a)(5), 404(c) and 408(b)(2) oversight
- QDIA, safe harbor and automatic enrollment notices
- SPD, SMM and SAR oversight
- Blackout and fund-change notices
- Delivery tracking and retention of proof

OVERSIGHT & GOVERNANCE

- Service-provider oversight and scorecards
- Audit-firm hiring, monitoring and audit support
- Contribution and transaction monitoring each cycle
- Plan irregularity identification and correction
- Committee meetings, minutes and executive reporting
- Fiduciary file construction and maintenance

RISK & BENCHMARKING

- Annual fee analysis and market comparisons
- ERISA bond and fiduciary insurance review
- Investment review coordination with the advisor or §3(38)
- Operational and compliance review
- DOL/IRS issue-resolution support
- Correction program coordination (EPCRS, VFCP)

ESCALATION TO YOU

- A short, prioritized list of items that genuinely need a sponsor decision
- Anything requiring employer funding or a settlor decision
- Provider or design changes with cost or participant impact
- Regulatory correspondence, with a recommended response

TRANSFER THE RESPONSIBILITY, NOT JUST THE WORK

Plenty of firms will do these tasks for you. The difference is whether the firm is named — in the plan document and the agreement — as the party responsible for them. Admin316 is built to be named.

SECTION 08 · RESPONSIBILITY MATRIX

Function by Function: Who Holds It?

Use this as a worksheet. For each function, write in who holds it in your plan today and where that is documented. The right-hand column shows how it typically sits under an Admin316 engagement.

FUNCTION	YOUR PLAN TODAY	DOCUMENTED WHERE?	UNDER AN ADMIN316 ENGAGEMENT
Named Fiduciary §402(a)			Admin316, within agreed scope
Plan Administrator §3(16)			Admin316, per plan document
Signs the Form 5500			Admin316 as Plan Administrator
Eligibility determinations			Admin316
Loan, hardship, QDRO approvals			Admin316 under written procedures
Notice creation and delivery			Admin316, with retained proof
Deferral deposit timing			Employer funds; Admin316 monitors and reconciles
Census and payroll accuracy			Employer provides; Admin316 reviews and challenges
Compliance testing			TPA calculates; Admin316 oversees and signs off
Investment selection			Advisor §3(21) or Investment Manager §3(38); Admin316 coordinates and documents
Fee reasonableness review			Admin316 performs and documents annually
Provider monitoring			Admin316
Auditor selection and oversight			Admin316, with sponsor approval
Committee minutes and fiduciary file			Admin316 maintains; committee approves
Plan design and amendments			Employer decides as settlor; Admin316 implements and oversees
Correction filings (EPCRS/VFCP)			Admin316 coordinates with counsel

If a row's second column reads "not sure," that row is a finding. Blank documentation columns are findings too — an undocumented delegation is, in practice, no delegation.

SECTION 09 · WHAT STAYS WITH YOU

Responsibilities That Cannot Simply Disappear

Outsourcing can materially reduce the sponsor's administrative burden and fiduciary exposure. It cannot reduce them to zero, and any firm suggesting otherwise is describing something ERISA does not allow. A good structure makes the retained duties explicit, small, and manageable.

01 **Settlor and business decisions**

Whether to establish, amend, freeze, merge or terminate the plan, and which benefits the company chooses to provide. These are business decisions, not fiduciary acts, and they belong to the employer.

02 **Timely funding and payroll transmission**

The employer controls payroll and the bank account. Admin316 can monitor, reconcile, flag and escalate — but only the employer can actually transmit accurate data and fund what is due, on time.

03 **Accurate census and payroll data**

Compensation, hours, dates, ownership, family relationships and classifications must be complete and correct. Every downstream calculation inherits whatever you send.

THE PRACTICAL GOAL

Instead of HR or ownership trying to remember hundreds of deadlines, approvals, notices and follow-ups, Admin316 creates a professional administration layer that owns the assigned work, documents it, and escalates the limited set of items that require your action. You keep the decisions that are genuinely yours; you stop carrying the ones that are not.

The Admin316 Executive Fiduciary Assessment™

Our review is designed to give the sponsor and committee an executive-level view of the plan before anything changes. Tier 1 begins with public information only. Tier 2 uses the governing documents and service disclosures to evaluate the plan in depth.

TIER 1 — PUBLIC INFORMATION REVIEW

- Most recent Form 5500 and schedules
- Publicly available plan data and filing history
- Plan-size and fee benchmarking against comparable plans
- Participant, contribution and asset observations
- Late-contribution and filing-timeliness indicators
- Initial governance questions
- Publicly visible strengths and risk indicators

No documents required from you. No obligation.

TIER 2 — COMPREHENSIVE REVIEW

- 408(b)(2) fee disclosures
- SPD and adoption agreement
- Basic plan document and amendments
- Investment Policy Statement and current lineup
- Participant fee disclosure (404(a)(5))
- Recordkeeper, advisor and TPA agreements
- Committee charter, minutes and governance records
- Testing results and prior-year corrections

Conducted with your permission and under confidentiality.

What the comprehensive review evaluates

- Total plan fees and all direct and indirect compensation
- Investment lineup, share classes, revenue sharing and oversight
- Governance structure, delegations and committee process
- Plan design against written terms and business objectives
- Operational administration and contribution timing
- Compliance, testing history and correction exposure
- Notice and disclosure completeness
- Participant outcomes and readiness indicators
- Fiduciary process and documentation quality
- Executive recommendations and implementation priorities

WHAT YOU RECEIVE

A written executive assessment: findings by severity, the specific evidence behind each one, a prioritized action plan with owners, and a clear statement of which responsibilities can be transferred to Admin316 and which will remain with the employer. It is usable as a committee document on day one.

SECTION 11 · ONGOING GOVERNANCE

What Happens After the Plan Is Set Up Correctly?

Fiduciary governance is a process, not a project. The Admin316 service model is built to create recurring, documented oversight rather than a one-time cleanup that decays over the following eighteen months.

CADENCE	WHAT WE RUN
Monthly / payroll cycle	Contribution monitoring and deposit-timing reconciliation, payroll and census issue follow-up, transaction oversight, participant-request processing, unresolved-item tracking with named owners.
Quarterly	Plan status review, investment-review coordination with the advisor or investment manager, service-provider issues and scorecards, open compliance items, committee reporting.
Annually	Form 5500 and 8955-SSA, testing oversight, notice cycle, fee benchmarking, plan-design review, ERISA bond and fiduciary insurance review, and the executive assessment.
As needed	Distributions, loans, hardships, QDROs, RMDs, force-outs, corrections, audits, DOL/IRS matters, plan amendments and provider changes.

The annual assessment report

Each year the committee receives a documented fiduciary file showing what was reviewed, what was decided, and where action is required:

- Executive summary of plan performance and operations
- Investment analysis and review documentation
- Plan design and specification review
- Annual compliance and testing evaluation
- Annual fee benchmarking and reasonableness conclusion
- Open-item and correction status
- Provider monitoring results
- Executive recommendations for the coming year

SECTION 12 · WHY ADMIN316

A Different Kind of 3(16) Relationship

Not all outsourced administration arrangements transfer the same responsibilities. Before signing anything — including with us — read the service agreement and ask precisely what the provider accepts, what remains with the sponsor, who signs the filings, who approves participant transactions, and who owns follow-up when something goes wrong.

01 **Named responsibility, in writing**

We serve in formal ERISA fiduciary roles — §402(a) Named Fiduciary and §3(16) Plan Administrator — rather than functioning as an administrative vendor that assists you while you remain answerable.

02 **One point of accountability**

We coordinate across payroll, recordkeeper, advisor, TPA and auditor so that no unresolved item is orphaned between providers. Every open item has an owner and a date.

03 **Independent oversight**

The model is built around administration and fiduciary governance, not the sale of investments. We are not compensated by the lineup, so nothing in our review depends on what the plan holds.

04 **Documented process by default**

Committee reporting, fee review, plan oversight and the annual assessment produce the fiduciary file as a matter of course — not a scramble after a letter arrives.

05 **Keep your team**

Our role is designed to work alongside the plan's existing advisor, recordkeeper and TPA where those relationships serve the plan well. We are not a conversion play.

06 **Independent ERISA fiduciary services since 1997**

This is the whole business, not a service line attached to something else.

THE BETTER QUESTION

Not: "Do we have a TPA and a recordkeeper?" — almost every plan does.

Instead: "Who has accepted responsibility for each fiduciary and administrative function — and can we prove it in writing?"

SECTION 13 · SELF-CHECK

Seventeen Questions to Ask About Your Plan Today

Print this page and work through it with your committee. Answer out loud, and note who would produce the evidence.

#	QUESTION	ANSWER		
01	Can we identify every fiduciary to the plan and describe each person's or firm's specific responsibility?	☐ YES	☐ NO	☐ UNSURE
02	Is our 3(16) provider actually named as Plan Administrator in the plan document, or only providing administrative services?	☐ YES	☐ NO	☐ UNSURE
03	Does the plan have a §402(a) Named Fiduciary other than the company or its owner?	☐ YES	☐ NO	☐ UNSURE
04	Who signs the Form 5500, and who is responsible for its accuracy?	☐ YES	☐ NO	☐ UNSURE
05	How quickly are employee deferrals transmitted after each payroll, and can we evidence the timing?	☐ YES	☐ NO	☐ UNSURE
06	Who reconciles payroll contributions to the recordkeeper every pay period?	☐ YES	☐ NO	☐ UNSURE
07	Do our actual operations match the SPD, adoption agreement and plan document — eligibility, compensation, match and vesting?	☐ YES	☐ NO	☐ UNSURE
08	How do we verify that eligibility, automatic enrollment and escalation are administered as written?	☐ YES	☐ NO	☐ UNSURE
09	When was our last documented fee benchmark, and where is the file?	☐ YES	☐ NO	☐ UNSURE
10	Have we reviewed all direct and indirect compensation disclosed under 408(b)(2)?	☐ YES	☐ NO	☐ UNSURE
11	How often are the advisor, recordkeeper, TPA and auditor formally reviewed against service standards?	☐ YES	☐ NO	☐ UNSURE
12	Do we have a current Investment Policy Statement and a documented investment review process?	☐ YES	☐ NO	☐ UNSURE
13	Are required participant notices tracked, delivered on time, and retained with proof?	☐ YES	☐ NO	☐ UNSURE
14	Are loans, hardships, QDROs and distributions approved under written procedures with a retained record?	☐ YES	☐ NO	☐ UNSURE
15	Does our committee meet regularly, and do the minutes document what was reviewed and decided?	☐ YES	☐ NO	☐ UNSURE
16	Do we carry an ERISA fidelity bond at the required amount, and do we know whether we hold fiduciary liability coverage?	☐ YES	☐ NO	☐ UNSURE
17	If the DOL or IRS contacted us tomorrow, could we produce a complete fiduciary file within two weeks?	☐ YES	☐ NO	☐ UNSURE

Several "NO" or "UNSURE" answers do not mean the plan is out of compliance. They identify the areas where a documented review would most likely change your exposure.

If Something Is Already Wrong

Most operational problems are correctable, and voluntary correction is almost always cheaper than being found. Discovering an issue is not the emergency; leaving it uncorrected is.

PROGRAM	USED FOR	WHY IT MATTERS
EPCRS (IRS)	Plan document and operational failures — eligibility, deferrals, match, vesting, distributions.	Self-correction is available for many failures; others require a filing. Correcting voluntarily generally preserves the plan's qualified status at far lower cost than examination.
VFCP (DOL)	Certain fiduciary breaches, most commonly delinquent participant contributions.	A defined path to correct, restore lost earnings, and obtain relief — versus waiting for the issue to surface in a filing or investigation.
DFVCP (DOL)	Late or missed Form 5500 filings.	Substantially reduced penalties for voluntary filing compared with the statutory exposure for a delinquent return.

Admin316 coordinates these corrections with the plan's TPA and ERISA counsel, documents the analysis and outcome in the fiduciary file, and puts a control in place so the same failure does not recur next year.

Glossary — Key Terms in Plain English

§402(a) Named Fiduciary	The fiduciary named in the plan document with authority to control and manage plan operation and administration.
§3(16) Plan Administrator	The party responsible for plan administration under ERISA: filings, notices, disclosures, and benefit determinations.
§3(21) / §3(38)	Investment adviser who recommends (§3(21)) versus investment manager who decides with discretion (§3(38)).
408(b)(2)	Required service-provider disclosure of services and all direct and indirect compensation to responsible plan fiduciaries.
404(a)(5)	Required participant-level disclosure of plan and investment fees and expenses.
ADP / ACP testing	Nondiscrimination tests comparing deferral and matching rates of highly compensated and non-highly compensated employees.
QDIA	Qualified Default Investment Alternative — the default investment, with notice conditions, that provides fiduciary relief for defaulted participants.
QDRO	Qualified Domestic Relations Order — a court order assigning part of a participant's benefit; must be reviewed and determined qualified.
SPD / SMM / SAR	Summary Plan Description; Summary of Material Modifications; Summary Annual Report.
Form 5500 / 8955-SSA	Annual plan return, and the report of separated participants with deferred vested benefits. Form 5330 reports certain related excise taxes.
ERISA fidelity bond	Required coverage protecting the plan against fraud or dishonesty by those handling plan funds.
Fiduciary liability insurance	Optional coverage protecting fiduciaries against breach claims. Not a substitute for the bond.
Prohibited transaction	A transaction between the plan and a party in interest that ERISA bars unless an exemption applies.
Settlor function	A business decision about the plan's existence or design — not a fiduciary act, and not delegable to a fiduciary.

NEXT STEP

Let Us Show You What Your Plan Looks Like

Admin316 can begin with a public-information review using the plan's most recent Form 5500 and available benchmarking data. The purpose is to identify strengths, questions and areas that deserve a deeper look — not to reach conclusions without the governing documents.

01 **Tier 1 public review**
We review the Form 5500 and available public data and produce an initial executive assessment. Nothing required from you.

02 **Document review**
With your permission we review the 408(b)(2) disclosures, SPD, adoption agreement, plan document, IPS, service agreements and participant disclosures.

03 **Executive assessment**
We evaluate fees, investments, governance, operations, compliance, plan design and participant outcomes, and grade findings by severity.

04 **Action plan**
We present findings, prioritize recommendations, and identify exactly which responsibilities can be transferred to Admin316 in writing.

Start with a complimentary Tier 1 plan review

No plan documents required. We begin with the plan's publicly available Form 5500 information and identify the questions worth reviewing.

We don't just advise the plan.
We take responsibility.

ERISA §402(a) Named Fiduciary | ERISA §3(16) Plan Administrator

Russell T. McNorton President | Admin316

361-271-1211 | admin316.com | Independent ERISA fiduciary services since 1997

Sources and framework: U.S. Department of Labor fiduciary-responsibility guidance, including Meeting Your Fiduciary Responsibilities, Understanding Retirement Plan Fees and Expenses, and DOL 401(k) plan guidance; IRS EPCRS and DOL VFCP/DFVCP program descriptions. Admin316 service descriptions are based on the company's fiduciary responsibility materials and Executive Fiduciary Assessment framework.

Deadlines, thresholds and dollar amounts referenced in this guide are general orientation for a calendar-year plan and are subject to change; they depend on plan year, plan design, plan size and elections. This guide is educational and is not legal, tax, actuarial or investment advice. Specific duties and fiduciary status depend on the plan documents, applicable law, and the executed service agreement.