



# DOL Penalties Increase for 2019

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The Department of Labor (DOL) published the annual adjustments for 2019 that increase certain penalties applicable to employee benefit plans.

## Annual Penalty Adjustments For 2019

The following updated penalties are applicable to health and welfare plans subject to ERISA

Description	2018 Penalty	2019 Penalty
Failure to file <b>Form 5500</b>	Up to \$2,140 per day	Up to \$2,194 per day
Failure of a <b>MEWA</b> to file reports	Up to \$1,558 per day	Up to \$1,597 per day
Failure to provide <b>CHIP Notice</b>	Up to \$114 per day per employee	Up to \$117 per day per employee
Failure to disclose CHIP/Medicare Coordination to the State	\$114 per day per violation (per participant/beneficiary)	\$117 per day per violation (per participant/beneficiary)
Failure to provide <b>SBCs</b>	Up to \$1,128 per failure	Up to \$1,156 per failure
Failure to furnish <b>plan documents</b> (including SPDs/SMMs)	\$152 per day \$1,527 cap per request	\$156 per day \$1,566 cap per request
<b>Genetic information</b> failures	\$114 per day	\$117 per day
De minimis failures to meet genetic information requirements	\$2,847 minimum	\$2,919 minimum
Failure to meet genetic information requirements – not de minimis failures	\$17,084 minimum	\$17,515 minimum
Cap on unintentional failures to meet genetic information requirements	\$569,468 maximum	\$583,830 maximum

## Employer Action

Private employers, including non-profits, should ensure employees receive required notices timely (SBC, CHIP, SPD, etc.) to prevent civil penalty assessments. In addition, employers should ensure Form 5500s are properly and timely filed, if applicable. Finally, employers facing document requests from EBSA should ensure documents are provided timely, as requested.