



Protect your pension

Know how to spot signs of misuse or mismanagement of your 401(k) plan. Use this work sheet to learn your basic rights as a 401(k) plan participant and to guide you to the appropriate agency for help.

Your rights as a 401(k) plan participant

You have a right to ask the plan administrator for a copy of the following information:

- The plan's latest Form 5500 or Form 5500-C/R (for plans with fewer than 100 participants).
- The plan's Summary Plan Description (SPD).
- The plan's Summary Annual Report.
- The trust agreement setting up the plan, if separate from the plan.
- Any collective bargaining agreements, if applicable.
- Any other document under which the plan was established or operates.

--Source: Department of Labor

The DOL recommends that you make all requests in writing. You may have to pay reasonable copying costs for some documents.

The plan is obligated to provide you the information within 30 days of your written request. You may have the right to bring a lawsuit against the plan administrator if delays are unreasonable and within the plan administrator's control.

A court can order the plan administrator to pay you a fine of up to \$100 a day for every day your requested plan documents are delayed over the 30-day deadline. If you have trouble getting the documents, contact the Department of Labor or the [EBSA field office](#) nearest you.

U.S. Department of Labor
Employee Benefits Security Administration
Division of Technical Assistance and Inquiries
200 Constitution Avenue NW, Suite N-5619
Washington, DC 20210

Where to go if you discover a problem	
Nature of violation or misuse	Agency to contact
Individuals providing services to your plan have gotten loans or other favorable treatment. Individuals engaged in unlawful or unscrupulous transactions may be subject to tax penalties.	IRS Consider filing a written claim for an Informants' Reward with the Intelligence Division of the IRS. If the agency collects a penalty tax as the result of your information, you could receive up to 10 percent of the amount collected
Plan trustees or other plan fiduciaries have been investing your 401(k) money in violation of pension rules.	Department of Labor/EBSA field office If an EBSA investigation discovers a violation, courts may impose monetary and other penalties.
Cases of embezzlement, kickbacks, extortion or other criminal activity.	U.S. Department of Justice FBI field office It's unlawful for employers to fire or retaliate against employees who provide the government with information about their 401(k) plan's investment practices. Criminal penalties can include prison, fines or both

--Source: DOL/EBSA

Read all about it

Learn about federal pension enforcement initiatives from actual cases.

Former Airtrans executive receives a [15-month prison sentence](#) for theft of 401(k) funds.

[Two AMS Healthcare Services executives are charged](#) with embezzling money from a 401(k) plan.

U.S. Labor Department sues a former South Carolina executive for failing to remit employee contributions to the company's Savings Incentive Match Plan for Employees Individual Retirement Account (SIMPLE IRA).

Educational resources

[Pension Rights Center](#) in Washington, DC

[Pension Action Center](#) at University of Massachusetts in Boston

Federal government resources

Print out and study an actual [Form 5500](#).