

# Fiduciary Checklist

If you make decisions for your company's 401(k) plan, including managing or spending plan assets, hiring service providers, making investment choices, or overseeing plan administration, you are a fiduciary.

Use the checklist below to follow fiduciary best practices and protect against costly mistakes.

## Basic Fiduciary Duties

- Do you act in accordance with the documents and instruments governing the plan?
- Have you developed written procedures for routine fiduciary decisions?  
For example, do you have a process for making investment decisions or hiring service providers?
- Do you keep a record of meetings and decisions so that you can demonstrate your compliance with a prudent process?
- Have you asked plan counsel to make sure you are complying with all retirement plan regulations?
- Do you provide fiduciary education for new fiduciaries as well as continuing education for all fiduciaries?

## Investment Oversight

- Do you know who is responsible for directing investments in your plan?
- Is there an investment policy statement (IPS) documenting all of the plan's investment requirements and processes?
- Do you have a CEFEX-Certified adviser acting as an ERISA 3(38) Investment Manager to maintain high quality, low cost investment options in your plan?



## Service Provider Oversight

- Do you conduct a periodic review of service providers to ensure that service and performance standards are being met?
- Do you document the review, including meetings, issues discussed, and any decisions made?
- Have you familiarized yourself with the requirements of Section 408(b)(2) of ERISA?
- Have you assessed the reasonableness of fees and whether any conflicts exist?
- Do you periodically benchmark your plan's fees and services to make sure expenses are reasonable for services rendered?
- Do you periodically conduct an in-depth review of service providers to ensure that your fees and arrangements are consistent with current practices and costs and to determine whether a new RFP process is warranted?



## Fiduciary Liability

- Do you maintain a well-documented, prudent fiduciary process for decision-making?
- Do you also include documentation showing that decisions were actually made?
- Have you obtained liability insurance to protect plan fiduciaries from the costs associated with litigation, including unfavorable judgements?
- Have you identified an attorney that can advise you in the event of a Department of Labor (DOL) investigation?



## Plan Administrator Basics

- Have you developed a compliance plan or calendar to keep track of deadlines throughout the plan year?
- Do you periodically review plan documents to ensure that they reflect current practices and have been updated for legal and regulatory changes?
- Do you complete and file all required government reporting, such as Form 5500, on time?
- Do you comply with the applicable Internal Revenue Code nondiscrimination tests?
- Have you reviewed the process for achieving the following in a timely manner:
  1. Collecting employee contributions and loan repayments?
  2. Forwarding contributions and loan repayments to the service provider?
  3. Investing contributions and loan repayments?

## Employee Support and Education

- Have you checked in with your service providers about required participant disclosures?
- Do you provide ongoing communications on investments and plan features (e.g., loans, distributions, or contributions)?
- Do you distribute information to all eligible employees regarding the investment options available under the plan?
- Do you conduct educational meetings and provide general financial and investment education?
- Do you offer automatic enrollment with a qualified default investment alternative (QDIA)?



## Feeling Overwhelmed?

**Fisher can help.** If you're behind on a few items or not sure you can complete everything on this checklist, request a complimentary consultation to find the fiduciary balance for your business. As a CEFEX certified ERISA 3(38) Investment Manager, we always put your interests first.

[Schedule consultation](#)