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Sent: Friday, December 26, 2008 6:01 PM
To: EBSA, E-ORI - EBSA
Subject: 29 CFR 2510.3 Proposed Changes

EBSA Proposed Rule Changes

This is in regards to your proposed change concerning employee contribution deposits to pension and welfare benefit plans with fewer than 100 participants. The proposed plan will effect small businesses many of whom use payroll services. This will increase their cost at a time when many of these businesses can least afford it. Companies normally making one payment by the due date, which is now the 15th day of the month following withholding, would now have 7 business days and, if payroll is weekly, as is the case with union workers, that would be four separate payments to pension administrators. A company's payroll could consist of member of numerous unions all with different pension plans. In fact, this could creating problems for the employee who would have to verify receipt of the numerous payments by the pension administrator instead of the monthly payment. Our company includes a payroll service and would have to pass our increase cost to our clients.

This also seems to be discriminating against small businesses. Most large businesses would have in house payroll system and the cost would be more easily absorbed. I believe the amount of money that is withheld for pension plans by larger companies would also be substantially larger both in total and individually due to the number of higher paid individuals. If small business face increased cost in their efforts to comply, your exempting large business seems one sided. If you want "a higher degree of compliance certainty", it should included all participants. At the present time you do have a clearly defined standard--the 15th day of the month following withholding. If you wish a compliance date sooner than that, you could change to an earlier date in the month. If you want it sooner still, make the payments mandatory twice monthly.

Please consider the fairness and the consequences of your proposed changes as well as the cost of implementing them. If you want all employers to set up retirement plans for their employees, you should be making it easier -- not more costly and difficult to implement.

submitted by

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