

Washington Watch

Changes at the Top — The Employee Benefits Security Administration

Reorganization of EBSA will affect the way ERISA plans are monitored.

By David Levine, Diana McDonald, and Brigen Winters

On August 27, 2019, Preston Rutledge, the Assistant Secretary of Labor for the Employee Benefits Security Administration (“EBSA”), emailed staff announcing a reorganization for the agency. Effective October 1, 2019, EBSA will have three deputy assistant secretaries instead of two, and some departments will answer to different deputy assistant secretaries than they do today. The announcement came as a surprise to many EBSA employees who were unaware that such a realignment was under consideration.

Existing Structure

EBSA broadly exercises interpretive and enforcement authority over Title I of ERISA. To achieve its goals, EBSA has traditionally had two deputy assistant secretaries. One has been a political appointee and the other has been a member of the career staff. The political appointee has served as the assistant secretary’s principal advisor and director of the policy, legislative, and research functions of EBSA. Traditionally, the career staff deputy assistant secretary has overseen program operations, including the office of enforcement, the office of exemption determinations, the office of regulations and interpretations, and other programs.


Regional offices have historically maintained significant independence and regional directors have had wide latitude in opening investigations and interpreting ERISA to determine if there have been violations.

Proposed Reorganization

Under the EBSA reorganization, there will be three deputy assistant secretaries, with the political appointee gaining significantly more responsibility than the role has previously had. The reorganization reallocates two departments historically overseen by the career staff deputy assistant secretary — the office of exemption determinations and the office of regulations and interpretations — to the political appointee. The political appointee will oversee those departments in addition to the departments traditionally assigned. The career staff deputy assistant secretary will lose oversight of those two departments, but gains oversight of the smaller office of technology and information services and the office of outreach, education, and assistance. The career staff deputy assistant secretary will maintain oversight of the office of enforcement, as has been traditional. A new deputy assistant secretary will be appointed to oversee the regional offices.

Impact of the Reorganization

When asked to explain his rationale for the reorganization, Assistant Secretary Rutledge said it is intended to provide “expanded opportunity for [staff] career advancement, give the Regional Offices a greater voice in the National Office, and help ensure that enforcement activities are consistent nationwide.” The Department of Labor’s Wage and Hour Division announced a similar reorganization on August 22 with a similar rationale.

In practical terms, longtime career official Timothy Hauser, who serves as the current career staff deputy assistant secretary, will oversee a smaller portion of the agency than he does today. The political appointee deputy assistant secretary, Jeanne Klinefelter Wilson, will gain oversight of two additional departments. There is no word yet on who might serve as the new, third deputy assistant secretary. 

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