



TOPIC: PBGC Consideration of Request of AAA Alternative Arbitration Procedure and Revised Fee Schedule

EXECUTIVE SUMMARY: ON MARCH 23, 2016, THE PENSION BENEFIT GUARANTY CORPORATION (PBGC) ISSUED A REQUEST FOR COMMENTS ON A REQUEST FROM THE AMERICAN ARBITRATION ASSOCIATION (AAA) TO REVISE THE FEE SCHEDULE CHARGED IN WITHDRAWAL LIABILITY ARBITRATIONS. Similar to the current schedule, the proposed fee schedule determines the cost of arbitration based on the amount of withdrawal liability at issue. However, the proposed schedule revises the tiers from the current schedule, and significantly increases the fees at all levels. The proposed schedule also increases the Initial Fee and introduces a new “Final Fee” and a “Processed Fee.” The new fee schedule will mean a substantial increase in the cost of arbitration.

The NCCMP is seeking your input to ensure that our comments in response to this request are comprehensive and represent the viewpoints of the entire multiemployer community. We also encourage any plan with concerns they believe deserves special emphasis to file their own comments to address these concerns directly with the PBGC.

PURPOSE: SOLICITATION OF INPUT FOR COMMENTS
CATEGORY: ARBITRATION PROCEDURES
ISSUER: PENSION BENEFIT GUARANTY CORPORATION
TARGET AUDIENCE: TRUSTEES OF AND PLAN ADVISORS TO MULTIEMPLOYER PENSION PLANS
INPUT REQUESTED: IDENTIFICATION OF CONCERNS TO BE INCLUDED IN NCCMP COMMENTS
OFFICIAL COMMENT PERIOD ENDS: MONDAY, MAY 23, 2016
NCCMP DEADLINE: FRIDAY, MAY 13, 2016
FORWARD COMMENTS TO: Multi-elert@nccmp.org
REFERENCE: VOL. XVI, ISSUE 2
FOR ADDITIONAL BACKGROUND SEE: 81 FED REG 15578-15579 (MAR. 23, 2016)

We strive to ensure that the information contained in this and every issue of Multi-Elert is correct to the extent information is available. Nevertheless, the NCCMP does not offer legal advice. Plan fiduciaries should rely on their own attorneys and other professional advisors for advice on the meaning and application of any Federal laws or regulations to their plans.

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If you have questions about the NCCMP, or about this or other issues of Multi-Elert, please contact the NCCMP, by phone at (202) 737-5315 or by e-mail at nccmp@nccmp.org .
