



John L. Utz Highlights ERISA Enforcement Guidance in HR.com

Spencer Fane attorney [John L. Utz](#) wrote the article [DOL ERISA Enforcement Shift: What The New EBSA Guidance Means For Employers](#) recently published by *HR.com*.

In John's article, which originated as a firm [blog post](#), he reviews new Department of Labor guidance that updates how the agency will approach enforcement of the Employee Retirement Income Security Act (ERISA), including a renewed focus on certain fiduciary violations and clearer limits on enforcement theories developed during investigations. The guidance emphasizes reliance on established law, greater internal oversight of significant enforcement actions, and efforts to streamline and shorten investigations. It also signals shifts in enforcement priorities and procedures within the Employee Benefits Security Administration that may affect how employee benefit plan investigations are conducted going forward.

"This prohibition on coordinating activities with plaintiffs' counsel, when taken together with the instruction not to develop policy through litigation and the caution about challenges to ESOP valuations, appears to be a particularly positive set of developments for ESOP fiduciaries," John wrote. "Time will tell the degree to which the new guidance will affect day-to-day EBSA enforcement practices, but the guidance does appear to signal a meaningful reset of both EBSA's priorities and its processes."

At the firm, John utilizes a deep understanding of his clients' business models to build and implement effective and legally compliant employee benefit programs and executive compensation packages. He provides services critical to success, profitability, and employee recruitment and retention. He has vast experience with more than four decades handling matters affecting pension, welfare, equity, and deferred compensation plans.

Read John's full article [here](#).