

COMPLIANCE OVERVIEW

EBSA ADDS STAFF, SIGNALS ENFORCEMENT SHIFT

The Employee Benefits Security Administration (EBSA) is hiring again after a year of significant workforce losses. The agency's new hires of public-facing workers offer plan sponsors potential insight into the agency's evolving priorities and enforcement approach.

The EBSA, an agency of the U.S. Department of Labor (DOL), oversees more than 837,000 retirement plans and nearly 3 million health plans. Since early 2025, reports show the agency has lost 100 employees due to retirements and resignations, largely tied to federal downsizing, leaving it with approximately 583 full-time staff as of February, according to data obtained by a Freedom of Information Act request by Bloomberg Law. That figure is a drop from 687 in the prior fiscal year and a fraction of the 946 on board a decade ago. Ultimately, there is roughly one investigator for every 13,000 plans.

The agency is adding benefit law regulatory staff, economists, training administrators and investigators who will pursue "the most impactful cases while protecting all American workers." Recent hires have leaned heavily toward benefit advisers, the frontline staff who field questions from workers and retirees about their coverage. The EBSA brought on 40 new benefit advisers, adding to the 74 already in place. A DOL spokesperson described the hiring approach as "targeted and mission-first," and said the agency is not simply backfilling vacancies.

"We will continue to align hiring with available resources, invest in needed tools and training for our employees, provide outreach and education to both plan sponsors and plan participants, and focus on roles that most directly protect employers, workers, retirees and their families."

- DOL spokesperson

ENFORCEMENT APPROACH

The EBSA has also established new enforcement principles that require senior officials to approve major investigative initiatives and direct staff to concentrate on "true bad actors." At a May 2026 industry event, EBSA Assistant Secretary Daniel Aronowitz told investigators that the agency's objective is not to second-guess conscientious plan sponsors.

The agency has also filed a series of amicus briefs, many of which take pro-employer positions, and issued advisory opinions to provide clearer guidance to fiduciaries and plan sponsors.

WHAT'S NEXT?

Priorities have narrowed, but activity has not stopped. The emphasis on compliance assistance and informal resolution over broad enforcement does not mean the EBSA is inactive. The agency has signaled it will pursue cases it views as high-impact. A proposed \$10 million funding cut in the White House's fiscal year 2027 budget request, if enacted, would add further pressure to an already lean operation, potentially concentrating investigative resources on fewer, more significant matters.

For plan sponsors, the practical implication is straightforward: documented good-faith compliance processes continue to matter, regardless of agency resources.

Employers should continue to monitor employee benefits trends. Contact us today for more resources.

