



Quarterly Plan Review

Table of Contents



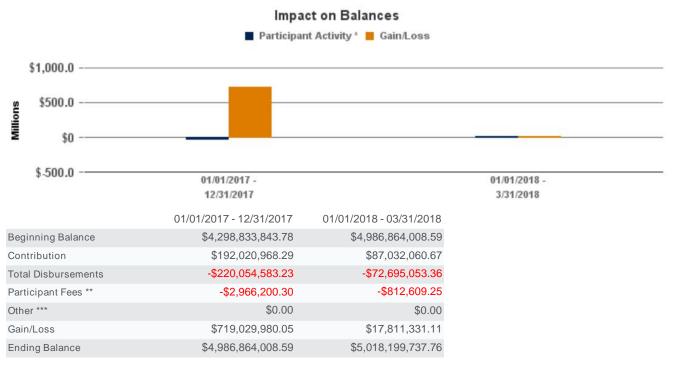
- Plan Analytics
- Legislative and Regulatory updates



Plan Analytics

Cash Flow

As of 03/31/2018



^{*} Participant Activity includes the sum of Contributions and Total Disbursements.



^{**} Fees may include but are not limited to: transactional and plan administrative fees.

^{***} Other includes 'Transfer In', 'Transfer Out', 'Adjustments', 'Loan Issue' and 'Loan Payment'.

Net Interfund Transfer Activity

Rolling 12 Months as of 03/31/2018

Fund	Transfer In	Participant Transfer In Counts	Transfer Out	Participant Transfer Out Count	Net Transfers	Assets	Net Transfer as a % of Fund's Assets
American Beacon Bridgwy Lg Cp Val I CIT	\$9,719,089.15	9,162	-\$1,772,803.56	648	\$7,946,285.59	\$7,892,861.65	100.68%
American Funds EuroPacific Gr R6	\$42,801,489.01	12,907	-\$31,094,201.34	12,549	\$11,707,287.67	\$202,995,589.17	5.77%
BlackRock EAFE Equity Index Coll T	\$40,485,948.01	12,486	-\$38,171,463.66	11,553	\$2,314,484.35	\$135,482,133.04	1.71%
BlackRock Mid Cap Equity Index - Coll F	\$21,445,266.14	8,818	-\$51,659,432.92	12,716	-\$30,214,166.78	\$196,319,745.89	-15.39%
BlackRock Russell 2000 Index Coll T	\$14,281,226.00	10,463	-\$21,891,426.47	9,811	-\$7,610,200.47	\$78,241,068.87	-9.73%
BlackRock US Debt Index Fund Coll W	\$34,107,549.97	12,429	-\$18,594,237.99	8,189	\$15,513,311.98	\$154,229,844.04	10.06%
Calvert Equity I	\$5,560,446.40	353	-\$6,672,527.97	478	-\$1,112,081.57	\$55,536,458.80	-2.00%
DFA US Micro Cap I	\$12,415,452.35	1,076	-\$33,102,214.92	1,778	-\$20,686,762.57	\$242,804,642.67	-8.52%
FDIC Bank Option	\$28,075,949.13	8,426	-\$24,739,263.25	6,188	\$3,336,685.88	\$114,439,708.35	2.92%
Federated US Government Securities 2-5yr	\$3,897,869.04	1,040	-\$3,636,686.66	1,102	\$261,182.38	\$31,674,703.64	0.82%
Fidelity Contrafund	\$32,916,362.54	1,851	-\$62,695,836.34	6,890	-\$29,779,473.80	\$697,880,031.96	-4.27%
Schwab SDB Securities	\$57,088.84	1	-\$57,088.84	1	\$0.00	\$57,611,085.45	0.00%
Schwab SDB Securities Roth	\$0.00	0	\$0.00	0	\$0.00	\$1,368,484.11	0.00%
Schwab SDB Sweep Program	\$3,566,349.33	87	-\$6,952,058.85	123	-\$3,385,709.52	\$4,987,335.45	-67.89%
Schwab SDB Sweep Program Roth	\$43,586.16	11	-\$19,002.53	9	\$24,583.63	\$253,934.88	9.68%
Stable Value Fund	\$108,034,201.47	12,396	-\$74,007,791.03	4,276	\$34,026,410.44	\$662,014,461.45	5.14%
T. Rowe Price Instl Mid-Cap Equity Gr	\$51,336,328.69	13,142	-\$45,150,796.23	7,793	\$6,185,532.46	\$538,220,901.49	1.15%
Vanguard Institutional Index InstI PI	\$33,144,367.73	5,146	-\$83,945,036.85	13,422	-\$50,800,669.12	\$499,798,985.32	-10.16%
Vanguard Instl Trgt Retire 2015 Instl	\$13,700,900.05	235	-\$8,629,140.48	245	\$5,071,759.57	\$117,766,722.79	4.31%
Vanguard Instl Trgt Retire 2025 Instl	\$19,273,431.85	450	-\$17,464,871.85	439	\$1,808,560.00	\$231,488,977.87	0.78%
Vanguard Instl Trgt Retire 2035 Instl	\$9,729,564.46	324	-\$9,978,916.33	347	-\$249,351.87	\$156,905,060.96	-0.16%
Vanguard Instl Trgt Retire 2045 Instl	\$4,666,494.51	216	-\$4,134,193.02	273	\$532,301.49	\$89,845,387.77	0.59% 0.25%
Vanguard Instl Trgt Retire 2055 Instl	\$2,640,747.29	129	-\$2,583,479.90	183	\$57,267.39	\$22,557,336.65	0.25%
Vanguard Long-Term Investment Grade Adm	\$29,006,462.91	7,499	-\$18,078,470.97	1,893	\$10,927,991.94	\$144,224,479.01	7.58%
Vanguard Target Retirement Inc Instl	\$10,090,183.50	233	-\$4,659,505.46	172	\$5,430,678.04	\$47,388,925.01	11.46%

Wisconsin Deferred Compensation Program | 98971-01

PT# 267822 (5/16)

For Plan Sponsor use only. Not for use with Participants.



Net Interfund Transfer Activity

Rolling 12 Months as of 03/31/2018

Fund	Transfer In	Participant Transfer In Counts	Transfer Out	Participant Transfer Out Count	Net Transfers	Assets	Net Transfer as a % of Fund's Assets
Vanguard Treasury Money Market Inv	\$13,562,830.12	176	-\$2,507,653.17	258	\$11,055,176.95	\$32,775,170.07	33.73%
Vanguard Wellington Adm	\$59,532,218.76	12,229	-\$31,893,302.82	5,251	\$27,638,915.94	\$493,495,701.40	5.60%
Total	\$604,091,403.41		-\$604,091,403.41		\$0.00	\$5,018,199,737.76	



Net Transfer Activity by Asset Class

Rolling 12 Months as of 03/31/2018

Dollars



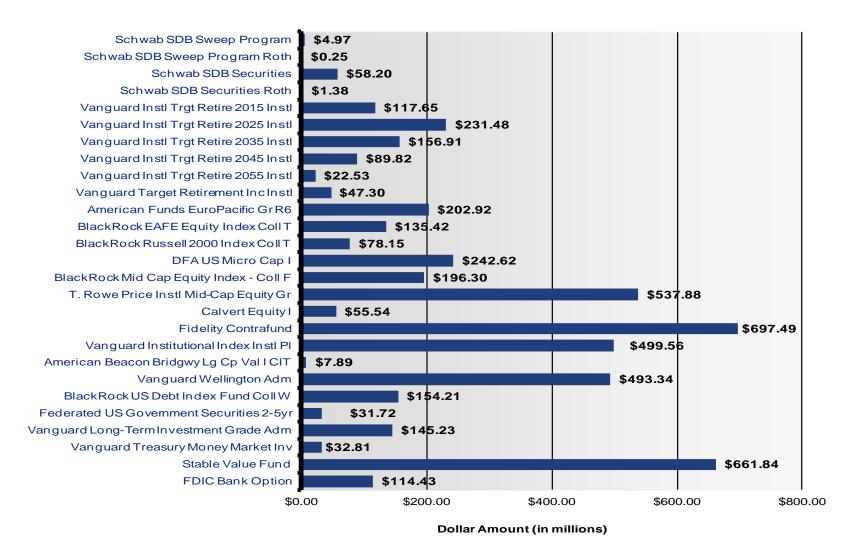


WDC Assets – All Participants

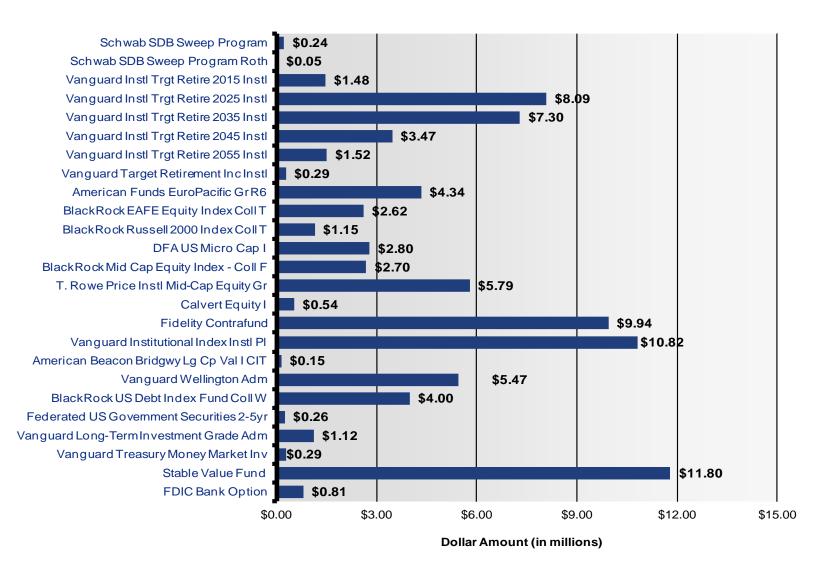
Asset Class/Fund Name	3/31/2018				
710001 0100071 0110 110110	Amount	Pct	Accts		
Self-Directed					
Schw ab SDB Sw eep Program	4,970,827	0.1%	553		
Schw ab SDB Sw eep Program Roth	254,282	0.0%	51		
Schwab SDB Securities	58,196,305	1.2%	573		
Schwab SDB Securities Roth	1,379,433	0.0%	48		
	64.800.847	1.3%			
Fund of Funds	04,800,847	1.3/0			
Vanguard Instl Trgt Retire 2015 Instl	117,653,549	2.3%	3,144		
Vanguard Instit Trgt Retire 2015 Instit	231,476,565	4.6%	6,649		
Vanguard Instit Trgt Retire 2025 Instit Vanguard Instit Trgt Retire 2035 Instit	156,906,222	3.1%	6,744		
		1.8%			
Vanguard Instl Trgt Retire 2045 Instl	89,819,842		6,110		
Vanguard Instl Trgt Retire 2055 Instl Vanguard Target Retirement Inc Instl	22,528,425	0.4% 0.9%	3,297 1,855		
variguard rarger Retirement inclinsti	47,296,097		1,000		
	665,680,702	13.3%			
International					
American Funds EuroPacific Gr R6	202,919,797	4.0%	22,144		
BlackRock EAFE Equity Index Coll T	135,422,991	2.7%	17,697		
	338,342,788	6.7%			
Small-Cap					
BlackRock Russell 2000 Index Coll T	78,146,309	1.6%	12,983		
DFA US Micro Cap I	242,619,742	4.8%	12,779		
	320,766,051	6.4%			
Mid-Cap					
BlackRock Mid Cap Equity Index - Coll F	196,303,162	3.9%	19,611		
T. Row e Price Instl Mid-Cap Equity Gr	537,877,983	10.7%	29,051		
, , ,	734,181,145	14.6%	ŕ		
Large-Cap	''	14.070			
Calvert Equity I	55,536,459	1.1%	3,044		
Fidelity Contrafund	697,489,177	13.9%	19,429		
Vanguard Institutional Index InstI Pl	499,559,861	10.0%	25,825		
American Beacon Bridgw y Lg Cp Val I CIT	7,890,831	0.2%	9,284		
Vanguard Wellington Adm	493,342,228	9.8%	24,553		
vangaara rromington rtani	1,753,818,556	35.0%	2 .,000		
Bond	1,753,616,556	35.0%			
	454 040 564	2.40/	45 000		
BlackRock US Debt Index Fund Coll W	154,210,561	3.1%	15,688		
Federated US Government Securities 2-5yr Vanguard Long-Term Investment Grade Adm	31,724,469	0.6% 2.9%	6,120		
Variguald Long-Term investment Grade Adm	145,233,739		16,128		
	331,168,769	6.6%			
Money Market					
Vanguard Treasury Money Market Inv	32,811,355	0.7%	6,631		
	32,811,355	0.7%			
Fixed	1				
Stable Value Fund	661,837,468	13.2%	23,776		
FDIC Bank Option	114,432,772	2.3%	10,318		
	776,270,240	15.5%			
	= 0.1= 0.10 · 1= 0	400			
	5,017,840,452	100.0%			

Page 8 of 36

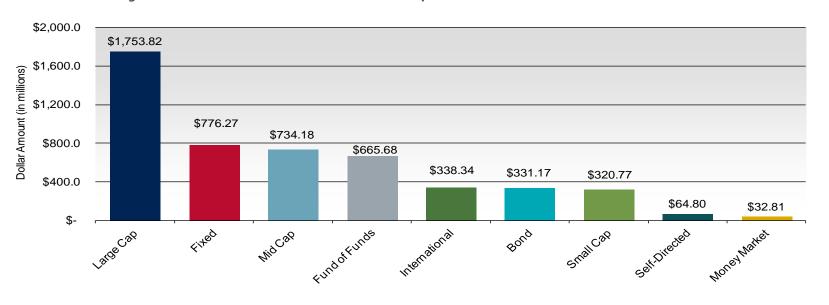
WDC Assets – All Participants

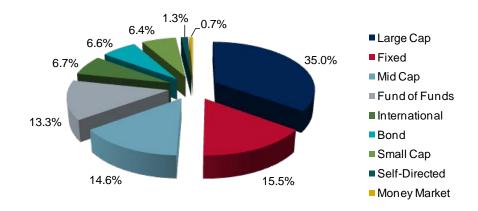


Contributions – All WDC Participants

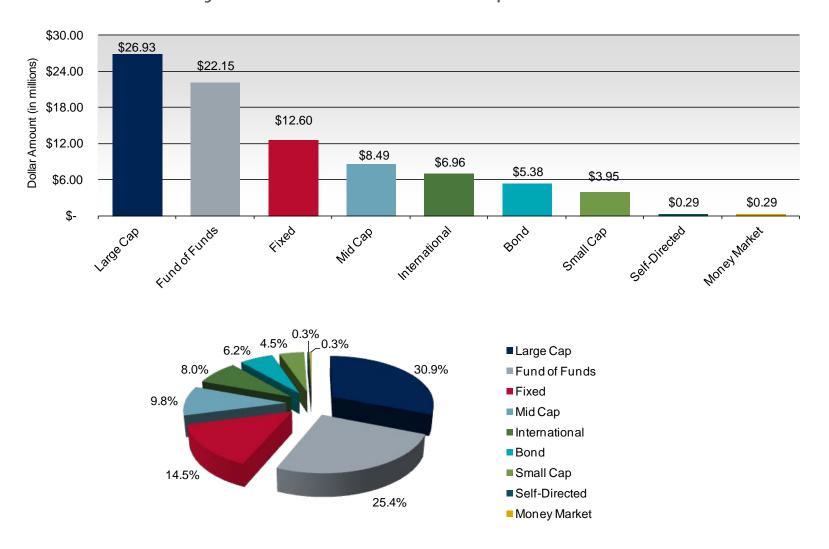


Assets by Asset Class – All Participants





Contributions by Asset Class – All Participants



Assets – State Participants

Asset Class/Fund Name	3/3	1/2018	
•	Amount	Pct	Accts
Self-Directed			
Schw ab SDB Sw eep Program	3,649,736	0.1%	389
Schw ab SDB Sw eep Program Roth	230,883	0.0%	36
Schw ab SDB Securities	41,848,742	1.2%	394
Schw ab SDB Securities Roth		0.0%	37
	46,965,306	1.4%	
Fund of Funds			
Vanguard Instl Trgt Retire 2015 Instl	77,184,625	2.3%	1,944
Vanguard Instl Trgt Retire 2025 Instl	137,936,854	4.1%	3,841
Vanguard Instl Trgt Retire 2035 Instl	85,898,561	2.6%	3,734
Vanguard Instl Trgt Retire 2045 Instl	54,453,979	1.6%	3,653
Vanguard Instl Trgt Retire 2055 Instl	14,213,424	0.4%	1,965
Vanguard Target Retirement Inc InstI	32,517,966	1.0%	1,142
	402,205,408	12.0%	
International	102,200,100	,	
American Funds EuroPacific Gr R6	133,748,668	4.0%	12,537
BlackRock EAFE Equity Index Coll T	83,467,284	2.5%	10,054
4. 7	217,215,952	6.5%	-,
Small-Cap	217,210,302	0.070	
BlackRock Russell 2000 Index Coll T	51,082,990	1.5%	7,559
DFA US Micro Cap I	164,658,658	4.9%	7,536
Elit de Milero cap i	215,741,648	6.4%	7,000
Mid Con	215,741,048	0.4%	
<i>Mid-Cap</i> BlackRock Mid Cap Equity Index - Coll F	127,278,286	3.8%	11,137
T. Row e Price Inst! Mid-Cap Equity Gr	358,259,314	10.7%	16,782
1. Now el fice ilisti Mid-Cap Equity Ci			10,762
1 a u u a Ca u	485,537,600	14.5%	
Large-Cap Calvert Equity I	40 E70 246	1.2%	1,963
• •	40,570,346		
Fidelity Contrafund	479,061,534	14.3% 10.3%	11,571
Vanguard Institutional Index InstI Pl	345,840,356		15,070
American Beacon Bridgw y Lg Cp Val I CIT Vanguard Wellington Adm	4,172,009 332,513,249	0.1% 9.9%	5,201 14,308
Varigual d VVeillington Aum			14,308
D =/	1,202,157,494	35.8%	
Bond	0.4.457.004	0.00/	0.700
BlackRock US Debt Index Fund Coll W	94,457,021	2.8%	8,720
Federated US Government Securities 2-5yr	22,178,893	0.7%	3,680
Vanguard Long-Term Investment Grade Adm	104,468,699	3.1%	9,524
	221,104,612	6.6%	
Money Market	05 007 507	0.00/	4 00 4
Vanguard Treasury Money Market Inv	25,627,597	0.8%	4,224
	25,627,597	0.8%	
Fixed			
	458,298,968	13.6%	14,000
Stable Value Fund			
Stable Value Fund FDIC Bank Option	82,863,600	2.5%	5,809
	82,863,600 541,162,567	2.5% 1 6.1%	5,809
			5,809

Assets – Local Participants

Asset Class/Fund Name	nd Name 3/31/2018			
	Amount	Pct	Accts	
Self-Directed				
Schw ab SDB Sw eep Program	1,321,091	0.1%	164	
Schw ab SDB Sw eep Program Roth	23,399	0.0%	15	
Schw ab SDB Securities	16,347,563	1.0%	179	
Schw ab SDB Securities Roth	143,488	0.0%	11	
	17,835,542	1.1%		
Fund of Funds				
Vanguard Instl Trgt Retire 2015 Instl	40,468,925	2.4%	1,200	
Vanguard Instl Trgt Retire 2025 Instl	93,539,711	5.6%	2,808	
Vanguard Instl Trgt Retire 2035 Instl	71,007,661	4.3%	3,010	
Vanguard Instl Trgt Retire 2045 Instl	35,365,864	2.1%	2,457	
Vanguard Instl Trgt Retire 2055 Instl	8,315,001	0.5%	1,332	
Vanguard Target Retirement Inc InstI	14,778,132	0.9%	713	
	263,475,294	15.9%		
International				
American Funds EuroPacific Gr R6	69,171,129	4.2%	9,607	
BlackRock EAFE Equity Index Coll T	51,955,707	3.1%	7,643	
	121,126,836	7.3%		
Small-Cap	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
BlackRock Russell 2000 Index Coll T	27,063,319	1.6%	5,424	
DFA US Micro Cap I	77,961,084	4.7%	5,243	
·	105,024,403	6.3%	·	
Mid-Cap	100,020,000			
BlackRock Mid Cap Equity Index - Coll F	69,024,876	4.2%	8,474	
T. Row e Price Instl Mid-Cap Equity Gr	179,618,669	10.8%	12,269	
, , ,	248,643,545	15.0%	,	
Large-Cap	2-10,0-10,0-10	10.070		
Calvert Equity I	14,966,113	0.9%	1,081	
Fidelity Contrafund	218,427,642	13.2%	7,858	
Vanguard Institutional Index Instl Pl	153,719,506	9.3%	10,755	
American Beacon Bridgwy Lg Cp Val I CIT	3,718,821	0.2%	4,083	
Vanguard Wellington Adm	160,828,979	9.7%	10,245	
ŭ ŭ	551,661,061	33.2%	,	
Bond	001,001,001	00.270		
BlackRock US Debt Index Fund Coll W	59,753,540	3.6%	6,968	
Federated US Government Securities 2-5yr	9,545,576	0.6%	2,440	
Vanguard Long-Term Investment Grade Adm	40,765,040	2.5%	6,604	
. 9 9	110,064,156	6.6%	-,	
Money Market	770,004,700	0.070		
Vanguard Treasury Money Market Inv	7,183,758	0.4%	2,407	
g	7,183,758	0.4%	_,	
Fixed	7,163,738	U.4/0		
Stable Value Fund	203,538,500	12.3%	9,776	
FDIC Bank Option	31,569,172	1.9%	4,509	
. Die Daim option	235,107,672		.,555	
	235,107,672	14.2%		
	1,660,122,268	100.0%		

New Employers

WISCONSIN DEFERRED COMPENSATION							
2018 NEW EMPLOYERS							
		DATE	Date Plan				
EMPLOYER #	NAME	ELIGIBLE	ADOPTED	Set-Up			
	FIRST QUARTER						
5089	Portage Community S.D.	350	02/20/18	03/21/18			
921	Village of Gratiot	2	03/12/18				
83	Village of Coon Valley	13	02/15/18				



WDC Participation Statistics

	State	Local	Total
Participants 01/01/2018	36,644	25,431	62,075
New Enrollments 1/1/2018 - 3/31/2018	469	843	1,312
Withdrawals			
Service Separation			
Full	224	142	366
Partial	231	135	366
Periodic Payments	1,755	850	2,605
Hardship			
Full	0	0	0
Partial	20	6	26
DeMinimis DeMinimis			
Full	0	0	0
Partial	0	0	0
Final Withdraw als			
Rollovers out of the WDC	1	9	10
Final Withdrawals	140	109	249
Participants 3/31/2018	36,820	26,165	62,985

Self-Directed Brokerage

As of 03/31/2018

	1Q18
Participants with Self-directed Brokerage	647
Total Participants with a balance in the plan	62,387
Percent of users with Self-directed Brokerage	1.04%
Self-directed Brokerage balance	\$64,220,839.89
Total balance for Self-directed Brokerage Participants	\$143,004,186.65
Percent of brokerage balance for Self-directed Brokerage users	44.91%
Self-directed Brokerage balance	\$64,220,839.89
Total balance in plan	\$5,018,199,737.76
Percent of total plan balance in Self-directed Brokerage	1.28%



Advisory Services

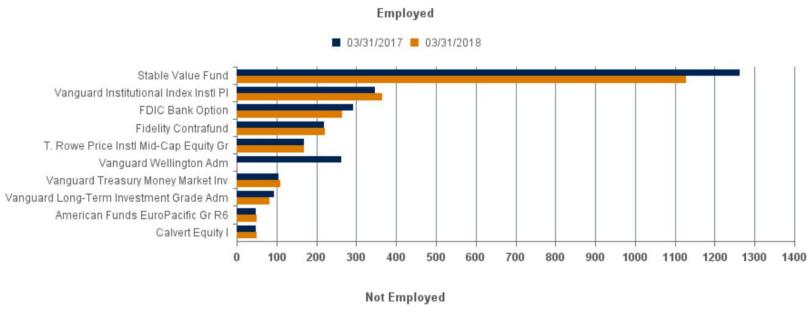
As of 03/31/2018

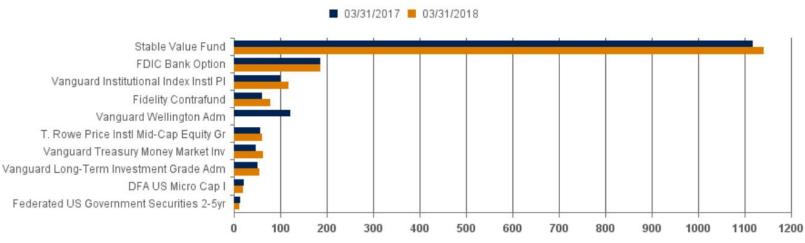
	1Q18
Participants with Advice	133
Participants with Managed Accounts	12,030
Total Participants With Balance in the Plan	62,387
Percentage using Managed Accounts	19.28%
Average Managed Account Balance	\$38,519.04
Average Age Managed Account Participant	45.14
Average Advice Balance	\$266,270.38
Average Age Advice	57.23
Managed Account Users by Gender	5,800 Female; 6,149 Male
Advice Users by Gender	57 Female; 81 Male
Managed Accounts Balance	\$463,384,052.24
Total Balance in Plan	\$5,018,199,737.76
Percentage of total balance in Managed Accounts	9.23%

If the plan allows for dollar deferrals, we cannot include those people that are contributing with dollar amounts that have an invalid salary (less than the deferral amount) when calculating an average contribution rate. The percentages may not reflect your plan's maximum deferral constraints.

Single Investment Holders - DIY

As of 03/31/2018

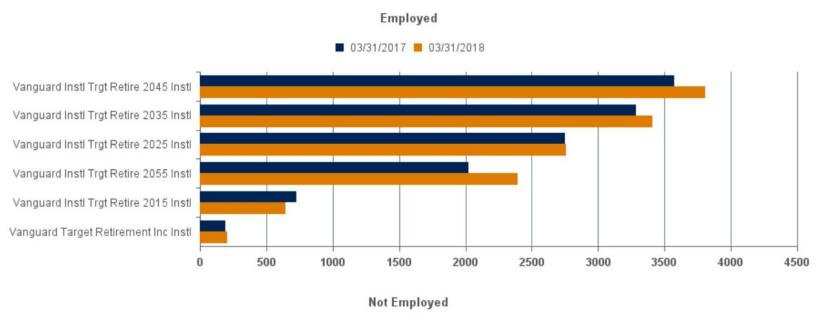


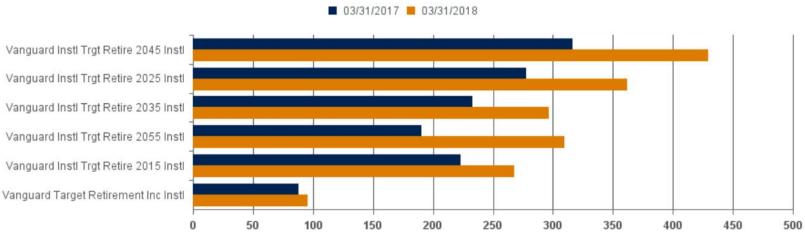




Single Investment Holders - TDF

As of 03/31/2018





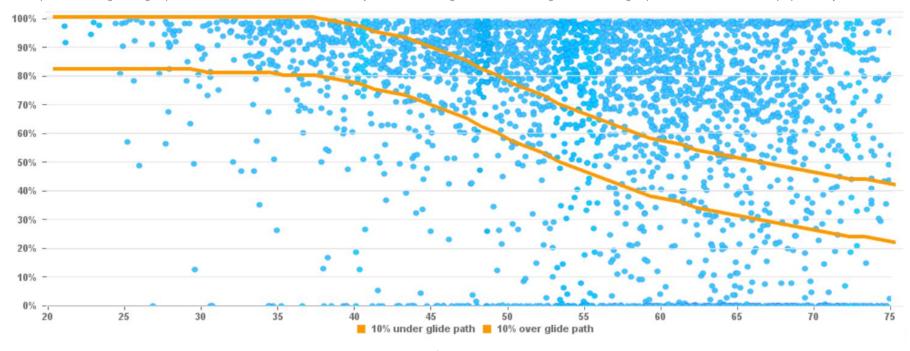


Equity Positions

As of 03/31/2018

Do-it-yourselfers equity positions vs. representative target date glidepath

The representative target date glidepath reflects an asset allocation derived in conjunction with Morningstar Investment Management LLC. The glidepath reflected is for illustrative purposes only.



Blue Circles: Percent in Equity

X-Axis: Age

To illustrate the scatter graph clearly, it has been limited to a maximum of 3,000 randomly Do-lt-Yourself investors and the scatter graph clearly, it has been limited to a maximum of 3,000 randomly Do-lt-Yourself investors and the scatter graph clearly, it has been limited to a maximum of 3,000 randomly Do-lt-Yourself investors are scattered by the scattered

Wisconsin Deferred Compensation Program | 98971-01

PT# 267822 (5/16)

For Plan Sponsor use only. Not for use with Participants.



QDRO & Hardship

DRO Distributions – 2018	Q1	Q2	Q3	Q4
Full Withdrawals	8			
Partial Withdrawals	7			
Periodic Payments	7			
DRO Distribution Totals	22			

Hardship Distributions – 2018	Q1	Q2	Q3	Q4
New applications received	33			
Applications pending	4			
Applications forwarded to ETF for review	0			
Approved	28			
Denied	1			
Pending	4			

The applications are tracked by the date they are received or processed.



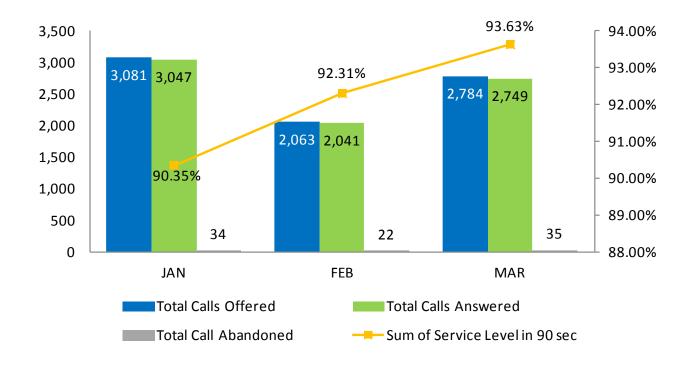
Revenue Sharing

			Average
Investment Option	Participants	Amount	Reimbursement
Federated US Government Securities 2-5yr	3,077	\$15,701.10	\$5.10
Fidelity Contrafund	19,047	\$443,861.54	\$23.30
Total	22,124	\$459,562.64	\$14.20

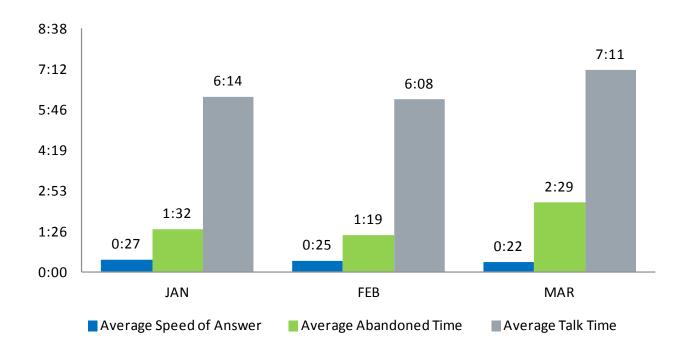


Website Activity		Plan Totals			
VVCDSILC ACTIVITY	10/1/2017 to		1/1/2018 to		
Category	Avg	Pct	Avg	Pct	
Inq Tran Hist	79,235	35.7%	77,891	33.8%	
Account And Certificates Overview	53,708	24.2%	54,845	23.8%	
Transaction Downloads	30,940	14.0%	28,441	12.3%	
Inq Per Rate Return	8,461	3.8%	8,737	3.8%	
Fund Overview And Prospectus	6,039	2.7%	5,942	2.6%	
Inq Bal History	5,350	2.4%	6,968	3.0%	
Inq Uval	3,959	1.8%	4,246	1.8%	
Inq Acct Bal	4,182	1.9%	6,064	2.6%	
Allocation And Asset Allocation	3,420	1.5%	3,910	1.7%	
Email Address	2,312	1.0%	1,329	0.6%	
Inq Bal Comparison	3,405	1.5%	4,934	2.1%	
Inq Dfrl	3,620	1.6%	4,160	1.8%	
Inq Funds Trnd	2,462	1.1%	3,229	1.4%	
Inq Fund Returns	2,676	1.2%	3,230	1.4%	
Inquire Address	1,878	0.8%	2,502	1.1%	
Disbursement Summary	1,431	0.6%	1,813	0.8%	
Inq Fund Overview	1,315	0.6%	1,850	0.8%	
Deferral	1,026	0.5%	1,407	0.6%	
Inq Bene	888	0.4%	1,432	0.6%	
Change Passcode	707	0.3%	1,091	0.5%	
Fund To Fund Trf	538	0.2%	779	0.3%	
Inq O/L Forms	593	0.3%	970	0.4%	
Indic Data	441	0.2%	476	0.2%	
Inq Fund Prospectus	498	0.2%	626	0.3%	
Inq Asset Alloc Comparison	355	0.2%	431	0.2%	
Registration	393	0.2%	775	0.3%	
Inq Rates	364	0.2%	532	0.2%	
Elec Filing Cabinet	277	0.1%	294	0.1%	
Allocation	288	0.1%	382	0.29	
Inq Asset Alloc	228	0.1%	239	0.1%	
Beneficiaries	171	0.1%	445	0.2%	
Address Change	141	0.1%	104	0.0%	
Rebalancer	127	0.1%	170	0.19	
Order Passcode	101	0.0%	179	0.1%	
Inq Managed Account-Ibbotson	99	0.0%	129	0.1%	
Trf To Sda	20	0.0%	25	0.09	
Trf From Sda	8	0.0%	14	0.09	
Inq Alloc	0	0.0%	2	0.09	
Inq Online Prospectus	0	0.0%	1	0.0%	
GRAND TOTAL	221,658	100.0%	230,594	100.09	
Avg Distinct Visitors Per Month	10,814		12,145		
Avg Number of Successful Logins Per Month	92,071		95,212		
Average # of Logins per Visitor	8.5		7.8		

Call Center and VRU Statistics



Call Center and VRU Statistics Continued



Disclosures

Core securities, when offered, are offered through GWFS Equities, Inc. and/or other broker dealers.

GWFS Equities, Inc., Member FINRA/SIPC, is a wholly owned subsidiary of Great-West Life & Annuity Insurance Company. Empower Retirement refers to the products and services offered in the retirement markets by Great-West Life & Annuity Insurance Company (GWL&A), Corporate Headquarters: Greenwood Village, CO; Great-West Life & Annuity Insurance Company of New York, Home Office: White Plains, NY; and their subsidiaries and affiliates. The trademarks, logos, service marks, and design elements used are owned by their respective owners and are used by permission.



Legislative and Regulatory Update

Governmental Defined Contribution Plans

Fifth Circuit Court rules to strike down DOL fiduciary rule

Background:

- Department of Labor's (DOL) fiduciary rule for investment advice would not apply to 457(b)
 plans since they are exempt from the Employee Retirement Income Security Act (ERISA).
- DOL's fiduciary rule would apply to governmental 457(b) and other non-ERISA plans and IRAs with respect to rollovers between non-ERISA plans and an ERISA plan or an IRA.
- On March 15, 2018, the U.S. Court of Appeals for the Fifth Circuit ruled that DOL fiduciary rule should be overturned in its entirety.
- It is anticipated that the effective date of the ruling will be May 7, 2018.
 - The DOL has 45 days to petition the Fifth Circuit for a rehearing.
 - If the DOL does not petition, the court's decision will be become effective seven days later.
 - The DOL could appeal to the Supreme Court within 90 days.
- Most analysts believe it is unlikely the DOL will contest the court decision given the Trump administration position on rolling back regulations.



Fifth Circuit Court rules to strike down DOL fiduciary rule

- The Fifth Circuit Court found:
 - The DOL exceeded its authority and failed to incorporate common-law principles of fiduciary relationships.
 - The DOL failed to distinguish sales communications from fiduciary advice.
 - —The Securities and Exchange Commission (SEC) was the proper agency to address these matters and that the DOL had infringed on the SEC's jurisdiction.
 - The fiduciary rule was an unreasonable regulation and an arbitrary and capricious exercise of administrative power.
- If the DOL does not appeal, a third party could attempt to intervene in the case.
 - The third party would have to convince the Fifth Circuit to allow the intervention.
 - If intervention were granted, the intervenor would face the same challenges as the DOL with respect to a rehearing request or an appeal.



Practical implications of ruling

- The court's ruling is not limited to the Fifth Circuit but applies across the nation.
- With respect to governmental plans, the expanded definition of "fiduciary activity" that would have included IRA accounts and rollover recommendations between plans and IRAs will no longer apply.
- There will be no best interest contract (BIC) exemption, and all amendments to other prohibited transaction exemptions will no longer apply.
- The DOL review of the fiduciary rule will in all likelihood cease as there would no longer be a rule to review.
- Congress could attempt to pass legislation codifying the fiduciary rule, but that's unlikely unless there is a change in administration and congressional control.



DOL five-part test reinstated

- If no action is taken to reverse the Fifth Circuit Court's decision, the definition of "investment advice for a fee" fiduciary for ERISA plans will revert to the five-part test from 1975.
- If the five-part test for defining an "investment advice for a fee" fiduciary issued in 1975 is reinstated effective May 7, 2018, a person would not rise to the level of a fiduciary unless the person is giving advice:
 - About the value or advisability of investing in securities or other property.
 - On a regular basis.
 - Pursuant to an agreement with the plan.
 - Individualized to the specific plan.
 - With the mutual understanding that such advice will serve as a primary basis for investment decisions.



SEC activity on fiduciary standard of care

- SEC has been working on its own fiduciary rule and will hold an open meeting on Wednesday, April 18, 2018 to discuss SEC's consideration of whether to propose:
 - New and amended rules to require registered investment advisers and registered broker/dealers to provide a relationship summary to retail investors.
 - A rule to establish a standard of conduct for broker/dealers and natural persons who are associated persons of a broker/dealer when making a recommendation of any securities transaction or investment strategy involving securities to a retail customer.
 - An SEC interpretation of the standard of conduct for investment advisers.
- The DOL and SEC are expected to attempt to work together on their respective requirements for investment advice fiduciaries.
- Whether the SEC and DOL will be able to agree on a true uniform standard across all types of advisers and brokers, and how it will impact governmental plans, is still unclear.



State activity on fiduciary standard of care

- A number of states have introduced legislation or passed their own statutes governing the fiduciary standards of care that would apply to investment advice fiduciaries.
- State actions would most likely apply to IRAs, governmental plans and other non-ERISA plans since state laws impacting non-ERISA retirement plans are not preempted by ERISA.
- States that have taken some action include but are not limited to:
 - Nevada, Connecticut, Maryland, New York, New Jersey, and Massachusetts



Disclosures

Great-West Financial®, Empower Retirement and Great-West Investments™ are the marketing names of Great-West Life & Annuity Insurance Company, Corporate Headquarters: Greenwood Village, CO; Great-West Life & Annuity Insurance Company of New York, Home Office: New York, NY, and their subsidiaries and affiliates, including registered investment advisers Advised Assets Group, LLC and Great-West Capital Management, LLC.

GWFS Equities, Inc. registered representatives may also be investment adviser representatives of GWFS affiliate, Advised Assets Group, LLC. Representatives do not offer or provide investment, fiduciary, financial, legal or tax advice or act in a fiduciary capacity for any client unless explicitly described in writing.

This material has been prepared for informational and educational purposes only. It is not intended to provide, and should not be relied upon for, investment, accounting, legal or tax advice.

The research, views and opinions contained in these materials are intended to be educational, may not be suitable for all investors and are not tax, legal, accounting or investment advice. Readers are advised to seek their own tax, legal, accounting and investment advice from competent professionals. Information contained herein is believed to be accurate at the time of publication; however, it may be impacted by changes in the tax, legal, regulatory or investing environment.

AM461020 0418



