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## *Correspondence Memorandum*

**Date:** August 2, 2023

**To:** Deferred Compensation Board

**From:** Shelly Schueller, Director  
 Wisconsin Deferred Compensation Program

Dan Hayes, Attorney  
 Office of Legal Services

**Subject:** Fiduciary Responsibilities Review

**This memo is for informational purposes only. No Board action is required.**

In 2018, at the Deferred Compensation Board’s (Board’s) request, staff initiated an annual review of the Board’s fiduciary responsibilities for the Wisconsin Deferred Compensation Program (WDC). The attached document has been updated for 2023 and provides selected examples of these requirements. The list of examples was developed based on a review of applicable sections of the Federal Internal Revenue Code, Wisconsin State Statutes, Wisconsin Administrative Code, the WDC Plan and Trust document, the Board’s Investment Policy Statement and information contained in the Board’s Governance Manual. It also includes items suggested as best practices by the National Association of Government Defined Contribution Administrators.

For 2023, ETF reviewed and updated the attached document through the course of actions listed below:

- 3: ETF’s Chief Legal Counsel presented “[Current Developments in Fiduciary Litigation](#)” as part of the December 2022 Board meeting.
- 7b: The Board is expected to review total cost of the WDC (administration and investment expenses) as part of the December 2023 Board meeting.
- 7c: An electronic participant survey was completed during the summer of 2023.
- 10: The Board is expected to begin reviewing proposed changes to the Plan and Trust document to conform with the federal SECURE 2.0 Act at the remaining meetings in 2023.
- 13: The Investment Policy Statement will be reviewed at the September 2023 Board meeting.

*Matt Stohr*

Reviewed and approved by Matt Stohr, Administrator, Division of Retirement Services  
 Electronically Signed 08/15/2023

Board	Mtg Date	Item #
DC	09.07.23	4

## Fiduciary Responsibilities Review

August 2, 2023

Page 2

- 14: A design review of the WDC's investment option lineup is expected to be presented at the Board's December 2023 meeting.
- 38: WDC participants received notice during the first quarter of 2023 regarding addition of the "tens" series of Vanguard Target Date Retirement options.

Fiduciary training is an important part of new Board members' orientation to the WDC; this training is also periodically conducted at meetings. As indicated in the attachment the entire Board last received formal fiduciary training at the June 2017 meeting. ETF anticipates that fiduciary training will be included on the Board agenda in 2024.

In April 2023, the Board independently completed public records law basic training.

Fiduciary responsibility resources in the Governance Manual include:

- [Ethics and Fiduciary Duty: Who is a Fiduciary?](#)
- [Attorney General Opinion \(OAG-2-06\) on Board Member Liability](#)
- [Fiduciary Duty Overview](#)

The Governance Manual is regularly updated and is accessible at <https://etf.wi.gov/boards/governance-manual/gm-table-contents/download?inline=>

Staff will be at the Board meeting to answer any questions.

Attachment A: [Selected Examples of WDC Fiduciary Responsibilities \(Fall 2023\)](#)