



June 3, 2020 MA Office Hours & Hot Topics

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**What are best practices for office environments
re-opening?**



Re-opening



Continue to work remote where possible



Phases with set target dates



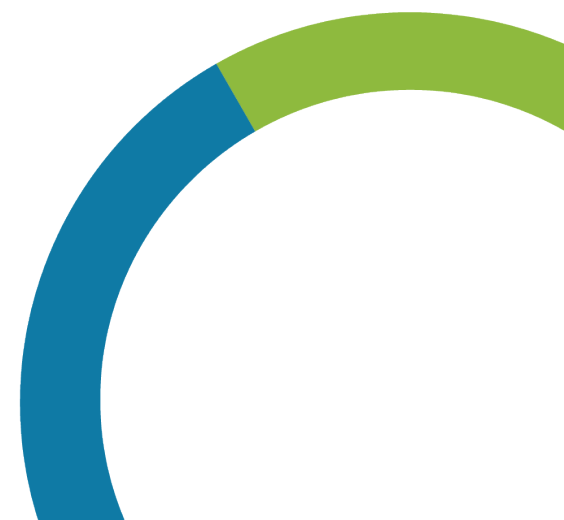
Staggering (MWF/Tu Th, every other week)



Communication and collaboration



Prepare employees that things will look different...





What are best practices for ensuring employees' self-certification for being symptom-free?



Symptom Check Best Practices


Self-check (at home)

- Daily attestation
 - Considered a confidential, medical record
- Overall acknowledgement of protocols

Employer temperature check

- Daily
- Trained designee
- Remote scanners
- Privacy
- Confidentiality

Must be applied consistently for all employees



With businesses reopening and summer camps being closed, how can an employer handle leave requests to care for their children?





Schools Out for Summer

- FFCRA Leave Requests
- Does extend for camp and summer program closures (Phase 2 reopening?)
- Telework/Intermittent usage
- Prepare for staffing changes on the fly



**What do we do about employees that are refusing
to return to work?**

Refusal to Return



Competing with Unemployment

Remind employee of eligibility requirements

Benefits

Cost of COBRA

Seniority

Market conditions



PPP Impact

Refusal to return to work will not impact headcount:

- Offer must be the 'same' and denial in writing
- **Employer must notify unemployment office within 30 days**



Dealing with Anxious Employees



Talk up what you're doing to keep the workplace safe



Remind them that we're continuously adapting and open to suggestions



Allow them to wear extra PPE or take extra precautions



Remind them that if they don't have special circumstances, fear is not a sufficient reason to not work



Reasonable Accommodation Considerations

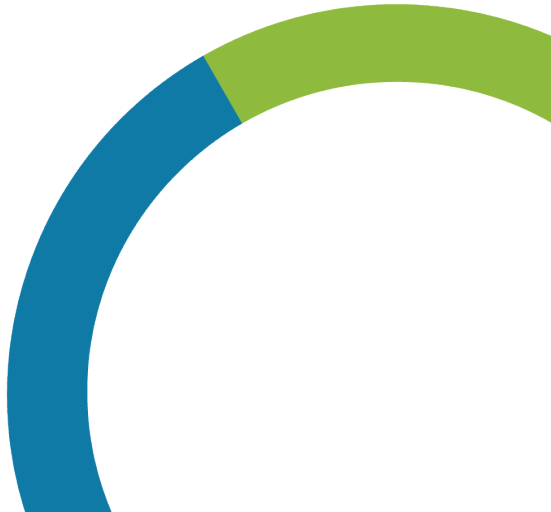
Recalling an employee last

Providing unpaid leave

Allowing them to work from home

Allowing/providing additional PPE

Additional hygiene and cleaning breaks





**Can we require an employee to self-quarantine if
they traveled for vacation?**

Employees Traveling Out of State

(Even to other New England states)

IN MA, ALL TRAVELERS ARE INSTRUCTED TO
SELF-QUARANTINE FOR 14 DAYS

EMPLOYER HAS THE RIGHT TO ENFORCE THIS

CAN REQUIRE USE OF VACATION OR PTO FOR THIS
TIME IF THE EMPLOYEE IS UNABLE TO WORK REMOTE



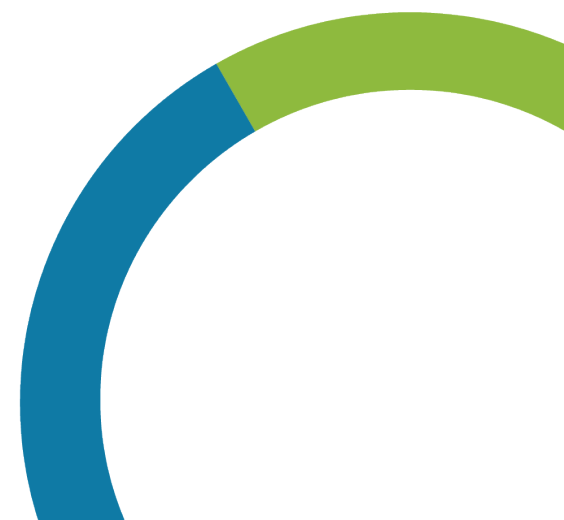
Is the COVID-19 antibody test covered by insurance?





Don't Assume!

- Check with your OneDigital Consultant or the Insurance Carrier.
 - Each insurance carrier is taking a different stance
 - Is it Medically Necessary?
 - Are the tests accurate?
 - Antibody Test Cost is approximately \$110 - \$150





What OTC items are now eligible under the FSA? Is this change in effect thru 12/31/20?

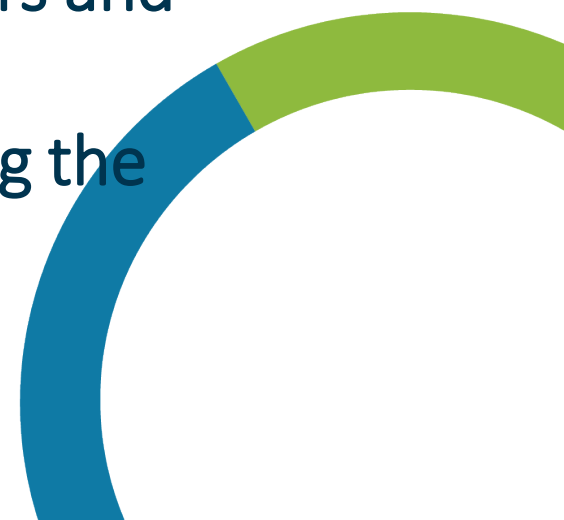




In the CARES ACT...

Congress repealed the ACA's exclusion for non-prescription drugs. FSAs, HSAs, and HRA can now reimburse employees for expenses incurred for over-the-counter medications, effective 1/1/20. Code Section 106(f) was further amended to provide:

- ✓ Menstrual care products
- ✓ Non-Prescriptions antacids, allergy medicines, pain relievers and cold medicines
- ✓ There is no listed expiration date on the provision, meaning the change is likely permanent for now.





What are the new COBRA changes?





Extended Time Periods to Elect & Remit Payment for COBRA Coverage

- The COVID-19 “outbreak period”
 - Outbreak period began on March 1, 2020
 - Outbreak period ends 60 days following the date the COVID-19 national state of emergency is declared to have ended (has not yet ended)
- Employers must disregard statutory deadlines during the outbreak period
 - 60-Day election period
 - 45-day payment period
 - 14-day deadline for plan administrators to furnish COBRA election notices
 - 60-day deadline for individuals to notify the plan of a determination of disability
 - 30-day COBRA premium remittance grace periods



What are the new Section 125 changes?





Mid-Year Election Changes for Group Health Plans

Effective Through
December 31, 2020

Optional - Employers may, but are not required to, permit any of the following prospective elections.

- Make a new election if initially declined coverage
- Revoke existing election and make new election to enroll in different coverage with the same employer
- Revoke existing election with written attestation that the employee is enrolled or will enroll in other health coverage not sponsored by employer.



Mid-Year Election Changes for Flexible Spending Accounts

Effective Through
December 31, 2020

Optional - Employers may, but are not required to, permit any of the following prospective elections

- Revoke election, make an election, or decrease or increase existing election for FSAs and DCAPs
- Mid-year elections/changes are prospective only
- Elections that will result in underfunding an account can be disallowed
- Plans that previously permitted mid-year election changes enjoy retroactive relief back to January 1, 2020




Approach to Mid-Year Changes

Health Plan Changes

- Low demand from employees
- Mid-year changes can create liability for a plan as it may allow a potential high claimant to join the plan
- Allowing changes between plans will change the funding/budget model. If most changes result in employees moving to a lower cost option, this may result in underfunding of plan
- Requires amendments to plan documents and employee communication

Flexible Spending Accounts

- High demand from employees
 - Employer liability is preventable (disallow underfunded elections)
 - TPA's are amending plan documents (in many cases automatically)
- 



Extended Grace Period for FSA and DCAP

- Optional, not required
- Allow unused funds remaining at the end of the grace period, or plan year ending in 2020, to reimburse qualified expenses through December 31, 2020
- Relief does not apply to plans that did not have a grace period in place for the 2019 plan year



Thank You!

