

September 15, 2020

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HRMORNING

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With **HRMorning** arriving in your inbox, you will never miss critical stories on labor laws, benefits, retention and onboarding strategies.

HRMorning, part of the Catalyst Media Network, provides the latest HR and benefits and employment law news for HR professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines, **HRMorning** delivers actionable insights, helping HR execs understand what HR trends mean to their business.

How COVID-19 impacts 2021 benefits: Help for employers

■ Top compliance challenges to prepare for now

While still in the midst of the coronavirus pandemic, benefits pros still need to look ahead to determine what's next.

To help, healthcare leader Mercer has unveiled its annual list of the top compliance issues employers should consider when putting together their benefits packages for the upcoming plan year.

Top 2021 compliance issues

Here are the key focus areas of Mercer's "Top 10 compliance issues for health and leave benefits in 2021," as well as its recommendations for employers:

1. COVID-19 issues for health plans: Employers should review their group health plans for COVID-19 coverage, specifically testing, treatment and future vaccines. Employers might expand employee assistance programs to add COVID-19 testing services but discontinue services once the emergency period ends.

Consider stand-alone benefit options, such as telehealth, for employees ineligible for group coverage. The Coronavirus Aid, Relief and Economic Security (CARES) Act allows HDHPs to cover telehealth services on a predeductible

(Please turn to 2021 benefits ... Page 2)

SUBJECT HEDXXX

New court ruling may impact FFCRA emergency leave

Employers need to brace for possible changes to the feds' emergency paid leave regs: Some key aspects of the Families First Coronavirus Response Act (FFCRA) have been struck down in federal court.

In March, the New York Attorney General sued the DOL over some of the department's restrictions to paid sick and emergency family leave. The suit said the DOL overstepped its authority by denying various groups of workers' eligibility for paid leave.

The FFCRA, which expires on Dec. 31, 2020, provides employees with both emergency paid sick leave and paid FMLA leave.

The Aug. 3 ruling's struck-down

requirements include:

- the work-availability requirement allowing employers to deny leave if there's no work
- employer consent for intermittent leave, and
- documentation provided by employees giving reasons for leave.

Impact on employers

It's expected this new ruling will be appealed. However, it now creates uncertainty for employers. It's likely the DOL will offer guidance on this ruling, particularly on whether certain workers are owed leave dating back to the FFCRA's Apr. 1 effective date.

Info: tinyurl.com/FFCRA611

2021 benefits ...

(continued from Page 1)

basis, which won't jeopardize HSA eligibility. Also, review administration of delayed COBRA premium payments, which are due 60 days after the national emergency ends.

2. Paid leave: Evaluate processes for integrating COVID-19 paid leave requirements under the FFCRA and state paid leave mandates with existing benefit plans, then revise plans as needed to comply. Watch closely for state legislation for new or expanded leave mandates and programs that may stretch into 2021.

3. Prescription drug costs: Review new payment model and plan designs aimed at lowering plan costs for specialty medications to ensure compliance.

Watch for a Supreme Court case in the fall that will review whether ERISA pre-empts a state law regulating how pharmacy benefit managers set rates for certain generic prescriptions. Also, track FDA activities and states' efforts to import

certain medications from Canada that meet its standards.

4. Transparency rules: Review the final transparency rule for hospitals: They must publicly display negotiated charges on their websites as of Jan. 1, 2020. Explore new opportunities to directly contract rates with individual hospitals. Also, prepare to comply with the transparency rule for group health plans that will probably take effect sometime in 2022. Ask your provider if it will supply the disclosure.

5. HIPAA issues: Assess how healthcare changes due to the pandemic will change privacy concerns for group health plans. Wellness and transparency tools and mobile apps may implicate HIPAA and other laws. With expanded use of telehealth, expect updated HIPAA rules in 2021.

6. HSA, HRA and FSA plans: For 2021, ensure administrative practices comply with optional or required COVID-19 relief rules. The CARES Act now allows additional nonprescription items to be purchased with HSA, HRA and FSA funds.

Monitor pending COVID-19 relief legislation that could enhance HSAs or provide greater FSA flexibility for 2021.

7. Preventive services: Confirm non-grandfathered health plans cover ACA-required in-network preventive services without any deductible or copay. Also, monitor development of COVID-19 preventive services or vaccines, which non-grandfathered health plans must cover without cost sharing. Plans must cover these preventive items within 15 days after they're recommended by the CDC.

8. ACA concerns: While the ACA is being challenged in court, employers need to monitor developments, as the outcome will likely have implications for group health plans. Self-funded employers will need to continue to calculate and pay the PCORI fee, which remains in effect until 2029.

Info: tinyurl.com/2021Mercer611

SHARPEN YOUR BENEFITS JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ Fired after asking for more FMLA leave: Is firm liable?

Company Attorney Jim Gannon walked into Benefits Manager Betty Murphy's office and said, "We need to talk."

"Sure. What's up, Jim?" Betty asked.

"It's about Paul Drake. He just filed an ADA lawsuit against us," said Jim.

"You're kidding me," Betty said. "He's got no case."

"I agree, Betty. He took FMLA leave for knee surgery. He told us his expected recovery time was around 16 weeks. But then he requested an additional four weeks," Jim said.

'Can't keep job open forever'

"Yes. He said he couldn't give us any indication of a return date. His manager tried a number of times to get him to give us a return date, but he was uncooperative.

"We've given additional time to other employees when they needed it, but they gave us some indication of return dates. He didn't," said Betty.

"Yes, it seems to me Paul was being unreasonable. Tell me what happened next," said Jim.

"Well, that's why we had to say to him, 'Sorry, we can't keep your position open forever. We're going to have to let you go,'" Betty said.

Paul sued the company under the ADA for failing to accommodate his disability.

The company tried to get the case dismissed based on the fact that it was an undue hardship.

Did Betty's company win?

■ *Make your decision, then please turn to Page 6 for the court's ruling.*

HRMORNING'S

What's New in **BENEFITS & COMPENSATION**

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Firms rate their health insurers for quality, value: How did yours fare?

Are most employers satisfied with their health plans? The short answer: not so much.

When employers were asked to grade their health plan overall – from A to F – most gave their plans a C, according to a recent healthcare watchdog Leapfrog survey.

“The survey should serve as a wake-up call ... Health plans need to be more responsive to employer demands for improvements in health care,” says Leapfrog President Leah Binder.

Leapfrog asked small and large employers to rate their experiences with Aetna, Cigna, UnitedHealthCare (UHC) and Blue Cross Blue Shield (BCBS) plans (including Anthem), in four critical areas:

- responsiveness to employer and employee concerns
- transparency in choosing best providers
- payment reform initiatives, and
- willingness to prioritize value.

Overall, Cigna got the highest marks on value. Aetna had the highest

scores for quality of care. UHC had the lowest rating overall.

Key findings

Some key findings from employers:

- **Responsiveness:** Nearly six out of 10 (58%) said their insurer puts their needs first, with Cigna getting the highest rating (71%).
- **Unnecessary costs:** About half (52%) feel their plan helps them reduce costs (Cigna rated highest at 58%, UHC lowest at 43%).
- **Improving health:** Cigna rated highest (73%) for prioritizing employee health, while UHC and BCBS both rated lowest at 52%.

As firms demand results for their investments and stand for quality of care in the health of their employees, they expect their health plan to stand with them, said the survey.

This is the second recent survey to reveal employer dissatisfaction with insurers. A JD Power survey showed low employer satisfaction, even during the pandemic.

Info: tinyurl.com/insurers611

\$ THE COST OF NONCOMPLIANCE

This regular feature highlights recent case settlements, court awards and fines against companies. It serves as a reminder to keep benefits policies in order.

■ Construction firm nailed with \$3.2M back wages judgment

An Arizona drywall firm violated overtime and recordkeeping rules in paying piece rate workers.

What happened: The U.S. District Court of Arizona found Phoenix-based Stratis Construction and owner, Stratis Matheos, paid piece rate employees the same rate regardless of hours worked, resulting in overtime violations. Stratis also failed to record hours worked, an FLSA recordkeeping violation.

Result: The court ordered Stratis and its owner to pay \$1,500,000 in back wages and an equal amount in liquidated damages to 1,039 current and former employees and \$200,000 in civil penalties due to the willful nature of the violations.

Info: tinyurl.com/drywall611

■ Trucking firm will deliver \$6.5M for misclassifying workers

After spending five years fighting two employee misclassification lawsuits, a trucking company agreed to settle.

What happened: A class of 40,000 truck drivers alleged Springfield, MO-based New Prime misclassified them as independent contractors and failed to pay them for classroom time and driving time, both when classified as employees and as independent contractors. The company also failed to pay drivers for overtime, violating FLSA and state minimum wage laws.

Result: Anyone who attended Prime’s driver training and/or drove for Prime as an employee or contractor during the covered period may receive at least \$100. The \$6.5 million settlement, covering two separate suits, still needs final court approval.

Info: tinyurl.com/settlement611

Are you prioritizing employee mental health right now?

Employee mental health (during pandemic)

How firms provide support

Do employees still feel productive?

Less productive 39%

More productive 24%

Neither more or less productive 13%

What emotional support resources firms are offering

Flexible scheduling 28%

Regular advice about working remotely 23%

Behavioral counseling (virtual therapy, mindfulness apps, etc.) 21%

Increased paid time off or sick leave 14%

Adjusted employee goals/metrics 13%

Virtual social events (coffee breaks, Friday happy hours, etc.) 11%

Source: Clutch

The pandemic’s taken a toll on employee productivity. That’s why more than half of all firms (57%) are offering workers some form of emotional support.

Time for 401(k) plan review: Doing it now will lead to cost savings later

With the DOL’s long-awaited fiduciary rule expected this year, as well as the CARES Act making key changes to retirement plans, it’s important to reassess that your fiduciary requirements are met.

401(k) plan priorities

Here are steps you can take to reduce costs and avoid liability:

1. Review plan docs. After the pandemic, it’s key to check that your plan still supports the best interests of the firm – as it exists today – and its staff.

Plan docs also need to be amended to reflect the CARES Act rules, allowing workers to take a hardship withdrawal of up to \$100,000 (previously \$50,000) without penalty. Also, loan repayments due between Mar. 27 and Dec. 31, 2020 are suspended for a year.

2. Identify mistakes. Administrative mistakes are less costly to fix if you find them before the feds do. The DOL often finds the following errors:

- failure to timely enroll eligible employees

- incorrect employee hours or years of service, and
- failure to provide employees with necessary notices.

3. Monitor fees. Review your fees, so you know exactly how much you and your staffers are paying for services. Every three years, compare providers to ensure fees are affordable, since many firms are getting sued over excessively high 401(k) fees.

The recent Supreme Court ruling against Intel Corp., alleging the firm breached its fiduciary duties and “over-invested” in alternative investments that carried high fees, is significant.

It means more lawsuits challenging the Employee Retirement Income Security Act (ERISA) can be brought forward, since there’s now a three-year statute of limitations.

4. Check fiduciary responsibilities. To ensure proper oversight, review all service provider agreements and fees and make sure all service providers have copies of plan documents.

Info: tinyurl.com/401check611

Messaging’s never more critical than in a crisis

HR pros face an incredibly tough assignment – adjusting to a massive health crisis and helping employees navigate diversity, wage fairness, inclusion and social justice issues, as highlighted by the Black Lives Matter and #MeToo movements.

Here are three tips to help optimize your messaging:

1. Expand your digital reach

It’s time to invest and finish transitioning to digital-first benefits communication via an intranet or portal.

Remote work and all of its challenges make it imperative to reach your teams immediately and consistently, as well as be able to confirm they’ve received and responded to your communications.

2. Ensure you can hear them

As you design and implement your digital benefits platform, prioritize two-way communications.

You may have already moved past twice-a-year performance reviews, but it goes beyond that. Employees need to know they’re connected. Show you’re listening and make sure to respond to their concerns.

3. Cut the clutter

Emails are quick, cheap and easy to abuse. Evaluate every message to be sure information you share is relevant to everyone who receives it.

That means thinking carefully about who needs to see every message and which messages are critical to specific targets but will only be noise to others. Think about how to ensure benefits information gets the attention it requires.

Bottom line: Investing the time and money needed to improve communications is no longer optional and will pay off long after the current crisis is past.

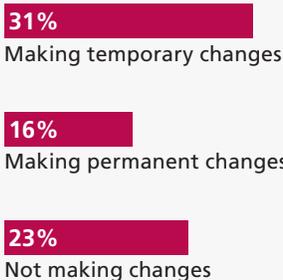
Info: tinyurl.com/crisis611

How are you accommodating employees with children?

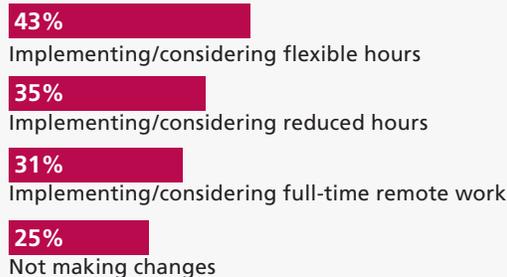
Company childcare policies

Are you changing them now due to COVID-19?

Firms with policies



Firms with no policies



Source: SHRM

Before choosing any one childcare solution, it’s best to find out exactly what your own employees need – financial help, flexible hours or something else.

WHAT WORKED FOR OTHER COMPANIES

Our readers come from a broad range of companies, both large and small. In this regular section, three of them share success stories you can adapt to fit your needs.

1 Re-engaged with our team during pandemic

As the lines between at-work and at-home lives blurred during the pandemic, we prioritized meeting employee needs.

We've followed these three steps since the beginning: Plan for the transition, safely re-engage with our teams and progress with purpose. As the situation evolved, we've updated our plan to accommodate employees.

Our "Remotians" business resource group (our remote employees) is making itself available via office hours

to provide expertise for our colleagues who are navigating working from home for the first time.

Virtual check-ins

In addition, senior leaders have been conducting virtual check-ins with their teams more regularly to ensure all is well. Employee engagement is more important than ever and the emotional impact of this pandemic can't be overlooked.

We've broadened our reimbursement policy to include wellness apps and home office equipment. Plus,

we make sure to incorporate virtual happy hours and wellness activities such as yoga, and we continue to explore ways to enhance our mental health benefits and engagement programs to address this new reality.

We've encouraged employees to share best practices for working remotely and lean on each other's experiences so we can all come together as one company – even if that can't be in person yet.

(Naveen Bhateja, EVP, Chief People Officer, Medidata, a Dassault Systèmes company, New York)

**REAL
PROBLEMS
REAL
SOLUTIONS**

2 Remote staff no longer drowning in email

Our whole team was frustrated because we were using multiple tools and drowning in email. We knew we needed to make a change.

We're a remote company that offers a suite of tools that helps consumer brands effectively reach their customers via social media.

We were in need of a platform that would allow us to be inclusive across time zones and help save time on tasks. While Slack was useful for

remote messaging, it became too cumbersome for thoughtful decision making.

More in-depth conversations

The team felt the pain of siloed conversations. We needed a way to have more in-depth conversations and easily make decisions, as well as have a place where longer-form communication could live.

We sat down and put together a list of "dealbreakers" for what we wanted in our next tool. We were looking for

searchable discussions, a do-not-disturb function and the ability to create a "to do" list.

While researching on social media, we read about Threads, a work collaboration platform, and were able to get our whole team on it in less than five days. We've cut the number of emails sent during an average workweek by 50%, and email no longer feels like a never-ending black hole.

(Courtney Seiter, Director of People, Buffer, Nashville, TN)

3 Student interns adapted to a virtual format

This year the internships had to make an abrupt pivot to a virtual format due to the coronavirus.

Our Student Leaders internship program has been part of our ongoing commitment to youth employment and economic mobility since 2004.

Preparing a diverse pipeline of community-minded young students with the leadership training they need to be successful in the workforce is vital to our approach to responsible

growth and helps to build thriving communities.

Ensuring student engagement in the program throughout the six weeks became a top priority. They collaborated in teams to explore the vital role that nonprofits play in advancing community health, social change and economic prosperity.

Learned about financial wellness

We connected high school students to employment, skills development and service opportunities with a focus on civic engagement, mentoring and

building financial know-how. They were able to serve at area nonprofits and learned about their personal finances through our financial wellness and education platform. As part of their Student Leaders experience, students received a \$5,000 stipend.

Now more than ever, we remain committed to supporting young adults of all backgrounds by connecting them to jobs, skills-building and leadership development.

(Fabiola Brumley, Vice Chairman, Business Banking, Bank of America, West Palm Beach, FL)

CORONAVIRUS COMPLIANCE

Enforcing a mandatory mask policy

While California has ordered the use of masks in all workplaces, employers in other states are sorting through a patchwork of mask mandates as they reopen their workplaces. Still, all firms might find CA’s new guidance for implementing mask and other safe return-to-work policies, “COVID-19 Employer Handbook” (tinyurl.com/CAMasks611), useful as they write their own company policies.

Federal, state guidelines

The feds have issued guidance on mask wearing in the workplace to prevent COVID-19, including:

- **EEOC:** Firms may require workers to wear masks, according to the agency’s guidance (tinyurl.com/EEOC611). However, if an employee with a disability requests an accommodation under the ADA, firms must engage them in the interactive process.
- **CDC:** The agency’s guidance (tinyurl.com/CDCmask611) recommends workers wear a mask where social distancing measures are hard to maintain.
- **OSHA:** Employers have a general duty to provide a safe

workplace, which is why the agency recommends employers encourage workers to wear masks in its online guidance (tinyurl.com/OSHA611).

For state mask requirements, law firm Littler maintains a tracker (tinyurl.com/statemasks611) that lists more than 40 states.

It’s ultimately up to the firm to require masks and enforce its own rules. However, all firms need to comply with federal, local and state guidelines.

Setting policy

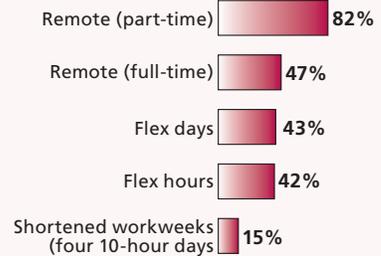
To set a company mask-wearing policy, here are some best practices:

Set a clear policy. Establish mask wearing as part of a company dress code so that there’s no confusion about it. To enforce it, firms might purchase cloth masks for each employee imprinted with the company logo.

Communicate the policy. HR can’t overcommunicate when it comes to mask policies, says Audemars Piguet HR Manager Melissa Peavey. She recommends hosting a video call to explain the policy, then sending written guidelines asking workers to sign off on the policy.

WHAT BENEFITS EXECS SAID

Remote work (post pandemic) What’s your long-term plan?



Source: Gartner

The question now facing many firms is how to manage a more complex “hybrid workforce” in which some workers are on-site while others work from home. More frequent employee check-ins is key.

(Each issue of WNB&C contains a current survey to give benefits officers insight into what their peers nationwide are thinking and doing.)

Get managers involved. Ask them to calmly correct those not wearing a mask or wearing one incorrectly. HR also might ask workers to “gently remind” co-workers as well, says Peavey.

Take action. If an employee refuses to wear a mask, “send them home or discipline them,” says Expert Human Resources President Vanessa Nelson. “Make sure you’re not being discriminatory, but do the job you need to do.”

Info: tinyurl.com/masks611

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

No, the company lost.

The employee’s attorney argued that because he’d had knee surgery that rendered him disabled, the company had a responsibility to accommodate that disability under the ADA. And granting him an additional leave of absence until he was released to work without restrictions would’ve satisfied that accommodation, the attorney added.

But the company said it had no obligation to accommodate the employee with unpaid leave in excess of the 16 weeks. It was unreasonable “because he was unable to provide any assurance as to the end date of his leave,” said the firm.

However, an accommodation that fails to guarantee a return-to-work date isn’t “unreasonable,” said the court.

As long as the extended leave doesn’t pose “an undue hardship” on the firm, it needs to grant the accommodation.

Unfortunately, the firm was unable to show proof that the accommodation would’ve been an undue hardship.

Analysis: Keep proof of ‘undue hardship’

Employers are certainly aware that automatically terminating an employee after they exhaust FMLA leave is a dangerous strategy and could trigger an ADA suit.

The key is having documented proof of the impact of an employee’s continued absence on your business that would create an “undue hardship” (significant losses in productivity, lost sales, increased burden to find replacement staff, etc.).

Cite: *Kachur v. NAV-LVH, dba Westgate Las Vegas Resort & Casino*, No. 19-16251, U.S. Ct. of Appeals, 9th Circuit Nevada, 6/8/20. Note: Dramatized for effect.

Rebranding our benefits as a total compensation package paid off

■ Guided employees to better healthcare decisions

Our benefits programs are some of the most valuable parts of our team members' total compensation package.

So, it's important our benefits communication reflects this. It also has to match our high-quality, high-profile corporate brand that attracts so many of our employees in the first place.

We needed a strategically developed benefits brand to form the foundation for long-term employee engagement. That meant helping employees understand and appreciate our benefits offerings and make better decisions for their own medical and well-being needs.

Total rewards

Working with our vendor, we developed a new brand to promote our total rewards concept.

We created various categories, grouping benefits into Health, Wellness, Retirement and Perks.

A key objective of the brand was to make it about our team members. We put them at the heart of the brand, using real-life employee images and quotes to help make the benefits even more relatable.

Keeping message clear

After the hard work of developing the brand and laying the groundwork, we rolled it out, starting with the always critical open enrollment process.

As we introduced the new brand, we created and shared new open enrollment material.

We focused a lot of effort on breaking down complex medical jargon, using different employee scenarios to illustrate concepts and terms and tying them to our offerings.

In addition to all the detail about available options, we knew our employees needed ongoing guidance and reminders.

Our new communications platform included clear signposts highlighting the tools and resources available to help them manage their well-being throughout the year.

And we built a framework to automate our messaging schedule to be sure everyone got reminders and alerts in plenty of time to take any required action or make any benefit changes.

Case Study:

WHAT WORKED, WHAT DIDN'T

Making the right choices

At the time we rolled out the new benefits brand and communication strategy, we had a big group enrolled in our HMO or exclusive provider organization (EPO).

We wanted to help educate them about the options and choices available with our high

We rolled it out during open enrollment.

deductible health plan (HDHP) and determine whether it would make sense for their specific situations.

We believed it was the most financially beneficial choice for most of our team members.

Our strategy has paid off, with many employees deciding the HDHP was the right choice for them and their families.

(Ryan Ward, VP of HR, Penske Corp., Bloomfield Hills, MI)

TEST YOUR KNOWLEDGE

■ PTO sharing: Generous perk, but how do you implement?

Unused PTO is becoming a problem as the pandemic grinds on.

One solution that can work for employers and employees is donating unused time to a colleague or charity. But there are tax and other issues employers might not realize.

Test your knowledge: Decide whether the following statements are *True* or *False*. Then check your responses against the answers below.

1. All PTO donations are treated as W-2 compensation and subject to employment taxes.
2. Employees can donate PTO to help co-workers dealing with family or medical emergencies.
3. The amount of leave someone receives is always equal to the number of hours donated to them.

ANSWERS

1. **False.** Employers can structure their leave donation programs to shield participating employees from unpleasant tax surprises. IRS requirements and state rules differ, so consult with an expert.
2. **True.** But an employee who receives the donated PTO must fill out forms detailing their medical emergency and have used up other sources in order to qualify for donations. For a COVID-19-related situation, for example, they'd have to use up the regular PTO and paid leave available under the Families First Coronavirus Response Act.
3. **False.** The hours are adjusted for different pay rates. If an employee who makes \$20 per hour donates PTO to someone making \$10 an hour, the number of PTO hours doubles.
- Info:** tinyurl.com/donatePTO611

■ Answers to the quiz

CDC changes quarantine rules: Update your policies?

People with mild COVID-19 symptoms can come out of home isolation after 10 days, the Centers for Disease Control and Prevention (CDC) now says.

Previously, the CDC recommended a 14-day timeline for those who tested positive for the coronavirus. This change may drive employers to revisit their return-to-work policies.

The recommendation of 10 days is specifically for those who test positive for COVID-19 and have been asked to self-isolate. It doesn't apply to people who were exposed to the virus but do not yet have symptoms. That timeline is still 14 days, says the CDC.

Info: tinyurl.com/isolation611

New platform promotes team building, wellness

Now there's a way to virtually engage your employees.

LuluFit LIVE is a new platform that offers a range of private events firms can host, like yoga nights and trivia nights.

The platform also has fitness, mindfulness and nutrition livestreams in addition to game nights, candle making classes and other social events.

With a company membership, each employee has unlimited access to classes and events.

Info: lulafit.com/virtual-services

Fined! Firm failed to post FFCRA notice, denied leave

Here's a reminder for employers that may be hit with leave requests, as more schools abandon plans to reopen: A Florida employer was fined \$4,352 for denying paid sick leave to an employee who requested time off to care for their child whose school closed due to the pandemic.

Martinez Truss Co. denied the worker's request for 80 hours of emergency paid sick leave and up

to 10 weeks of expanded family medical leave under the Families First Coronavirus Response Act (FFCRA). It also failed to post a notice of employee rights, says the DOL.

The DOL has updated guidance (tinyurl.com/school611) for employers as back-to-school season begins: An employee is eligible for leave if their child's school converts to virtual learning, as long as the physical location of the school is closed.

Info: tinyurl.com/DOLfine611

IRS: New guidance eases hardship withdrawals

The IRS has made it even easier for workers wanting to pull money from their retirement plans penalty-free through the end of 2020.

IRS Notice 2020-50 widens the category of who can withdraw funds. It now includes any employee who's been financially impacted by the pandemic or has someone living with them (spouse, live-in partner or adult child) who's lost a job or income or had an employment offer rescinded.

Info: tinyurl.com/IRSnotice611

Liability waivers: More common as workers return

As the feds battle over liability protections for employers in the next coronavirus stimulus package, some firms are asking returning employees to sign liability waivers agreeing not to sue if they catch COVID-19.

At least 10 states, including Massachusetts, Georgia, North Carolina and Louisiana, already have laws on the books providing immunity for businesses from such lawsuits. Similar bills are pending in 10 more states.

However, legal experts caution employers before issuing waivers, since they most likely won't hold up in court. Instead, maintain a safe workplace in compliance with federal and state guidelines.

Info: tinyurl.com/liability611

HOT APPS & WEBSITES

■ Got the new FMLA forms?

Time to download the DOL's simpler FMLA leave forms. New features include boxes to be checked (instead of written responses) and electronic signatures.

Click: tinyurl.com/FMLA611

■ Work-from-home perks

With the Fringe platform, you can let staff choose perks from Uber Eats, Instacart, Netflix and more. Firms pay \$5 per worker, per month and set up a monthly stipend.

Click: hellofringe.co

■ Weight loss app for workers

Available to all employers using CVS Caremark, the Naturally Slim app can help workers change unhealthy behaviors by learning new techniques.

Click: tinyurl.com/slim611

Looking for the Fund Watch? Go to WhatsNewInBenefitsAndCompensation.com for real-time market updates!

LIGHTER SIDE

■ 'You're not hired': Most-hated resume buzzwords, say HR pros

No fancy words needed, say hiring managers recently surveyed about what they're looking for in applicants. Since most want candidates with a fresh perspective, here's what they say are the most overused words on a resume, according to a Resume.io survey:

- best – disliked by 76%
- motivated – 71%
- dedicated – 69%
- proven – 65%
- reliable – 62%
- passionate – 57%
- excellent – 54%
- enthusiastic – 50%
- great – 48%, and
- hard-working – 43%.

Click: tinyurl.com/resume611