HRMORNING'S

What's New in BENEFITS & COMPENSATION

The leading service to keep benefits managers up to date

October 16, 2020

WHAT'S INSIDE

Coronavirus compliance: 4 areas employers need to check ASAP

Take these steps now to avoid future lawsuits

While Congress battles over liability protections for firms, some states have passed laws granting immunity from COVID-19-related legal liability for some employers.

In June, Louisiana, North Carolina, Oklahoma, Utah and Wyoming enacted laws that grant essential businesses immunity. More states, including Alabama, Illinois, Louisiana and Wyoming, are considering laws to extend coverage to *all* businesses.

650+ lawsuits filed

More than 650 coronavirus-related lawsuits have been filed nationwide, according to Fisher Phillips' lawsuit tracker (*tinyurl.com/lawsuits613*). The majority of these suits (94%) allege unlawful termination after an employee contracted COVID-19 or needed to care for a quarantined loved one, says Bloomberg Law.

Steps employers can take

As schools return and firms reopen amidst the threat of a second wave of COVID-19, experts predict many more suits to be filed before Dec. 31, 2020, when the Families First Coronavirus Response Act (FFCRA) expires.

Here are the types of lawsuits and

*(Please turn to **Coronavirus** ... Page 2)*

COMPANY POLICIES

COVID-19 vaccines: Can firms make them mandatory?

As the feds prepare states to get ready to distribute a potential COVID-19 vaccine by Nov. 1, firms face a critical decision: Should we require employees to get it?

In a letter to governors on Aug. 27, the Centers for Disease Control and Prevention asked states to be prepared to expedite distribution of the vaccines. Three U.S. drug makers – Moderna, AstraZeneca and Pfizer – are progressing with their Phase 3 clinical trials.

EEOC's vaccine guidance

Legally, employers can require employees to get the vaccine, says Polsinelli attorney Lindsay Ryan. However, employers may also have a legal duty under the ADA to allow certain high-risk employees to opt out of the vaccine.

That's why it's best to simply encourage employees to get the vaccine rather than mandate it, says the EEOC. The agency will likely issue additional guidance for employers once a vaccine is approved by the FDA.

Employers contemplating any COVID-19 policy should carefully consider "the threat posed to the health and safety of their employees, the risk of future claims and employee morale," says Ryan.

Info: *tinyurl.com/vaccine613*

Coronavirus …

(continued from Page 1)

steps employers can take to protect their firm from liability:

1. Discrimination/retaliation: In a recent claim, a pregnant woman said she was furloughed due to the pandemic, but was replaced by a nonpregnant employee. In another case, an employee was forced to reveal a multiple sclerosis diagnosis to justify her accommodation request and was subsequently terminated.

Take all accommodation requests seriously. Workers who have serious medical conditions or are age 65 or older are entitled to ADA accommodations. These can include remote work, flexible schedules or additional time off.

2. Work from home/leave requests: Many COVID-19 leave lawsuits involve a worker who claims to be denied leave or a work-from-home accommodation despite having a legitimate need.

Follow the FFCRA. The federal law requires employers to provide up to two weeks of paid sick leave to employees experiencing COVID-19 symptoms. Employees also get two weeks of paid leave at two-thirds of their salary to care for a quarantined loved one or handle child care needs.

"Employers should not assume that the FFCRA doesn't apply to them simply because they have fewer than 50 employees," says Davis/Kuelthau attorney Laurie Meyer. The exception for small firms applies only to requests due to child care unavailability.

3. Unsafe working conditions: One recent claim involved an Illinois Walmart being sued by the family of an employee who died after contracting the virus.

Stay informed. It's key that firms follow guidance and safety orders from federal, state and local governments.

In the absence of liability laws, employers can point to guidance from both the Centers for Disease Control and Prevention (*tinyurl.com/CDCguide613)* and OSHA (*tinyurl.com/OSHA613*) to "show their actions were reasonable," says Foley & Lardner Attorney Patrick McMahon.

4. Wage and hour claims: Workers at the Hair Cuttery in New Jersey sued their employer, alleging a FLSA violation for withholding pay for work performed before the nationwide salon's closure in March.

Other COVID-19-related lawsuits allege employees weren't compensated for overtime or extra time necessitated by the pandemic before a shutdown.

Anticipate any FLSA responsibilities. These can include: ensuring non-exempt remote workers adequately report their time, compensation reductions haven't resulted in minimum wage violations or exempt employee salaries haven't been reduced below the overtime exemption threshold.

Info: *tinyurl.com/COVIDlaw613*

HRMORNING'S
What's New in BENEFITS & COMPENSATION

EDITOR: LYNN CAVANAUGH
lcavanaugh@pbp.com
ASSOCIATE EDITOR: TIM MCELGUNN
MANAGING EDITOR: RENEE COCCHI
PRODUCTION EDITOR: PATRICIA JACOBY
EDITORIAL DIRECTOR: CURT BROWN

What's New in Benefits & Compensation (ISSN 1076-0466), issue date October 16, 2020, Vol. 27 No. 613, is published semi-monthly, except once in December (23 times a year).

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.

■ IRS disqualifies retirement plan, firm sues: Who won?

"This can't happen," Benefits Manager Betty Murphy said to Company Attorney Jim Gannon, as soon as she entered his office.

"I just got notice from the IRS that because we couldn't produce a signed copy of our retirement plan document in that audit, it wants to disqualify our plan," said Betty.

Roof collapsed

"Wait a minute. There are extenuating circumstances here," Jim replied. "Our roof collapsed. We had extensive water damage that destroyed our building, including those documents and many others."

"Of course, we have no choice but to challenge the IRS in court," Betty asserted. "And we can both testify that those documents were signed. We can also have our tax advisor testify we had a practice of always signing plan documents."

"Yes, he would have records of when we signed those documents, too. The IRS should allow us to correct this situation. It can't be the first time something like this has happened," said Jim.

"Yes, I think so too. We have to fight this," said Betty.

"The only glitch I see is the IRS will question why we didn't have those documents stored electronically as well," said Jim.

"I know. We should have, but we just didn't get around to it," said Betty.

Betty's company did sue the IRS to recover qualified status of its retirement plan. Did it win the lawsuit?

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

Preventive health screenings are down and it's costing firms: Here's help

Employees haven't been getting preventive health screenings during the pandemic, and it's driving up healthcare and productivity costs for employers, says a new report.

This lapse in screenings for depression, cancer and chronic conditions – such as hypertension and diabetes – is dangerous, says the Integrated Benefits Institute's (IBI's) *Closing the Gap: The Business Value of Preventive Screenings* report.

For example, depression afflicts one in eight employees and is one of the costliest conditions for employers, averaging $17 per employee per year in disability wage replacement costs compared with $2 for diabetes.

Cost savings for cancer screenings were greater for younger employees who take less time off for treatment, says IBI. "Cancers are more expensive to treat, but depression is the highest cost from a productivity standpoint," says IBI President Kelly McDevitt.

Lower healthcare costs

Screenings for serious health issues can "save lives, reduce treatment recovery times and lower healthcare costs, while also impacting productivity," says McDevitt.

Here's how firms can boost screenings, according to the report:

Raise awareness. Provide screening info regularly, emphasizing available options and costs. Also, include facts about disease risks and screening methods.

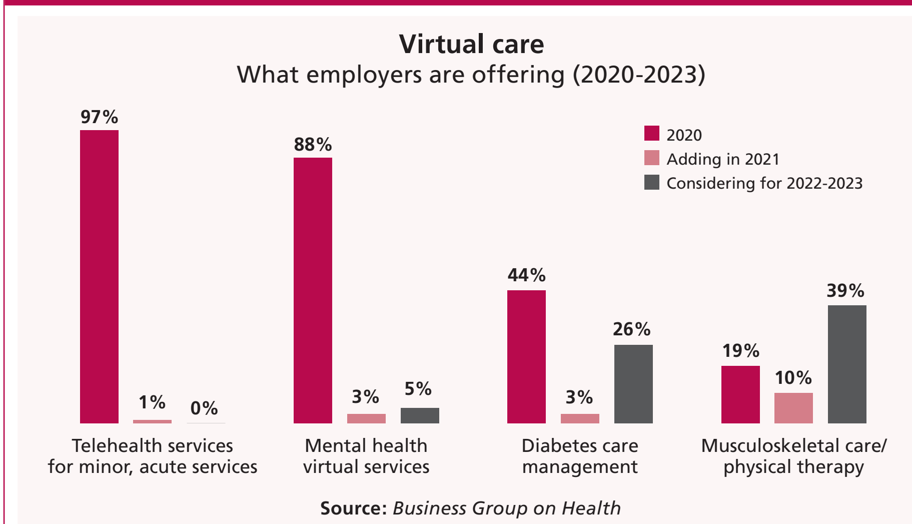
Identify high-risk workers. Review healthcare claims to prioritize screenings for those most at risk for chronic health conditions, then direct them to a screening. Firms might work with their insurer to provide low-cost medications, if needed.

Reduce financial barriers. Ask your provider to cut screening costs or have your firm absorb some extra expenses to increase access for employees.

Create time-off policies. Allow employees to take time off for screenings, ensuring supervisors are aware of these policies. On-site or near-site clinics that provide screenings can help ensure convenience.

Info: *tinyurl.com/screening613*

Are your employees embracing telehealth?



Most firms said adding more telehealth services is a top priority, particularly musculoskeletal care that can help reduce the risk of some chronic conditions.

$ 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.

■ Health system pays $105K to settle wage discrimination suit

A healthcare system will settle an EEOC lawsuit alleging sex-based wage discrimination.

What happened: The EEOC alleged Saginaw, MI-based Covenant HealthCare paid a female employee a lower salary than two males who held the same job and performed the same work. This violated the Equal Pay Act (EPA) and Title VII of the Civil Rights Act. The parties resolved the suit by entering into a two-year consent decree.

Result: Under the settlement, Covenant will pay $104,707. In addition, Covenant must rehire the employee and increase her salary; revise compensation policies to ensure compliance with the EPA and Title VII; train managers on compensation discrimination; and inform employees of their rights.

Info: *tinyurl.com/sexandwages613*

■ Firing pregnant employee costs property firm $43K

A new property manager of an Alabama apartment complex fired a pregnant employee with no record of performance problems.

What happened: Memphis-based Multi-South Management Services (MSM), a property management company, fired a pregnant employee after she gave management a doctor's note detailing pregnancy-related limitations. She was the only employee fired after MSM took over the complex where she worked.

Result: In addition to a $42,500 monetary settlement, MSM is prohibited from discriminating against any applicant or employee due to sex (pregnancy) or disability. It must also post an EEOC notice, train employees and develop anti-discrimination policies.

Info: *tinyurl.com/pregnant613*

Emergency funds: Feds help firms start 'autosave' programs for workers

The pandemic only worsened employees' fears of being able to cover a small, unexpected expense. But now, the feds have implemented a new "autosave" program to help firms offer an emergency savings account as a financial wellness benefit.

Employers interested in creating an automatic savings (autosave) program for employees can take advantage of a new Consumer Financial Protection Bureau (CFPB) program.

The CFPB has issued a Compliance Statement of Terms (CAST) Template (*tinyurl.com/CAST613*), which employers must use to launch their own autosavings programs.

Previously, a "longstanding federal rule acted as a barrier to employers implementing automatic enrollment in emergency savings for their workers," says Jason Ewas, the senior policy manager, Commonwealth, a nonprofit that specializes in financial health issues.

In 2019, the CFPB made a significant policy change to encourage third-party providers to secure a template that could serve as the basis for these new autosave accounts.

Commonwealth received federal approval to create the language used in the CAST template. It provides employers protection from any liabilities with money transfers.

Firms need to send an application to the CFPB to receive approval from the bureau to create such a program.

Similar to a 401(k)

The autosave program allows firms to help employees allocate a portion of their paycheck toward an existing bank account of their choosing. Workers are allowed to change the amount of their contributions, as well as their bank account.

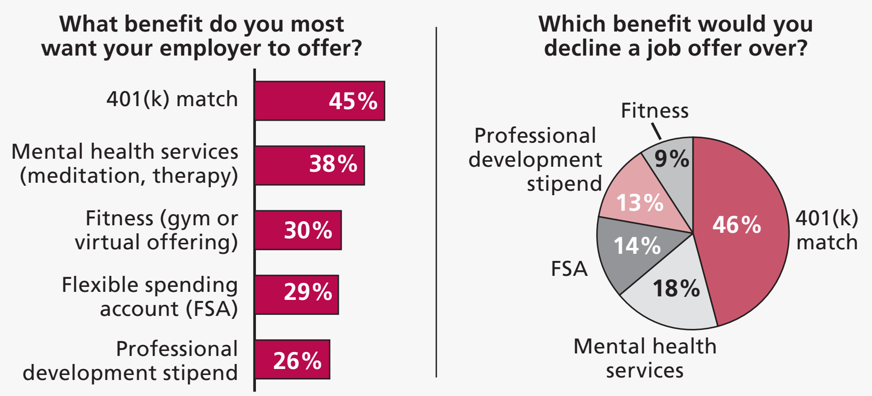
If an employee doesn't specify a bank, an autosave account will be created for the employer at a bank it selects.

The program would function similarly to a 401(k) account, and employees could opt not to participate. Firms must give employees advance notice to participate.

Info: *tinyurl.com/autosave613*

Are your benefits in line with what employees want now?

What benefits employees want most (during pandemic)



Source: *Gympass*

As the pandemic continues, firms may want to reconsider any thoughts about scaling back on company 401(k) matches, while boosting wellness benefits.

COMMUNICATION BOOSTER

■ Need to convince millennials to plan for retirement?

Retirement seems far off in the future to employees in their 20s and 30s, making it hard to get their attention on this important benefits topic.

That makes this one of your most important – and toughest – communications challenges.

But it's worth it.

Highlight the value of saving

Understanding and participating in a company's retirement plan can reduce the financial stress many millennial employees feel.

Younger employees typically focus more on the dollar figure on their paycheck than on the rather nebulous value of your benefits package.

But that makes it easier for a competitor to tempt them by promising slightly higher wages.

So helping them to grow that nest egg can keep younger employees loyal and engaged.

Look for opportunities to drive your message home:

- Refresh retirement plan messaging whenever employees get a raise or promotion.
- Use compelling charts and testimonials to illustrate the value they'll gain by investing earlier in their careers.
- Make a real point of how – if workers spread savings out over more of their working years instead of waiting until they're close to retiring – the burden is a little lighter each year.
- Don't paint only the rosy part of the picture – leverage younger employees' fear of missing out (FOMO). Remind them there's no reclaiming matching dollars they miss early on. And that's real money they're saying "no thanks" to.

Info: *tinyurl.com/retire613*

*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 Expanded maternity leave to promote women

We've sought to increase the number of women in management roles for more than a decade. But now, we've stepped up our commitment to recruit, retain and promote women in management ranks with a new policy.

The policy provides three months of maternity leave at 100% pay, and it also applies to adoptive parents. This came about after a regular review of our policies and market practices, as well as overall feedback from employees.

We firmly believe that the introduction of this maternity leave policy is a sizable step in the right direction. It now positions us as an attractive employer not only among logistics peers but in the U.S. market overall.

30% women managers by 2025

We've committed to increase the number of women in our management ranks to 30% by 2025. The new maternity leave policy is expected to help achieve that goal.

In 2013, we formed regional Women in Logistics groups, which started out as informal gatherings to discuss issues relevant to women in the workplace and extend community outreach.

The groups also meet at a national level to identify obstacles to and opportunities for career development for our female associates.

If we really want to create a sustained change, it comes down to culture and ensuring everyone is on board, including our male colleagues.

(Meredith Singletary, Senior Human Resources Director, DHL, Spring, TX)

REAL PROBLEMS REAL SOLUTIONS

2 Employees trade in PTO to pay off student debt

As we sought to address the evolving nature of benefits due to the pandemic, one challenge we encountered was how to handle the accumulating paid time off (PTO).

Fortunately, the Student Debt Relief Program we launched in 2019 with Fidelity Investments was the perfect solution. It helped employees use some of this accrued PTO to help tackle their student debt. Monthly student loan payments can leave employees struggling to contribute to other important savings benefits, such as 401(k)s.

Carry-over PTO

Beginning in their first year, full-time employees receive 28 days of PTO. Each year, they can carry over up to five days of unused PTO. In some cases, carry-over PTO days go unused, leaving money on the table.

The Student Debt Relief program allows employees to transfer up to 40 hours of carry-over PTO into a student debt payment. Because people aren't traveling under the stay-at-home orders, we anticipate carry-over PTO will have greater importance at year's end. This has the potential to create even more opportunities for our employees to help pay off their debt.

We're giving our workers more choice in how they use their benefits. To date, we've paid $528,000 in student debt on behalf of 428 workers, broken down into $1,250 per person.

(Carl Gagnon, Assistant VP, Well Being and Retirement Programs, Unum, Chattanooga, TN)

3 Created a pandemic paid leave for parents

We were hearing a lot of concerns from our working parents going into the school year about how they were going to handle school and child care this fall. What were they going to do?

Early in the pandemic, we'd allowed parents to swap shifts with each other, so they could be at home during the day with their kids and then work nights on the third shift.

We also gave these front-line workers a bonus worth 20% of their monthly earnings for the first three months of the shelter-in-place orders. It was a thank you for continuing their work.

Long-term solution

But none of this was a sustainable long-term solution. To offer more help, we created our own version of the paid leave program in the Families First Coronavirus Response Act, since our company is too large to be covered by the federal mandates.

The Emergency Pandemic Childcare Leave Policy allows employees who have been with the company for at least six months to get six weeks of pandemic emergency child-care leave. We then pay them two-thirds of their salary during this time off – up to $5,000 – through the end of the year.

Those who have worked for a year or more get double that: 12 weeks or up to $10,000 in paid time off. We've also allowed parents to telecommute or keep a flex schedule to meet the hybrid schedules set by the schools.

(Elaine Smith, SHRM-CP, Chief HR Business Partner, Contec, Spartanburg, SC)

RETURN TO WORK

Time to update paid leave policies

Even before the pandemic, there was momentum on federal employee paid leave legislation. However, the coronavirus has now placed paid leave programs front and center for firms, as many employees need time off for COVID-19-related concerns.

Federal, state laws

Since the Families First Coronavirus Response Act (FFCRA) became effective April 2, 2020, employers have new mandatory paid sick leave requirements in response to the COVID-19 outbreak:

- **Sick leave:** Firms must provide up to 10 days of sick leave to those unable to work or telework due to the coronavirus.
- **Expanded FMLA leave:** Firms must provide up to 12 weeks of leave – 10 of which are paid, subject to a $200 per day cap – to employees.

Adapting paid leave policies

"The pandemic will likely have a lasting impact on the future of work," says Rich Fuerstenberg, senior partner at HR consulting firm Mercer. But firms need to take steps now to modernize their paid leave policies for a post-pandemic world, he says.

There are ways employers can optimize paid leave policies. Mercer recommends the following strategies to add more robust policies:

1. Enhance policies to coordinate with state laws. Employers will need to make changes to incorporate any state or city paid leave policies. To get up-to-date state paid leave information, download Mercer's *States, Cities Tackle COVID-19 Paid Leave* (*tinyurl.com/states613*), a 33-page report.

2. Streamline the employee experience. Between employer benefits, state benefits and FFCRA leave mandates, an employee's leave might trigger any or all of these programs. That's why it's key to communicate clear and consistent leave policies to employees.

3. Revisit emergency leave. Some employers upped their own emergency leave policies to help employees quarantine if they were exposed to the coronavirus. However, what if the same employee is exposed during a second wave of the coronavirus?

Firms need to also consider if the need to quarantine extends into 2021, that is, if a vaccine isn't available by the end of 2020 as expected.

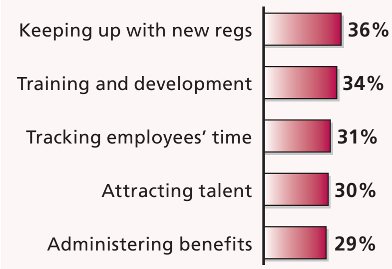
4. Rethink unlimited PTO policies. This concept is getting more attention since unused PTO days are piling up as employees shelter in place. Also, fixed accrual policies make it difficult for employers to be flexible without making policy changes. With an unlimited policy, employers don't have to worry about any of these issues.

5. Save benefits costs. Shifting to unlimited PTO or changing rollover rules for accrued time off can reduce the cost of excess accruals.

Info: *tinyurl.com/mercer613*

WHAT BENEFITS EXECS SAID

Biggest HR challenges in 2020



Source: *Paychex*

This year, HR pros' priorities have shifted sharply, navigating new and changing COVID-19 regulations while keeping remote employees motivated, connected and productive.

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

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

Yes, the company won. The court said the company had a good reason for not being able to produce the documents to the IRS: The roof of its building collapsed during a natural disaster, resulting in extensive water damage. Many important documents were lost.

The tax advisor testified that the plan documents had been signed before the disaster occurred and copies were on-site. Due to the unusual circumstances, there was a credible explanation for not presenting the signed retirement plan document, said the court.

Analysis: Store key documents electronically

Although this situation was unique, it still proves the burden of proof's on the employer to show plan documents were executed correctly.

While this typically happens once an employer produces a copy of a signed document, it can also be proven in other ways, such as by testifying to signing the documents in court.

But the easiest way is to make sure documents can be presented quickly if the IRS requests them.

To protect against having plan documents destroyed in natural disasters, your best bet is to store them electronically. And there should be backup copies saved to the cloud in case computer hardware fails.

Also, retroactive permission to adopt and sign documents is often available under the Employee Plans Compliance Resolution System.

Cite: *Val Lanes Recreation Center Corp. v. Commissioner of Internal Revenue*, U.S. Tax Crt., No. 24887-10R, 6/26/18. Dramatized for effect.

A REAL-LIFE MANAGEMENT STORY

New tools made it easier to check on productivity of our remote teams

■ *We no longer have to constantly monitor or micromanage*

Our remote teams were finding it challenging to work seamlessly together and deliver up-to-date, accurate information to our clients. But building the infrastructure we needed meant identifying many hurdles and working with our team to overcome them.

Like any remote workplace, we had to find ways to not just survive these challenges – we had to figure out how to turn them into a competitive advantage.

Remote challenges

Some challenges that might seem like business 101 for a company that's all under one roof can become productivity hurdles once everyone is scattered across the country or, like us, across the world.

Case Study:

WHAT WORKED, WHAT DIDN'T

Some of those include:

- knowing who is working on what
- allocating the right amount of talent and resources to projects
- tracking budgets and sizing for profitability, and
- keeping remote teams on track without using tech to constantly monitor and micromanage.

And those challenges only grew as we scaled up our business.

Tracking progress, productivity

Like any organization, our team has a mix of people. Some are 100% self-guided individuals who just need to understand the end goal to get going; others need to regularly update us on their progress to feel comfortable.

We needed a remote work monitoring system to track progress, productivity and hours, so we could check in without being disruptive.

It had to give team members a way to share progress without constant email or message updates.

As we began evaluating software options, we tried to keep the same core questions in mind:

- Is it easy to use?
- Does it remind employees to track their time on a project?
- What are the downsides to a given solution?
- Will it slow down their computers?

In the end, we selected the Hubstaff Time Tracking and Productivity Monitoring Tool. In addition to automatic time and productivity tracking, the software tracks employees' use of apps and the URLs they visit.

We use the optional screenshot function to track where team members are in a project. Screenshots happen at random or scheduled intervals and are displayed on a dashboard so we can track remote workers' progress. It sort of mimics an open office environment where you might glimpse at what someone is working on, then offer input or jump in to help.

We can track where team members are in a project.

With more than a dozen reports available, we are able to make quicker decisions and more accurately set project budgets.

(William Lipovsky, CEO, First Quarter Finance, Lincoln, NE)

TEST YOUR KNOWLEDGE

■ **Got a handle on the CARES Act retirement distribution rules?**

Even seasoned HR professionals are uncertain about complying with the CARES Act's regulations on COVID-19-related distributions (CRDs). Are you ready to answer employee questions?

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

1. Under the CARES Act, employees can take early withdrawal from multiple accounts to cover coronavirus-related expenses without penalty.
2. For employees to avoid taxes on 2020 coronavirus-related distributions, they need to pay the loan back during 2021.
3. Under the CARES Act, plans can choose to allow loans of up to 100% of a vested account balance or $100,000, whichever is less.

ANSWERS

■ **Answers to the quiz**

1. *True*. But while the 10% penalty on early withdrawal doesn't apply to CRDs taken during 2020, the maximum is $100,000 from all accounts.
2. *False*. CRDs repaid to a qualified retirement plan or IRA (in one or more payments) during the three-year period beginning when the distribution was received will be treated as a tax-free rollover and won't count against the employee's annual contribution.
3. *True*. But this is a temporary provision and is only permitted for loans that are made during the 180-day period beginning on the date of enactment, which was March 27, 2020. Employers can also offer to suspend loan repayment for 12 months for loans that come due between March and December 2020.

Info: *tinyurl.com/Distribution613*

IRS issues guidance on Trump's payroll tax deferral

Now that the IRS has issued guidance on President Trump's payroll tax deferral, it's expected more employers might opt into the program, which went into effect Sept. 1, 2020.

The tax holiday, which lasts until Dec. 31, 2020, temporarily pauses collection of employees' portion of Social Security taxes. But it's critical that employers clearly communicate to employees the deferral is essentially a short-term loan that needs to be repaid.

There's some talk that Congress will include forgiveness of this tax deferral in the next round of stimulus. If not, employers are expected to repay those taxes by Apr. 30, 2021.

Info: *tinyurl.com/tax613*

Firms electing to give staff 'Time to Vote': Are you?

So that employees don't have to choose between earning a paycheck and voting, Time to Vote is aiming to make it easier for them to vote in the November presidential election.

More than 700 employers have joined forces with Time to Vote's nonpartisan initiative to raise voter participation. These employers have pledged to offer benefits like paid time off (or eliminate meetings) on Election Day, Nov. 3, 2020, or provide employees with resources for mail-in ballots.

Info: *tinyurl.com/vote613*

Fiduciary rule coming soon, as states issue their own

As the DOL's proposed fiduciary rule moves closer to becoming law, some states are implementing their own fiduciary rules.

Even though the DOL received criticism at a public hearing in September that its rule was being rushed forward, the agency seems to be moving toward a before-the-election effective date.

At the same time, Massachusetts has become the first state to enforce its own fiduciary rule. Advisers are now held to a standard that requires them to give financial advice without regard to their own interests. New Jersey and Nevada are considering similar laws.

Info: *tinyurl.com/fiduciary613*

Alert! DOL to issue revised FFCRA leave rules for firms

Employers need to brace for changes to the feds' emergency paid leave regs. Some key aspects of the Families First Coronavirus Response Act (FFCRA) were struck down in a recent court ruling.

The New York Attorney General had sued the DOL, alleging the agency denied various groups of workers' eligibility for paid leave.

On Sept. 3, the DOL sent a revised proposed rule to the White House for review. Although details aren't available, it's likely the DOL will offer guidance on whether certain workers are owed leave dating back to the FFCRA's Apr. 1, 2020 effective date.

Info: *tinyurl.com/FFCRA613*

EEOC: Firms, watch for those right-to-sue notices

Employers, be on the lookout for letters from the EEOC, now that the agency has resumed mailing out right-to-sue notices.

The EEOC had put a pause on issuing notices to employers in March due to the pandemic. Employees who'd filed charges with the EEOC for discrimination, harassment or retaliation will now be able to continue the proceedings.

The EEOC has worked through the five-month backlog of charges and started issuing notices, either dismissing the allegations or giving employees the go-ahead to sue.

Employers can now expect to see a sudden spike in employee lawsuits.

Info: *tinyurl.com/EEOC613*

HOT WEBSITES

New IRS Form 1095-C

The IRS has released a draft of Form 1095-C that's been updated with new data fields related to the new HRAs workers can use to purchase health insurance.

Click: *tinyurl.com/1095C613*

Offer caregiving support

By giving workers access to a CareScout benefit, you can help them find care for their aging loved ones from a network of more than 100,000 nurses and healthcare pros.

Click: *carescout.com/benefit.html*

Virtual open enrollment tips

Need a new approach this year? Download *Virtual Open Enrollment Made Easy: A Jellyvision Playbook,* a 23-page guide full of tips, tools and templates.

Click: *tinyurl.com/enrollment613*

If you have a benefits-related question, email it to Lynn Cavanaugh at: lcavanaugh@hrmorning.com

LIGHTER SIDE

Top tech habits of co-workers that drive people crazy

Recognize any of these annoying habits? Employees named the worst workplace "tech peeves" of their colleagues, according to a *Wall Street Journal* survey:

- **"Cc" overkill:** Think before adding someone to an email thread.
- **People that don't reply:** Putting the action step in the first line of every email helps get a response.
- **Channel hopping:** Be patient. No one likes to be chased down on email, Slack, Google Doc, etc.
- **Subject lines:** Please, no more than five-10 words, *and* be sure to replace an old subject line.
- **Emoji overload:** Employees say they're rife with misunderstanding, not to mention being unprofessional.

Click: *tinyurl.com/techpeeves613*