

December 7, 2020

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HRMORNING

Keep Up To Date with the Latest HR News

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

HRMorning, part of the SuccessFuel 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.

Mental health benefits: New compliance checklist for firms

■ *DOL: 5 areas where health plans can go wrong*

If you have some lingering questions about what's required of employers for mental health coverage under the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), the DOL's updated self-compliance tool can help.

On Oct. 23, the DOL released a 39-page downloadable document (tinyurl.com/DOLtool616) that provides compliance examples and best practices. It also offers "warning signs" to help employers meet the standards for mental health coverage.

The DOL's update was also prompted by the 21st Century Cures Act, passed in 2016. Under this

Act, the Departments of Health and Human Services and the Treasury are required to issue compliance guidelines every two years. The tool was last updated in 2018.

With the surge in employees' mental health challenges this year due to the pandemic, the updated tool will help employees "obtain the treatment they need by assisting plans ... in complying with the law," said Secretary of Labor Eugene Scalia.

Parity in deductibles, co-pays

Under the MHPAEA, employers (with more than 50 employees)

(Please turn to Mental health ... Page 2)

EMPLOYEE BENEFITS

2021: New IRS limits for 401(k)s, HSAs, FSAs, HRAs

As open enrollment's being rolled out, employers will need to adjust contributions in their communications and summary plan descriptions, as the IRS has announced its contribution limits for 2021 benefits plans.

401(k) plans

Maximum annual contributions for employees will remain at \$19,500, and catch-up contributions for those aged 50+ remain unchanged at \$6,500.

HSAs, FSAs, HRAs

- **Health savings accounts (HSAs):** Contribution limits will be \$3,600 for single (up \$50 from 2020) and \$7,200 for family (up \$200).

- **Flexible spending accounts (FSAs):** The contribution cap stays at \$2,750, while the carryover limit increases to \$550 (up \$50).
- **Dependent care FSAs:** These child care expense accounts stay the same at \$5,000 for married employees, \$2,500 for single employees.
- **Health reimbursement accounts (HRAs):** Limits for contributions will remain at \$1,800 for 2021.

HDHPs

The maximum out-of-pocket limit in a high deductible health plan is \$7,000 (up \$100) for single and \$14,000 for family (up \$200).

Info: tinyurl.com/IRSlimits616

Mental health ...

(continued from Page 1)

must ensure their mental health and substance-use disorder benefits are comparable to their medical and surgical benefits. The law requires parity in deductibles and co-pays, as well as the number of covered visits.

There have been more than 100 lawsuits in the past few years alleging employers lacked parity with their mental health benefits. They challenged their health plans coverage for length of benefits, prior authorizations and provider-network standards. The DOL took action against employers that imposed annual office visit limits and a medical-necessity review only on mental health benefits.

Employers can easily spot cost-sharing discrepancies on benefits communications. Self-insured employers might consider conducting

periodic claims reviews to avoid such inequities.

Mental health plan guidelines

The new DOL tool, which enforces the MHPAEA rules, includes the following guidelines:

Classification of benefits. There are six classifications of health benefits: inpatient, in-network; inpatient, out-of-network; outpatient, in-network; outpatient, out-of-network; emergency care; and prescription drugs. These same classifications must be included in the medical plan *and* the mental health plan.

Prescription drug coverage. If a health plan follows recommended dosages for drugs that treat medical conditions, it must follow the same guidelines for treating mental health and substance use disorders with prescription drugs. For example, a plan excluding prescription drugs for a certain mental health disorder, such as bipolar disorder, isn't a violation if it also excludes all other benefits for that particular condition.

Experimental treatment. A plan can't limit or exclude experimental treatment for mental health disorders, but those same restrictions don't apply to experimental treatment for medical conditions. For example, if someone with chronic depression is referred for an experimental outpatient treatment, the plan must use the same criteria to deny or approve the treatment as it does for medical treatments (FDA approval, same number of trials, etc.).

Network providers. Employers must take comparable measures to help ensure there's an adequate network of mental health providers in the plan's network.

Residential treatment. A health plan that covers room and board for inpatient medical/surgical care, including skilled nursing facilities and other intermediate levels of care, can't restrict room and board for mental health residential care. The plan would need to include intermediate levels of care for mental health benefits comparably with medical inpatient treatment.

Info: tinyurl.com/DOLparity616

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.

■ 'Aren't you ready to retire?': Court decides age bias case

Benefits Manager Betty Murphy stepped into Company Attorney Jim Gannon's office. "Hi, Jim. I know we need to talk about Dominic Russo's lawsuit. Tell me what's going on."

"Yes, he's suing us for age discrimination. He'd been with the company for 41 years, which might help him win his case," said Jim.

Eliminated his position

Betty nodded. "Yes, but we eliminated his position, Jim. His new supervisor started noticing Dominic wasn't technologically advanced enough to do the job anymore."

"I understand, but now he's claiming his much younger supervisor made disparaging and discriminatory comments to him about his age – things like 'You're kind of getting up there in years' and 'Aren't you ready to retire?' Do you know about this?" asked Jim.

"His supervisor denies making any such comments. But, Jim, we have a track record of hiring older employees. In fact, after his supervisor was hired, the number of older employees increased. That should count for something in court," said Betty.

"Yes, it should, but Dominic also claims he failed to get his annual performance review when the new supervisor came on board, as stated in the employee handbook. His supervisor didn't complete his formal performance evaluation last year. That's something that shouldn't have happened," said Jim.

Betty's company fought to get the case dismissed. Did it 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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Study says millennials' health is on the decline: How employers can help

Nearly one in three millennials suffers from mental health conditions, and COVID-19 is only making it worse, says a new study.

Over a five-year period, there's been a downward trend in the health of millennials (aged 22-37), says the Blue Cross Blue Shield Association study (tinyurl.com/BCBSA616). Researchers found among millennials, there's been a:

- 43% increase in major depression
- 39% increase in ADHD, and
- 17% increase in substance abuse.

COVID-19 connection

Most millennials (92%) said the COVID-19 pandemic has had a negative impact on their mental health, leading to increases in drug use, drinking, smoking and vaping.

These behavioral health conditions put millennials at roughly twice the risk of having chronic physical conditions, such as:

- high cholesterol (1.7x)
- hypertension (1.9x)
- Crohn's disease/colitis (1.9x)

- Type 2 diabetes (2.1x), and
- coronary artery disease (2.7x).

Healing millennials

To prevent a behavioral health epidemic among millennials, firms need to familiarize them with their employee health benefits. Here's how:

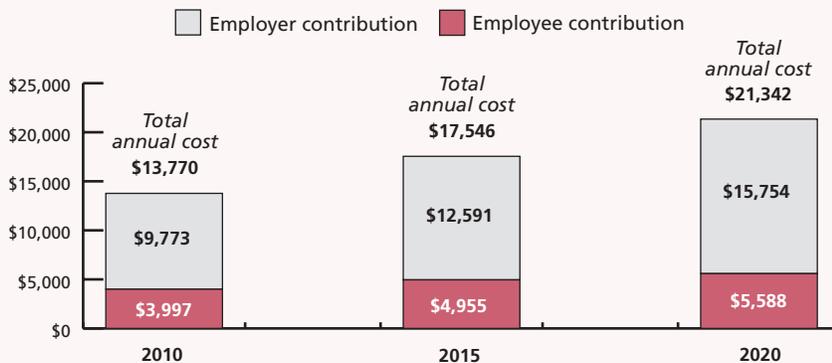
- **Stress holistic health:** Educate workers on the importance of primary care – the best place for them to begin to access the healthcare system for physical *and* mental health.
- **Ensure convenience:** Offer multiple access points to virtual care and digital wellness apps, specifically in the areas of behavioral health.
- **Consider new approaches:** Firms are providing more personalized approaches to health care – which caters to millennials. For example, Wellvolution is a new offering that mixes a digital platform with a wellness program that matches workers with providers based on their health goals.

Info: tinyurl.com/millennials616

How do your healthcare costs measure up?

Family healthcare coverage

Employer costs vs. employee costs



Source: Kaiser Family Foundation

While healthcare costs rose modestly (4%) in 2020, firms may face much higher costs in 2021 due to new COVID-19 tests, treatments and vaccines.

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.

Contractor floored by \$150k overtime violation penalty

A California flooring contractor failed to pay employees properly for all the overtime they worked and failed to keep records of cash payments.

What happened: Genesis Floor Covering Inc., a flooring contractor in Santa Fe Springs, CA, paid for workers' first 10 hours of overtime at time-and-a-half, but paid for any additional overtime hours in cash – at straight time – and off the books.

Result: Genesis will pay \$99,624 to 73 employees for violations of FLSA overtime requirements. The employer will also pay \$50,881 in penalties assessed due to the willful nature of the violations.

Info: tinyurl.com/floored616

Restaurant kept tips, now eats \$563k in wages, penalties

A restaurant chain in Tennessee stole employees' tips at three of its locations and paid others flat salaries, regardless of hours worked.

What happened: Don Pancho Mexican Restaurant – headquartered in Clarksville, TN – kept a percentage of servers' tips to offset the restaurant's expenses, in violation of the FLSA's minimum wage requirements.

The company also paid some kitchen workers flat salaries, regardless of the number of hours they worked, resulting in overtime violations. And the restaurant was hit with recordkeeping violations for paying cash to some employees and failing to keep records.

Result: Don Pancho will pay \$563,350 in back wages to 120 employees for minimum wage, overtime and recordkeeping violations at three of its Tennessee locations.

Info: tinyurl.com/pancho616

COVID-19 layoffs, furloughs? Check new 401(k) partial termination rules

Here's some good news for firms that have had to reduce their workforce: The IRS' 401(k) partial termination rule – and its unexpected costs – may not apply to workers laid off or furloughed due to the pandemic, according to a new IRS ruling.

Typically, under IRS rules, a partial termination of a 401(k) plan may occur when there's a significant reduction (generally more than 20%) in plan participation due to layoffs or terminations during a plan year.

When this happens, employees become 100% vested in employer contributions – which includes matching contributions – even if they haven't yet met the vesting schedule under the plan.

CARES Act update

However, the IRS has recently updated its CARES Act guidance ([tinyurl.com/CARES616](https://www.tinyurl.com/CARES616)), issuing that employees terminated due to the pandemic don't have to be counted as terminated employees if they're rehired before the end of 2020.

This is significant because many

employers use the forfeitures of terminated employees to offset employer matching contributions.

But employers may have to consider *extended* furloughs or layoffs, even if employees are rehired by year's end. This is because plans require an employee to work a set number of hours before being granted vesting credit for a given year.

For example, if a 401(k) plan requires 1,000 hours of service in a plan year and an employer's furloughs or layoffs were extensive, the partial termination rule will be applied.

In this case, employers might consider amending their plans to "count a certain amount of furlough time due to COVID-19 as hours of service" for vesting purposes, says Frost Brown Todd Attorney Michael Bindner.

"This likely will not cost much to the employer," he adds, "but can go a long way in fostering goodwill with employees and will not result in lost vesting service for employees who return from furlough."

Info: [tinyurl.com/partial616](https://www.tinyurl.com/partial616)

Success stories will help drive home a program's message

Grabbing and keeping employees' attention is critical to getting Benefits' message understood – and acted upon.

Unsurprisingly, a positive message can do a better job of this than a bland or lecturing tone will.

For example, when it's time to promote a new wellness benefit or explain how eliminating a popular subsidy will help your bottom line and, therefore, employees' futures, sharing a success story with your employees can be your best strategy.

What a success story does

When put together with a clear goal in mind, a success story shows your employees how your benefits program's progressing over time, highlights its value and personalizes its impact.

It can engage potential influencers across your company, bolster your case for program changes or new funding and, if needed, enlist help from peers to get leadership's buy-in.

Celebrating achievements

Collecting benefits success stories should be an ongoing process. Check in with employees regularly: "How is the telemedicine offering working out?" "Is the new plan administrator responding quickly and effectively to questions?" "How much weight did your department shed as part of the remote wellness challenge?"

Success stories put a "face to the numbers" behind benefits survey research and data, and they illustrate a particular program's impact on employees' lives.

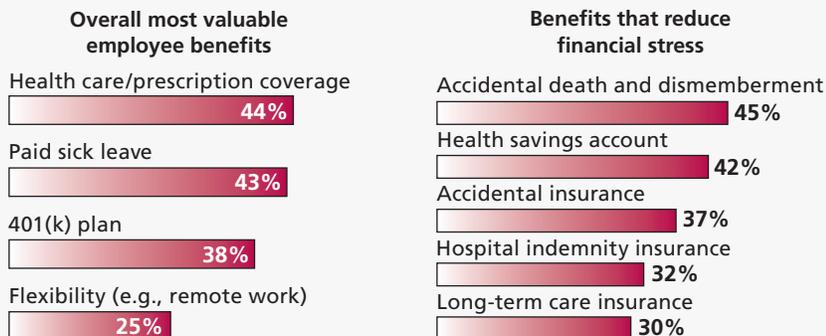
Systematically collecting and using success stories will allow you to share "real-life" examples to help educate everyone, including high-level management who may not fully understand what's happening at the benefits program level.

Info: [tinyurl.com/successstories616](https://www.tinyurl.com/successstories616)

What benefits are employees hyperfocused on now?

Pandemic's changing benefits

What employees want now



Source: Prudential

Many workers (77%) say certain benefits that offer income protection and financial wellness are a big reason they'd stay at a job, up 10% from last year.

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 Unique benefit supports parents during pandemic

When we were hit with the lockdown, we had a brainstorming session to find ways to support our working parents and their children – many of whom colleagues have known since their birth.

A 15-question survey gauged employee interest in signing up their children for classes – and volunteering themselves as instructors – in a new virtual learning program that would replace enrichment courses many schools have canceled during the pandemic.

Since September, we have volunteer employees instruct students in 12 subjects ranging from cooking to music to shop class, for kindergarteners through college students. More than 50 students are registered for the small classes.

No funding needed

We have so much creativity. For example, one employee with construction expertise teaches students how to make a folder-holder for their class notes. Someone teaches the art of reading a map and compass to students in grades six through eight,

while another employee teaches piano class to children in kindergarten through fifth grade.

Most classes are kept to half an hour. The program doesn't require any funding other than parents buying their child supplies for an arts and crafts lesson.

The program's a hit. It just kind of took off. It's a unique benefit that provides support to employees with children to help them juggle it all.

(Jodie Morman, Vice President of Human Resources, NEST, Gloucester City, NJ)

**REAL
PROBLEMS
REAL
SOLUTIONS**

2 Helping employees save for emergencies

Recognizing the importance of emergency savings, we wanted to help our workers who might be struggling to handle an unexpected expense.

In 2019, we asked Commonwealth, which helps firms pilot innovative emergency savings solutions including Autosave, to help us develop the Emergency Savings Fund Pilot. We were the first major city to encourage employees to save for emergencies.

We asked employees in two city

departments to split any amount of their direct deposit paycheck into an emergency savings fund.

Those who signed up were eligible to win a prize of \$100 or receive a guaranteed \$50 incentive, depending on their department.

For those who didn't already have a savings account, we hosted an employee fair with local banks and credit unions where employees could open accounts and ask questions about banking options.

During the program, we saw

increases in the two departments of 16% and 24% of direct deposit splitting.

Savings of \$67 each week

Most workers chose to save what they could safely afford, with a plan to increase it over time. We surveyed participants, who reported saving an average of \$67 a week. They're now saving an average of \$3,463 per year.

(Alexandra Valdez, Director of Engagement, Economic Mobility Lab at City of Boston, Boston)

3 Policies need to pass the 'remote work' test now

When we were rebuilding for a remote workforce during the pandemic, we used our existing policies but took a step back and scaled them for the new reality. And we also asked employees for their feedback.

Now, we think for a remote mindset. Every new policy and practice needs to pass the "Will this work for remote work?" test. The same goes for established policies and

practices. We look at how to adapt them for working from home – or eliminate them.

For example, we recognized a long-standing, successful tradition that might have fallen by the wayside as new employees onboarded remotely.

Shifted onboarding tradition

We typically would put together a group of six employees from across functions who happen to start around the same time. They'd do some general training together and got to interact quite a bit, sharing their new employee

experiences. It's helped many employees get engaged in the company and make connections over time. In fact, I still stay in contact with the group I started with many years ago.

So we shifted the program for new employees, who might not even set foot on a worksite. We still get a group together, but they do most of their interacting on video conferences. This way, they get to do the same kind of training and experience-sharing.

(Sameer Chowdhri, Global Head, Workplace for HR, Facebook, Menlo Park, CA)

RETURN TO WORK

CDC: New 'distancing' policies needed

For months, employers have been applying the Centers for Disease Control and Prevention's (CDC's) guidelines for contact tracing: 6-15-48. That is, a COVID-19-infected employee would need to identify people within 6 feet of them, for 15 minutes or more, within the 48 hours prior to showing symptoms.

However, an investigation into how an employee in Vermont contracted the coronavirus has prompted the CDC to revise its definition of "close contact" in new guidelines (tinyurl.com/CDCEmployer616).

The CDC's new close contact definition is someone who was within 6 feet of an infected person, for a cumulative total of 15 minutes or more, starting from 48 hours before the person had any symptoms.

Brief encounters count

This change was due to the case of a correctional officer who contracted the coronavirus from brief contact with prisoners who later all tested positive for the coronavirus.

During a contact tracing investigation, a video showed the officer never spent 15 consecutive minutes within 6 feet of anyone.

However, he did have 22 brief encounters (about one minute each) that added up to about 17 minutes.

The officer wore a cloth mask, gown and goggles during all encounters. He also wore gloves during most of the interactions. And he had no other close contact exposures to anyone with COVID-19.

Revising policies

As a result of this case, employers will now need to revise their policies based on the new definition of close contact. Here are some guidelines:

Limit brief interactions. Firms will now need to look at *cumulative* rather than *consecutive* minutes employees spend together. So a person who was exposed three times in a 24-hour period – for five minutes during each encounter – would meet the definition. This will result in many more people being identified as close contacts.

Dig deeper. Firms should revise contact tracing questionnaires to reflect the new guidelines. And they'll need to be more vigilant after someone becomes exposed. Aside from asking the employee who they had contact with, employers are advised to view surveillance videos, time records, etc.,

WHAT BENEFITS EXECS SAID

Caregiving benefits What firms provide (besides leave)

Employee assistance program (with caregiver resources)	95%
Stress management/counseling service	73%
Financial counseling/assistance	71%
Legal counseling/services	69%
Health advocacy/benefits navigation	53%

Source: Disability Management Employer Coalition

While many firms offer caregiving benefits, there's a communication gap in getting word to employees. HR needs to ensure benefits are communicated year-round and train managers to spot caregiving issues.

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

that show when an employee clocked in and out, for example.

Set quarantine protocols. Firms will need to consider these other factors in deciding if an employee needs to be quarantined:

- *Respiratory aerosols:* Was the infected person coughing or shouting?
- *Environmental factors:* Was the encounter indoors or outdoors? How adequate is the ventilation?

Info: tinyurl.com/CDCtracing616

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

No. The company lost when a court said the supervisor's comments were direct evidence of age discrimination.

The employee testified that over a two-year period, his younger supervisor made a series of disparaging comments about his age and he wasn't told of any performance issues. The supervisor was biased against the employee from the beginning and made several age-based remarks, the court said.

The company pointed to its track record of hiring older employees as evidence it didn't show age discrimination and argued the employee's position would have been eliminated regardless of his age.

However, the court disagreed. By failing to show evidence of deficient performance and failing to complete

a formal evaluation of the employee as required by the employee handbook, there was no documentation to back up the firm's adverse actions.

Analysis: Document all performance concerns

This case shows how vital it is for companies to document performance issues, particularly when it comes to eliminating positions.

Shifts in job responsibilities can be a breeding ground for these types of age discrimination claims. To prevent claims of age discrimination, employers must document any poor performance concerns.

And, most importantly, complete employee evaluations as required by company policies, which can defend a company against claims of bias.

Cite: *Lowe v. Walbro LLC*, U.S. Ct. of Appeals, 6th Circ., No. 19-2386, 8/26/20. Dramatized for effect.

Helped employees stay connected to each other during the pandemic

■ Expanding child care, financial benefits was key

As the COVID-19 crisis accelerated, we realized our lives were about to change radically. At the time, some of our greatest challenges included:

- keeping employees engaged and informed
- being supportive of employees' families, and
- supporting employees' efforts to help their communities.

Work-from-home procedures

We established COVID-19 travel and work-from-home procedures, always maintaining an employee-first focus. We quickly repositioned and created new vehicles for communications, employee engagement and information-sharing to adapt to the new environment.

Once we had a framework in place, we convened a cross-functional core team and asked for new ideas to help employees stay connected to each other and to their communities.

Thought differently

We pushed ourselves to think differently and open up new avenues for engagement by:

- creating a talk show to showcase leaders and employees sharing information and ideas (98% of attendees reported feeling very informed)
- developing weekly news digest emails and posting 170 articles, memos and guidance documents to the COVID-19 internal hub, and
- hosting a virtual awards show that recognized outstanding achievements for the year (the kudos that came over chat and in the presentation were extremely motivating).

Because helping our neighbors is part of our company culture, we decided to temporarily extend volunteerism paid time off benefits up to four weeks and offer company-matched donations to humanitarian causes to magnify employees' efforts.

Expanded benefits

We expanded employee benefits including crisis, student and child care support, mental health offerings, financial resources and home office equipment reimbursement.

Recognizing our employees' families were also adversely impacted professionally as a result of COVID-19, we launched a job search program to support family members.

With military units being deployed to respond to the pandemic in many areas of the country, we doubled

Case Study:

WHAT WORKED, WHAT DIDN'T

We launched a job search program for family members.

paid military leave from two weeks to four weeks for our service member employees. And we continue to make up any difference between their military pay and regular pay for up to two years.

As employers, we have a rare responsibility to bring new ideas forward during times of crisis. If not now, when?

(Moyra Knight, Vice President for Corporate Communications, Astellas U.S., Northbrook, IL)

TEST YOUR KNOWLEDGE

■ Is a self-funded health plan the right one for your firm?

Self-insured health care and prescription drug plans can save on direct costs (annual premiums, rate hikes, etc.) but create more work for benefits teams. Do you know how to evaluate a fully insured vs. a self-insured plan for your company?

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

1. Switching to self-funding requires your team to evaluate claims data to address specific risks when designing the plan.
2. A self-funded administrative services only (ASO) plan typically allows employers to customize plan design and drug coverage.
3. In a fully insured plan, your annual medical and pharmacy costs and plan features are fixed.

ANSWERS

1. **True.** Obtaining and analyzing data to choose the right prescription drug plan and clinical health program is critical but time-consuming. Experts recommend allowing at least four months before the target start date for this process.
2. **False.** While ASOs provide more insight into claims, pricing and utilization than traditional plans, your broker retains control of cost-saving decisions.
3. **True.** But premiums for fully insured plans are significantly higher than self-funded plans. And, if your workers are healthy and spend less on health care and prescriptions than forecasted, you can't recoup costs. On the other hand, if costs exceed the health plan's model for the year, hefty rate hikes are almost inevitable.
- Info:** tinyurl.com/selffund616

EEOC: Can COVID-19 vaccines be mandatory for workers?

It's probably only a matter of months before a COVID-19 vaccine becomes available. However, firms will need to decide whether they'll direct employees to get the vaccine as a return-to-work requirement.

The EEOC updated its *Pandemic Preparedness for the Workplace* guidance ([tinyurl.com/EEOC616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)), issued during the H1N1 outbreak in 2009: Firms should consider "encouraging employees" to get the vaccine rather than requiring them to.

The EEOC will likely issue new guidance once a vaccine's been approved by the FDA.

Info: [tinyurl.com/vaccine616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

Court: Employer can't force a remote employee to return

It's a rare case, but one that could affect more employers as the pandemic continues: An employer can't force a teleworking employee to return, a Massachusetts federal court ruled.

In *Peeples v. Clinical Support Opinions*, an asthmatic social worker asked for an accommodation to continue to telework. When he was called back in July, he did so reluctantly, but he also filed an EEOC disability discrimination complaint. Now, the firm is barred from firing Peeples for at least 60 days.

This case serves as a reminder that respiratory impairments can prevail in court as an ADA accommodation.

Info: [tinyurl.com/ADAcourt616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

Child-free employees: They need accommodations, too

Support for working parents has increased during the pandemic, with more time off and other benefits. But firms must be mindful of childless workers, who may be feeling overburdened, and see that they're accommodated too. Experts tell how to meet nonparents' needs:

- "If a firm offers parents the option

to reduce their hours in exchange for a reduction in pay, this choice should be offered to *all* employees." – Obermayer Law Attorney Andrew Horowitz

- "People need different things. If someone wants to take a yoga class at 4:00 in the afternoon" or spend time with their dog or cat, that's legitimate time off. – Alec Levenson, author of *What Millennials Want from Work*
- "Poll your workers on a weekly basis" and you'll likely find out who feels overburdened. – Cheryl Cran, CEO, Next Mapping

Info: [tinyurl.com/nonparent616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

PPP forgiveness simplified for loans under \$50,000

Good news: The Small Business Administration has begun paying forgiveness requests for the pandemic-era Paycheck Protection Program (PPP) loans and has also issued a simpler application for loans of \$50,000 or less ([tinyurl.com/PPP616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)).

A new rule ([tinyurl.com/SBA616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)) eases forgiveness requirements for PPP borrowers of \$50,000 or less: They're exempt from reductions in forgiveness based on reductions in full-time employees and employee salaries.

Info: [tinyurl.com/PPPforgive616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

When it's OK to fire an employee on FMLA leave

A company was justified in firing an employee out on FMLA leave, always a tricky situation, because he failed to communicate, said an appeals court.

In *Alkins v. Boeing Co.*, Paul Alkins was fired because he failed to return to work on the reporting date or call out, ignoring several reminders of the upcoming expiration of his leave. After three days, Boeing fired him.

Alkins sued for FMLA interference. However, his well-documented prior attendance issues put his job in jeopardy, said the court.

Info: [tinyurl.com/FMLA616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

HOT APPS & WEBSITES

■ CDC 'return' toolkit

If you're preparing to reopen, get guidance – and plenty of checklists and resources – from the Centers for Disease Control and Prevention.

Click: [tinyurl.com/CDCtoolkit616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

■ Changing benefits plans?

Searching for a new health plan? Mployer Advisor, which has been called the "Zillow" for insurance brokers, rates plans to help you make the right benefits decisions.

Click: [tinyurl.com/Mployer616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

■ Free early wage access

It's free for employees and employers. Gusto Cashout gives workers early access to wages without any fees, helping them avoid payday loans, overdraft fees and credit card debt.

Click: [gusto.com/product/cashout](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)

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

LIGHTER SIDE

■ Enough Zoom: Happy hours head back to the office (sort of)

After months of virtual meetings, employees at tech firm KDG had had enough. They held Zoom happy hours for awhile but wanted to meet for drinks ... in person.

About 35 employees set rules – BYOB, keep 6 feet apart and obey the bathroom entrance and exit signs – before they met on their building's outdoor deck. "We've sort of all committed to 'OK, we're all in this together ... and dammit we're going to have some fun along the way,'" says KDG CEO Kyle David.

But will these socially distant happy hours go to the dogs as well? Probably not, because they literally bring their dogs along sometimes and have formed a social committee to keep ideas – and drinks – flowing.

Click: [tinyurl.com/Zoom616](https://www.dhs.gov/eo-sans/2020/08/04/eoc-guidance)