



The leading service to keep benefits managers up to date

September 14, 2021

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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.

## Annual notices: Which ones do you have to send and when?

### ■ Recommendations to maintain compliance

**A**s the administrator of your firm's health and wellness benefits plan, it's vital you make sure employees get all annual required employer notices.

And with so many people still working from home, how should you distribute them?

#### Required notices

Here are the notices you need to provide and what you need to do to stay in compliance for 2022:

**1. Medicare Part D Notice of Credible Coverage** ([bit.ly/ModelNoticePartD634](https://bit.ly/ModelNoticePartD634)) – This form notifies employees your plan's prescription drug coverage at the very least

matches a Medicare Part D plan. It goes to Part D eligible individuals, which includes those "enrolled in Part A or Part B who live in the service area of a Part D plan."

Your best bet is to send it to *all* employees. Reason: It's almost impossible to identify which employees, spouses or dependents are enrolled in Part A or B, and want to enroll.

The notice must be delivered by Oct. 15. While you can deliver it by hand, remote/flex work arrangements make that difficult. But you can also deliver it by first class mail, or electronically, if employees have access

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

## LEGISLATION

### New bill would require paid leave for this group

**I**n the near future firms may be required to give a new group of workers paid time off to deal with grief.

Who's the new group? Workers who experience painful challenges while seeking to grow their family.

#### Invest in research

In July, new legislation was introduced by Congresswoman Ayanna Pressley (MA-07) and U.S. Senator Tammy Duckworth (D-IL) to raise awareness about pregnancy loss and establish new paid leave benefits for these workers.

Specifically, the bill – the Support Through Loss Act – would:

- require firms to provide at least

three days of paid leave for workers to deal with grief following a pregnancy loss, an unsuccessful assisted reproductive technology procedure, a failed adoption, a failed surrogacy arrangement, or a medical diagnosis or event that impacts pregnancy or fertility

- provide the National Institutes of Health \$45 million a year for federal research into miscarriage and pregnancy loss, and
- require the U.S. Department of Health and Human Services to create and provide public info regarding pregnancy loss.

We'll keep you posted.

Info: [bit.ly/Loss634](https://bit.ly/Loss634)

## Notices ...

(continued from Page 1)

to your “electronic information system on a daily basis as part of their work duties.”

**2. Children’s Health Insurance Program (CHIP) Notice** ([bit.ly/CHIP634](http://bit.ly/CHIP634)): You need to distribute this notice to eligible employees for premium assistance through CHIP or Medicaid state programs. Again, distribute it to *all* employees so you don’t have to track each employee’s state premium assistance programs.

While this notice doesn’t have a specific distribution date, if you send it with all other major notices it won’t get overlooked. Just make sure it appears as a separate notice.

It can be distributed by hand delivery, first class mail or electronically “where the ERISA electronic disclosure safe harbor is satisfied.”

**3. Women’s Health and Cancer Rights Act (WHCRA) Notice** ([bit.ly/WHCRA634](http://bit.ly/WHCRA634)) – The WHCRA gives protections to individuals (no matter their gender) who elect breast

reconstruction after a mastectomy. If your health plan offers mastectomy coverage, you must also provide coverage for certain services relating to the mastectomy.

Notices must be provided upon enrollment and then on a yearly basis. It’s best to send it to all participants and beneficiaries covered under your health plan, and with the other required annual notices, since it doesn’t have a specific distribution date.

It can be distributed by hand delivery, first class mail or electronically “where the ERISA electronic disclosure safe harbor is satisfied.”

### Recommended, but not required

Not all notices are required to be sent annually, but here are a few that industry experts recommend you include with your annual notices.

- **HIPAA Special Enrollment Notice** ([bit.ly/HIPAASpecialEnroll634](http://bit.ly/HIPAASpecialEnroll634)) – While firms are only required to provide this notice before or when you give employees the opportunity to enroll in your health plan, the information is extremely important. So sending it annually with your other required notices is a best practice to implement.
- **Primary Care Provider Designation Patient Protection Notice** ([bit.ly/PatientProtection634](http://bit.ly/PatientProtection634)) – The distribution of this notice is *only* required when a summary plan description is provided. But in the case of a DOL investigation/audit, the agency requires evidence the employer provided it to plan participants as part of its standard list of documents. So it’s best to send it annually with the other required notices.
- **ADA Wellness Program Notice** ([bit.ly/Welness634](http://bit.ly/Welness634)) – This notice must be provided before any health info is given and so the employee has time to decide if they want to participate. Sending it annually with your other notices, while not required, will help avoid claims by employees that they weren’t informed of their ADA rights with respect to the wellness program.  
**Info:** [bit.ly/RequiredNotices634](http://bit.ly/RequiredNotices634)

## S HARPEN YOUR B ENEFITS J U D G M E N T

*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.*

### ■ FMLA, sick leave affected pay: Was worker non-exempt?

“Will this case never end?” asked company lawyer Walter Buck to Benefits Manager Betty Murphy.

“Well, hopefully when the court takes another look at the case they’ll see Gunnar was definitely paid on a salary basis,” Betty said. “We have payroll records to prove it.”

“But his lawyers keep harping on the fact that his hourly rate appeared on his check – and that his pay was reduced on multiple occasions,” said Walter.

### No paid leave time

“Listing his pay as hourly doesn’t mean he wasn’t paid a regular salary each pay period. I verified that with payroll, and I have his work contract to prove it,” Betty replied.

“And,” she continued, “as I said before there’s an explanation for each of those deductions. Most of them were for periods when he took intermittent FMLA leave and had no paid sick time left. He didn’t work all week, and that’s fully acceptable under the law.”

“It might be legal, but he is still fighting us tooth and nail,” Walter said. “And the court’s already ruled in his favor once, but I’m hoping a new look at the evidence will work to our advantage.”

The company appealed the original court decision. Did it win?

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



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## DOL comes down hard on firms that cheat workers out of their pay

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

### **Road construction giant pays \$20.7M stealing pay**

**What happened:** One of the biggest road contractors, Glenn O. Hawbaker in Milnesville, PA, stole from more than 1,200 workers. Specifically, Hawbaker stole fringe benefit contributions the Davis-Bacon Act and the Pennsylvania Prevailing Wage Act required it pay for employees working on government road or other constructions projects.

**What people did:** The road contractor pled no contest to four counts of theft relating to violations of the acts.

**Result:** The \$20.7 million restitution payment is the largest prevailing wage restitution payment thus far. In addition, the company was given a court-appointed corporate monitor at its own expense to monitor its compliance while serving probation.

**Info:** [bit.ly/RoadContractor634](https://bit.ly/RoadContractor634)

### **Restaurant operator shares tip pool illegally**

**What happened:** The operator of Fiesta Grande Mexican Grill in Mount Dora and Orange City, FL, was sharing servers' tips with cooks.

**What people did:** DOL investigators found that Fiesta Grande Mexican Grill Inc. violated the Fair Labor Standards Act by including cooks in its tip pool illegally. When an employer takes credit for workers' tips toward its minimum wage obligation to those workers, non-tipped employees, like cooks, can't participate in a tip-sharing agreement.

**Result:** Now, 45 workers get to share

\$58,074 of their rightful wages that investigators recovered.

**Info:** [bit.ly/MexicanRestaurant634](https://bit.ly/MexicanRestaurant634)

### **Community college cheats security guards out of pay**

**What happened:** A community college in Albuquerque, NM, required security guards to arrive early for pre-shift briefings, but didn't pay them for their time during the briefings.

**What people did:** Investigators also found the college didn't record this work time which not only resulted in FLSA OT violations, but also recordkeeping violations.

**Result:** Back wages in the tune of \$70,707 was recovered by the DOL's Wage and Hour Division and will be split among 71 security guards.

**Info:** [bit.ly/CommunityCollege634](https://bit.ly/CommunityCollege634)

### **Farm labor contractor underpaid temp workers**

**What happened:** Jose Gracia Harvesting Inc., based in Four Oaks, NC, violated the H-2A temporary agricultural workers visa program, which allows employers to hire temporary, non-immigrant workers for seasonal agricultural work.

**What people did:** DOL investigators found the farm labor contractor hired temporary workers to pick and pack melons in southern Delaware violating federal law because it employed them in jobs not listed in its application to hire foreign guest workers, failed to provide required kitchen facilities or meals, paid insufficient wages and housed workers in overcrowded living quarters.

**Result:** The contractor paid \$13,996 in back wages to 47 workers, and a \$6,861 civil penalty.

**Info:** [bit.ly/FarmContractor634](https://bit.ly/FarmContractor634)

### ■ Masking again: How to get your employees on board

As the Delta variant of COVID-19 continues to spread rapidly, many people are frustrated as we seem to be moving backward in the battle against the virus.

Restrictions are cropping up again, and the ever controversial mask mandate is front and center.

The CDC recently suggested that everyone – including the vaccinated – should wear masks indoors in areas of high spread, which is essentially the entire U.S. This means employers should seriously consider reinstating a mask mandate in the workplace.

### 3 good reasons

But employees are frustrated with the changing rules, and you may receive more pushback than last time about wearing masks.

Here are some points to drive home with your employees to encourage mask wearing, courtesy of a variety of Yale Medicine infectious disease specialists.

- **Children and immunocompromised are at risk.** Many vaccinated people might be less inclined to wear masks because they believe the unvaccinated are unprotected by choice. However, it's important to remind employees that children under 12 and many people with compromised immune systems *can't* get the vaccine. We need to help protect these groups.
- **Breakthrough infections happen.** Those who are vaccinated aren't 100% protected against COVID-19. Breakthrough infections can and are happening, and a mask adds an extra layer of protection.
- **Masks protect against more than COVID.** Last winter, cold and flu cases plummeted because of mask wearing and social distancing. Masks don't just help prevent the spread of COVID – they're crucial in stopping the spread of less severe – but still irritating – illnesses. Nobody likes being sick.

**Cite:** [bit.ly/masks634](https://bit.ly/masks634)

## Are some companies going too far with vaccine incentives?

Thanks to the Delta variant that's causing COVID-19 cases to spike again, there are a number of firms out there looking to implement a new incentive. And for those who haven't been vaccinated yet, they probably won't be too happy about it.

While many companies have dangled carrots – days off, gift cards, financial incentives, etc. – to motivate their employees to get vaccinated, it would seem some firms now are looking into using the stick end of the motivational tactic.

### What's the new incentive?

The new incentive is a monthly pay deduction of \$20 or \$50 for employees who choose to remain unvaccinated. Kind of like the monthly charge some firms charge smokers.

"We have received inquiries from at least 20 employers over the past few weeks who are giving consideration to adding health coverage surcharges for the unvaccinated as a way to drive up vaccination rates in their workforce," said Wade Symons, regulatory resources group leader

at Mercer, an international employee benefits consultancy.

The reason for the switch from the carrot to the stick?

COVID-19 hospital stays are costly and are often paid for by company-paid healthcare benefits. And increased costs like this trigger premium increases.

So now that vaccination rates have stalled, firms are looking at other tactics to motivate employees.

### Something to think about

While we aren't saying the monthly pay deduction is a good or bad idea, it may cause a backlash among those who refuse to get vaccinated.

And in a time when many employers are hurting for help, this may not be the time to incentive with a penalty. We reported in the Aug. 16, 2021 issue that the quit rate is the highest since 2000.

Then again, firms have to keep their benefit costs under control during a pandemic that isn't over yet.

Info: [bit.ly/Deduction634](https://bit.ly/Deduction634)

### 3 communication mistakes managers want to avoid

We always talk here about how to improve communication with staff and colleagues.

But sometimes the best way to improve how you interact with others is to avoid the mistakes that make communication messy.

Here are three of the biggest mistakes, according to Karin Hurt and David Dye, consultants and authors of *Winning Well: A Manager's Guide to Getting Results-Without Losing Your Soul*.

#### The pre-apology

It sound like one of these:

- I'm usually wrong, but ...
- This is probably a bad idea ...
- In my feeble mind ...
- I'm terrible at math, but ...

By apologizing for your thoughts and ideas, you undermine your authority and credibility.

#### Selling past the close

It's when you get agreement, and you had more prepared to say, so you keep going on. It might sound like this: "Great. Glad you agree. Here's what else I recommend."

Instead, say, "Great. Thank you." And move on to doing it.

#### Hedging

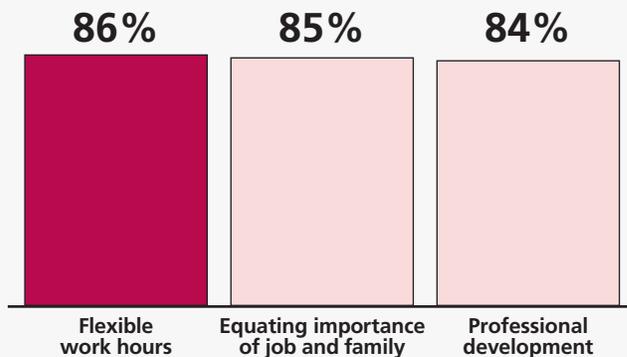
You present a perfectly good idea. Then, before people can respond, you waffle and offer alternatives or even shoot down your own idea. It might sound like this: "If that doesn't sound like a good idea, we could always ... " Or, "I have some other ideas we might want to consider, too."

Instead, make your case and stand your ground. Say, "I carefully considered three software solutions. And here's why I recommend we go this way."

Source: <https://bit.ly/2VmsQAZ>

### Empathetic appeal

#### What benefits do Gen Z value as the most empathetic?



Source: *State of Workplace Empathy* by businessolver

In 2021, Gen Z is the only group of employees whose rating of workplace empathy went down. To get them back promote the benefits they value most.

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# WHAT WORKED FOR OTHER COMPANIES

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**O**ur 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 **Revamped recognition for virtual world**

At our company we placed a high importance on recognition, and we had a great program in place. But it was paper-based, handwritten notes so when the pandemic hit and we went virtual, we had to find an alternative.

Our employees loved our Wow program. They were involved in the creation of it from the very beginning and participation was high.

Folks wrote notes almost every day touting how their co-worker or boss helped someone or went above and

beyond their job.

Then at the end of the month people were nominated who consistently acted as role models based on what our organization was all about.

### **Kept what worked**

Since Wow was so successful, we took a month to think things over and came up with a new virtual version of the program.

We created a YouTube channel where people could submit short videos of the people they were

nominating. Then at the end of the month we put together a fun video in English and French of all the acknowledgments.

The new virtual program has been a huge success. Not only has it created amazing good will and kept our recognition effort strong, it's also attracted new clients at a time when the industry has been struggling.

*(i24 Call Management Solutions, Montréal, Quebec, Canada, as presented by Sarah McVanel, BA, MSC, CSP, founder of Greatness Magnified at the HR Virtual Summit 2021)*

**REAL  
PROBLEMS  
REAL  
SOLUTIONS**

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## 2 **Meaningful meetings produce results**

We know, we know – no one wants to hear there's another meeting.

But a lot can be lost in the shuffle if people don't talk, share and interact often enough.

Of course, it's not always easy to convince employees and colleagues we need to meet often.

What's more, in our case, we wanted to meet daily. Plus, some people worked from home, so they wanted to be less tied down to

an exact schedule of meetings.

But we felt it was important to stay in contact and chat every day.

### **Discussed goals and obstacles**

To get buy-in, we promised meetings would be short and meaningful.

In the morning, we'd quickly go over goals and potential impediments.

Then, in the afternoon, we'd meet just as quickly to cover what was accomplished and what held back

anyone in their pursuit to accomplish everything.

We kept promises to be brief. And that's when

buy-in grew.

Even better, people recognized the meetings helped them maintain momentum, so they were even more inclined to engage.

We keep it short, simple and effective – and it's made meetings more than bearable.

*(Mark Hobbs, CEO, Fundmetrics Inc., Halifax, Canada, shared his success on Forbes.com)*

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## 3 **A more creative way to recognize employees**

Our company's Employee of the Month award was a great idea ... about 20 years ago.

The structure was pretty simple: Employees nominated, and managers picked the winner.

In fact, it was so rudimentary and expected, it wasn't encouraging great work anymore.

And a deserving employee might be passed over because people thought the person got the award too much.

It got to the point where we actually stopped giving nominations because it just wasn't working. No one cared anymore.

### **Mixing it up**

It was necessary for our company to revisit our outlook on and approach to employee recognition.

So, we came up with Team Player of the Month, an initiative that was strictly colleague to colleague.

It took management out of the equation completely.

Employees nominate each other

based on their contributions to the group and team efforts. Then we vote on a winner each month.

It's a win-win for both sides. Everyone is interested in giving the award to someone who really deserves it, and our people are all more motivated to win.

It's really boosted morale and the team mentality in our office. And it means more on a peer-to-peer level.

*(Krista Ciccozzi, Director of Technical Support, PracticeWorks Inc., Atlanta)*

## FEDERAL GUIDANCE

### IRS: American Rescue Plan update

**H**eads up, Benefits pros. The IRS recently released new guidance on the Tax Credits for Paid Leave Under the American Rescue Plan Act (ARPA).

While no longer required to provide ARPA benefits, private employers with fewer than 500 employees can choose to extend these benefits through the end of September in order to receive a federal tax credit.

#### Emergency leave

A big proponent of ARPA is employees being able to take 80 hours of Emergency Paid Sick Leave and 12 weeks of paid Expanded Family and Medical Leave for COVID-19-related reasons.

The IRS clarified the qualifying reasons for both types of leave:

1. The employee is under a COVID-19 quarantine or isolation order, or has been advised by a doctor to isolate due to COVID-19 concerns
2. The employee has symptoms of COVID-19 and is either awaiting test results or a medical diagnosis
3. The employee is receiving a COVID-19 vaccine or recovering from vaccine side effects

4. The employee is caring for someone who is under a self-quarantine related to COVID-19, and
5. The employee is taking care of a child whose place of care is closed due to COVID-19 concerns.

#### Further clarifications

The biggest update coming from this guidance includes an expansion of a sixth reason to take ARPA leave:

6. The employee is experiencing a condition substantially similar to COVID-19.

According to the new guidance, this reason includes an employee accompanying someone to obtain the COVID-19 vaccine.

The IRS also got more specific about who the “someone” can be:

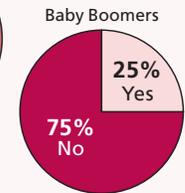
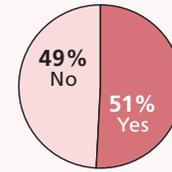
- an immediate family member
- someone who regularly resides in the employee’s house, or
- a similar person with whom the employee has a personal relationship.

It’s important to note that the employee can’t take ARPA leave to assist someone with whom they have no personal relationship.

## Work-life balance

### Is your worklife balance better than before the pandemic?

Employees in their 20s (Gen Z & Young Millennials)



Source: *Redesigning the Employee Experience: Preparing the Workforce for a Transformed World* by MetLife

Different generations often have different views on various work policies – including work-life balance. That’s why it’s important to survey *all* workers about what they value.

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

Employers who are extending ARPA benefits to their employees need to be aware of these changes, as it gives workers more flexibility with the leave than before.

If you already have ARPA leave policies in place, it’s crucial to update them now.

Info: [bit.ly/ARPA634](https://bit.ly/ARPA634)

## SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

Yes, the company won on appeal. Although the trial court ruled in favor of the employee, the appeals court said there was evidence to indicate the worker was paid on a salary basis. Even though the worker’s paycheck listed his hourly rate, payroll records showed he received the same salary consistently.

Plus, the court said that paying an hourly rate wouldn’t necessarily mean the employee was non-exempt. The employer’s other pay practices must also be considered.

The employee’s lawyers argued the company regularly made deductions from his pay, which was more evidence he wasn’t paid on a salary basis.

But the court said that might not necessarily be the case. The employer had evidence it only docked the

worker’s pay if he didn’t have any unpaid leave available in circumstances where he wouldn’t have been paid otherwise (e.g., unpaid medical leave, office closures).

This case, however, isn’t an automatic win because the employer now has to prove its pay practices were legit in another lengthy court battle.

#### Analysis: Be proactive about paid time off

Deductions from salaried employees’ pay can only be made in limited circumstances under state and federal law.

To prevent situations like these, it’s a good idea to give employees easy access to view their paid time off balances. That way, they’re always aware of how much time they have available, and they can work with managers to figure out a solution if they need time off and balances are low.

**Cite:** *Coates, et al., v. Dassault Falcon Jet Corp.*, No. 19- 2167, U.S. Court of Appeals, Eighth Circuit, 6/10/20.

**Note:** Dramatized for effect.

## Taking care of employee benefit questions beyond open enrollment

### ■ Needed year-round support in post-COVID world

Typically people didn't get all that excited about insurance, even during open enrollment meetings.

But when Americans started losing their lives to COVID-19, our employees began asking deeper questions about life insurance and other available benefits.

They had no idea how the pandemic situation would evolve. They were worried about their families and they needed information on coverage that would protect them.

Suddenly our people were urgently interested in their benefits. So we seized the opportunity to educate them.

#### Available coverage

In coordination with our benefits broker, we quickly produced some digital, handouts that broke down:

- whole life insurance
- accident insurance plans
- hospital indemnity insurance, and
- critical illness plans.

These reference materials explained to our people how these coverages would help them in the event they were getting tested, quarantined or hospitalized for COVID-19.

### Our people need support beyond open enrollment

We also took the time to answer their individual questions about the coverage they have, what else is out there and how it could work with our core benefit offerings.

But there were other resources that

became increasingly important during the pandemic that they also needed to know more about.

#### More support

Because employees don't value what they don't understand, this was the time to start sending out emails about benefits they may have overlooked before the pandemic, such as:

- our EAP (the pandemic made people more conscious about their wellbeing)
- telemedicine (including mental health telemedicine), and
- a nurse hotline for when a physician isn't available.

We realized how key education is to employee engagement and that our people need support beyond the open enrollment period for understanding the

benefits they select.

#### Using benefits wisely

When employees buy a benefit, are they using it in a way that they're getting the most value from it?

To best answer that question, we began offering year-round benefits support to help employees:

- know when to submit claims
- select benefits that are the best fit
- navigate health care needs, and
- make coverage changes when there's a life event like a new home, marriage or addition to the family.

Our people are paying closer attention to their benefits and they're getting a better sense of what they have and what they need.

*(Scott DeGraw, vice-president of enrollment technology, Allstate Benefits, as presented during the webinar "Annual Enrollment 2022: Benefits for a Recovering Workforce")*

#### Case Study:

**WHAT WORKED, WHAT DIDN'T**

### TEST YOUR KNOWLEDGE

#### ■ Retirement plan audit: Do you know what's required?

Chances are you may never have to partake in an IRS or DOL audit of your retirement plan. But if you do, will you know how to prepare for it?

Knowing how to successfully navigate your legal and regulatory audit obligations can save you a lot of time and money. Test your knowledge: Decide whether the following statements are *True* or *False*. Then check your responses against the answers below.

1. Whether your retirement plan is audited by the IRS or DOL doesn't matter they're one in the same.
2. If you receive a questionnaire about your retirement plan from the IRS or DOL, your best bet is to answer it ASAP.
3. If selected for an audit, the IRS or DOL will provide you with a list of documents you must produce. But you should send anything you think will help speed up the audit.

### ANSWERS

1. **False.** Each entity polices different areas of retirement plans. The DOL looks at fiduciary breaches and transactions prohibited in ERISA. The IRS looks for tax code violations.
2. **True.** The questionnaire is to see if any areas of your plan require an audit. If you answer it and they find all areas are fine, you may not be audited. But if you ignore it you are almost 100% guaranteed to be audited.
3. **False.** Legal experts recommend you only send what's requested. If the IRS or DOL needs extra documents, they will notify you separate from the initial list. If you provide documents they didn't require of you, that's basically asking them to examine part of your plan that they haven't included in the audit yet.
- Info:** [bit.ly/RetirementAudit634](http://bit.ly/RetirementAudit634)

#### ■ Answers to the quiz

## **Final rule to rescind joint employer rule released**

The DOL recently released the final rule that will rescind the “Joint Employer Status under the FLSA” that went into effect March 2020.

Reason: The rescinded rule’s description of “joint employment” was contrary to statutory language and Congressional intent, and it failed to consider the DOL’s previous joint employment guidance.

The final rule, which becomes effective Sept. 28, 2021, will ensure more workers receive minimum wage and overtime protections of the FLSA, according to the DOL.

Info: [bit.ly/FedRegJointEmployer634](https://bit.ly/FedRegJointEmployer634)

## **Vaccine refusal firing & collecting unemployment**

An Aug. 4 Facebook post said, “If your employer is mandating any pokes, DO NOT QUIT. Make them fire you. That way, you get unemployment benefits and can pursue legal action.”

The post garnered more than 5,000 shares in two days, reported *USA Today*. So the media giant decided to fact check the statement by contacting 12 labor and employment experts who all agreed that’s not true.

If an employer has “cause” to fire an employee, that typically bars the employee from collecting unemployment. Problem is, just about every state defines “cause” differently.

But there are some common standards that underlie unemployment eligibility throughout the U.S. One is being fired for violating “a known workplace policy.”

An employee who gets fired for violating a known workplace policy, like a dress code, and was treated exactly like their co-workers, most likely won’t be able to collect unemployment.

And as long as existing state and private laws aren’t violated, employers can make requirements for employment, like wearing uniforms or getting vaccines.

The Equal Employment Opportunity Commission and Justice Department both weighed in on the topic stating employers can legally require employees to get COVID-19 vaccines, as long as the requirements comply with other workplace laws.

Info: [bit.ly/Unemployment634](https://bit.ly/Unemployment634)

## **Unique benefit that’ll attract lots of attention**

Most companies nowadays are trying to offer unique benefits to retain and attract the cream of the crop.

To help out, here’s a different benefit that may do just that for environmentally conscious employees – providing electronic vehicles (EV) charging stations.

For people looking to change to an EV, this perk could be all that it takes to swing them to your company. Not only does it show that you’re dedicated to keeping up with technology, but it gives off a message that you care about the environment.

That’s important in today’s world because since the pandemic hit, employees are looking to work for companies that show they care about issues, like the environment.

Info: [bit.ly/ChargingStation634](https://bit.ly/ChargingStation634)

## **Heads up! IRS changing paper ACA filings in 2022**

Two big changes may be coming your way in terms of electronic filing requirements for the Affordable Care Act (ACA), if the IRS has its way.

Currently, under the ACA’s employer mandate, only firms that submit at least 250 1094-C and 1095-C forms are required to submit them electronically to the IRS.

For returns due in 2022, the Service has proposed to drop the 250-return threshold to 100, and for 2023 and beyond to 10, which would include all but the smallest employers.

Legal experts believe these proposed changes will be finalized by this autumn.

Info: [bit.ly/ACAeFiling634](https://bit.ly/ACAeFiling634)

## HOT APPS & WEBSITES

### ■ Mental health app Q&A

If you think your firm should offer mental health apps, you aren’t alone. Here are three of the most common questions the research team at the division of digital psychiatry at Beth Israel Deaconess Medical Center got.

Click: [bit.ly/MentalHealth634](https://bit.ly/MentalHealth634)

### ■ Benefits compliance guide

Need a little help keeping up with all the health benefits coverage under federal law? This compliance guide from the DOL can help!

Click: [bit.ly/DOLComplGuide634](https://bit.ly/DOLComplGuide634)

### ■ What is payroll accounting?

Find out what payroll accounting is and how it can help your firm expand strategically and avoid overextending.

Click: [bit.ly/PayrollAccounting634](https://bit.ly/PayrollAccounting634)

*If you have a benefits-related question, email it to Renee Cocchi at: [rcocchi@HRMorning.com](mailto:rcocchi@HRMorning.com)*

## LIGHTER SIDE

### ■ When is an ADA request not an ADA request?

You’ve probably had your fair share of ADA requests. And by now you know the difference between a legit ADA request and what is someone maybe losing control of their mental well-being, like this:

A woman started working at a call center and was doing a great job her first week. But then something changed week two.

She marched up to another floor, walked into the CEO’s office while he was meeting with someone and demanded he buy her a dog. She said having a companion would improve her work performance. That was the entirety of her rant.

Needless to say she didn’t get a dog, and was eventually fired for unrelated reasons.

Info: [bit.ly/FMLA634](https://bit.ly/FMLA634)