

IN THE KNOW

Bulletins for Benefits & HR Professionals

October 30, 2020



IRS Releases 2020 Forms 1094/1095 and Related Instructions, Including New Rules for ICHRA Reporting

“ALEs should note the new requirement to report the start month of the plan year on Form 1095-C and read the instructions carefully since there are some nuances. ALEs that offered ICHRAs in 2020 will have to collect and report information the IRS needs to evaluate ICHRA affordability. Notably, the instructions indicate that an ALE must report the age of any employee receiving an ICHRA offer, while other ICHRA information is required only for full-time employees receiving an offer of affordable ICHRA coverage.”

[Full Article](#)

Thomson Reuters



Waiting on an End to the Extended ERISA Deadline Periods

“Early in the pandemic, the IRS and DOL issued a temporary rule (published May 4, 2020) extending certain deadlines applicable to retirement plans and health and welfare plans. The examples in the temporary rule assumed an end date of April 30, 2020 for the National Emergency, which would have extended the Outbreak Period through June 29, 2020. As we all now know, this National Emergency did not end on April 30, and in fact it is still in place. As the crisis has extended, the impact of the 'temporary rule' is becoming more of an issue.” [Full Article](#)

Holland & Hart LLP

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New Cross-Plan Offsetting Class Action Lawsuit Highlights Exposure to Self-Insured Health Plan Sponsors

“Plaintiffs claim that UnitedHealth breached its fiduciary duties under ERISA when it used assets from the plaintiffs' plans to recoup financial losses from other separate plans, effectively using plaintiffs' plan assets for its own benefit. The plaintiffs assert that, 'By engaging in cross-plan offsetting, United treats the thousands of Plans it administers as one extremely large piggy-bank, moving more than \$1.2 billion among its Plans each year to suit its own interests. Each cross-plan offset violates ERISA, and in most cases, the money ends up in United's own pocket.” [Full Article](#)

Hall Benefits Law



Discrimination, Benefit Issues to Watch When Returning Furloughed Workers

“Applicable large employers should be aware of how breaks-in-service following a rehire of furloughed employees affect eligibility provisions and waiting periods under the employer's group health plan. If benefits continued during the furlough, potential employee 'catch-up' payments are needed if the employer paid employee premiums during this period. It is also important for employers to review the impact of adjustments to compensation on benefit contributions and eligibility and remind returning employees to review these changes and resume contributions to retirement plans.”

[Full Article](#)

Epstein Becker Green

Health Plan Deductibles Are Increasing Across the Board

“Among enrollees with deductibles, there has been an across-the-board increase in deductibles, regardless of plan type or employee demographic, since 2013. One reason for the increase in deductibles is the movement of enrollees from PPO and POS plans to HSA-eligible health plans. The percentage of enrollees in HSA-eligible health plans more than doubled between 2013 and 2018, increasing from 4 percent to 10 percent.”

[Full Article](#)

Employee Benefit Research Institute [EBRI]

