

# IN THE KNOW

Bulletins for Benefits & HR Professionals



March 4, 2021

## COVID-19 Deadline Extensions -- No More Time Outs But No Single Deadline Either

"Disaster Relief Notice 2020-01 acknowledges that the agencies understand and appreciate the complications this latest guidance creates for plan administrators to immediately restart the clock of daily COBRA, HIPAA, and other deadlines and for individuals who now must immediately catch up monthly COBRA premium obligations to maintain health insurance under the employer's plan. To be considered as acting in good faith and with reasonable diligence, here is a list of steps employers should take."

[Full Article](#)

*Jackson Lewis P.C.*



## Visiting a Family Member and Need a COVID-19 Test? Your Health Plan Must Pay for That

"Group health plans must cover the required COVID-19 testing even for an asymptomatic individual with no known or suspected exposure to COVID-19. This requirement does not, however, require group health plans to cover without participant cost-sharing, prior authorization, or other medical management requirements COVID-19 tests that are required for public health surveillance or employment purposes." [Full Article](#)

*Miller Johnson*

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## EEOC Withdraws Proposed Wellness Incentive Rules

“One of the EEOC Commissioners stated on February 18, 2021, that the rules remain under consideration at EEOC. The incentive issue has particular currency and importance today as many employers consider whether to offer incentives to encourage employees to receive COVID-19 vaccinations.” [Full Article](#)

*Epstein Becker Green*



## IRS Guidance Makes FSAs More Flexible

“For plan years ending in 2021, an employer can permit an employee to change his/her FSA election mid-plan year, regardless of reason. The employer can allow the employee to receive reimbursements for expenses incurred starting on January 1, 2021. This is a significant departure from the general FSA rules.” [Full Article](#)

*Groom Law Group*



## Is There a New Requirement to Pay Employees on Military Leave?

“Risk-averse employers who offer any voluntary (not statutorily mandated) paid leave to employees, including for jury duty, bereavement, sick leave, or other time off, may wish to start offering equivalent levels of paid leave to employees on military leave -- at least until the issue is resolved in the circuit courts, or possibly the Supreme Court.” [Full Article](#)

*Akerman*

## District Court Finds Fiduciary Breach in Misuse of Health Plan Assets and Failure to Provide Notice of Coverage Lapse

“Amounts withheld from employees' paychecks for their portion of medical insurance premiums typically had not been separated from other funds in the employer's general operating account, and it appeared that the employer used the funds to pay operating expenses.” [Full Article](#)

*Thomson Reuters / EBIA*