

Employee Benefits Law
UNC-Chapel Hill School of Government
December 4-5, 2018

Agenda

Tuesday, December 4, 2018

12 – 12:30 Overview of Employee Benefits Law

This session will discuss the authority of various North Carolina public employers to offer various kinds of benefit plans, which benefits are required by law and which are not, and key concept in understanding employee benefits law.

12:30 – 1:30 Retirement Benefits

This session will focus on the retirement benefits offered through the North Carolina Treasurer's Office (LGERS, TSERS etc.), supplemental retirement programs like 401(k) and 403(b) plans, the difference between defined benefit and defined contribution plans, special provisions for public safety retirement, especially the Law Enforcement Officer Special Separation Allowance, and retirement contributions required for military reservists by USERRA.

1:30 – 1:45 Break

1:45 – 3:15 Introduction to the Affordable Care Act

Despite the repeal of some parts of the Affordable Care Act, including the individual mandate, the requirement that employers with 50 or more full-time employees offer health insurance is still in effect. This session will cover the concepts of minimum essential coverage, affordability and minimum value, the penalties for failing to offer health insurance and how to determine whether you are a covered employer and which of your employees are covered employees.

3:15 – 3:30 Break

3:30 – 5:00 The Affordable Care Act's Reporting Requirements

This session will give up-to-date instructions on Forms 1094-C and 1095-C for fully-insured employers and Forms 1094-B and 1094-C for self-insured employers. We will also discuss the IRS 226J Letter assessing penalties for previous reporting years and the procedure for challenging this letter.

Wednesday, December 5, 2018

8:30 – 9:00 Retiree Health Insurance Benefits: Creating Them and Eliminating Them

9:00 – 9:45 Basics of COBRA Healthcare Continuation Coverage and Compliance

This session will look at the events that trigger COBRA rights and the individuals who have COBRA rights for each event, the types of notices that COBRA requires and when they must be provided; how employees, former employees and beneficiaries elect and pay for COBRA; and the consequences of noncompliance.

9:45 – 10:00 Break

10:00 – 11:00 Alphabet City: Cafeteria Plans, FSAs and DCAPs, HRAs, HSAs and HDHPs

This session will explain what a cafeteria plan is, and the tax advantages it provides for employers and employees and discuss the types of benefits that can be offered through a cafeteria plan and when midyear election changes are permissible. It will also discuss health flexible spending accounts (FSA), the most popular feature of cafeteria plans.

The second half of this session will focus on the eligibility rules and the contribution and distribution rules governing health reimbursement accounts (HRAs), health savings accounts (HSAs) and high deductible health plans (HDHPs), as well as on potentially disqualifying coverage such as Medicare coverage.

11:00 – 11:15 Break

11:15 – 12:15 Wellness Programs

This session will focus on the different kinds of wellness programs and the requirements they must satisfy under HIPAA, GINA, and ADA nondiscrimination rules and under tax law, including the legal limits on wellness program rewards or incentives, the limitations on the use of health risk assessments, and privacy considerations.

12:15 – 1:00 Income Replacement Benefits and Their Relationship to One Another

Income replacement benefits encompass a whole range of benefits and offer employers a lot of choice in how to structure their benefit plans. This session will focus on sick and vacation leave and workers compensation but will also look at short-term disability and long-term disability plans, Social Security benefits and group life insurance.