



## NEWSLETTER

## Stay up to date with our September Employee Benefits Newsletter.

Our monthly newsletter is designed to deliver you a curated list of legal updates, informative webinars and current insights.

### Upcoming Webinars

#### **HR For 2019**

This live webinar is eligible for HRCI, SHRM and CEBS credits.

**September 26 @ 11:00 a.m. – 12:00 p.m. CST**

Looking into 2019, Bobbi Kloss's webinar provides insight in developing a culture to best market your business and retain employees, regulatory updates, additional HR practices, the EEOC and the DOL. Educate yourself on how to maintain your employer of choice status, top trends in Human Capital Management (HCM), and what should you be focusing on for your workforce needs in the upcoming year.

[Register](#)

## **Beyond Burpees and Broccoli**

**October 10 @ 2:00 p.m. – 3:00 p.m. CST**

Employee engagement is the #1 issue on most employers' minds these days. With workforce engagement rates hovering around 70%, it's no wonder companies want to take a more strategic approach about how to boost engagement and retain and recruit top talent. Join Rachel Druckenmiller, WELCOA's #1 Wellness Professional in 2015, for an informative webinar where she will review insights from the WELCOA Summit and dive deeper into the five dimensions of wellbeing.

[Register](#)

## **Compliance Update**



### **Compliance Recap from Danielle Capilla**

Although it has been a quiet summer, there have been recent court cases that employers who sponsor employee benefit plans should be aware of as they consider plan design choices and make decision on their process for meeting their various requirements.

- Marriot is facing a class action lawsuit brought by a former employee of the hotel chain who are alleging the chain did not provide adequate COBRA notices. Among its complaints, the class alleges that by only providing COBRA notices in English, the hotel chain failed to provide adequate notice of the former employee and plan participant's rights. Although COBRA does not require that notices be provided in Spanish, the DOL has included Spanish versions of model COBRA notices. Employers subject to COBRA should watch this litigation (*Vazquez v. Marriot Int'l, Inc.*, 2018 WL 1988875 - M.D. Fla. 2018) for further development.
- A class action lawsuit alleging that the denial of coverage for mental health services that were delivered in a wilderness setting survived a motion to dismiss, signaling that the battle over the physical location of mental health

services is far from over. The class is alleging that the carrier's exclusion for services in a wilderness program are a violation of the Patient Protection and Affordable Care Act, and mental health parity requirements. Employers that deny claims provided in a wilderness setting should watch this litigation (*Varpahl v. Harvard Pilgrim Health Ins. Co.*, 2018 WL 3518511 - D. Mass 2018) for further developments. An individual lawsuit on the similar grounds is current in progress in another jurisdiction, claiming that a blanket of exclusion of wilderness therapy violates mental health parity requirements (*A.Z. v. Regence BlueShield*, 2018 WL 3769810 - W.D. Wash. 2018).

The DOL issued a [short guide](#) to answer questions in the wake of their final rule on Association Health Plans. The guide, which provides key definitions, provided additional information on the ERISA provisions that will apply to AHPs and reminded employers and consumers that the states have joint authority over AHPs, and can regulate self-insured AHPs to the extent it is not inconsistent with ERISA. The DOL indicated it anticipates further guidance on issues and questions surrounding COBRA and AHPs.

## Insights and Media



### **New Ways to Keep Healthcare Benefit Costs Down**

After salaries, healthcare benefits are an employer's largest employee-related expense, according to the Bureau of Labor Statistics. A 2016 survey by the Society for Human Resource Management (SHRM) pegged the annual cost in 2016 at \$8,669 for each employee.

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### **Help Your Employees Avoid Identity Theft**

A vendor survey found that 39 percent of employees want to buy identity theft insurance through their employer. Are you providing this valuable benefit?

[Read More](#)

### **How Wellness Programs Improve the Bottom Line**

Workplace wellness programs reduce medical costs, absenteeism and health-related productivity losses, yet many employers find it difficult to measure the success of their programs.

[Read More](#)



## Recorded Webinar: Workplace Wellness Programs and Compliance with DOL & EEOC Rules

Stacy H. Barrow, Esq., BAN's Co-Director of Compliance, provides an overview of the legal and regulatory guidelines for wellness programs under DOL and EEOC rules. Attendees will gain an understanding of how DOL and EEOC rules apply depending on the type of wellness program offered, how limits on rewards work depending on the types of wellness programs offered, and recent court cases of interest.

[View Recording](#)

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