



UBA
Benefits & Employment Briefing

A quarterly newsletter
about benefits and
employment trends



Spring 2020

IRS Coronavirus Relief for Cafeteria Plan Elections and Carryovers

As part of its overall response to aid employers and employees in responding to the impact of the coronavirus pandemic, the Internal Revenue Service (IRS) has provided employers with a number of optional amendments that can be made to Section 125 cafeteria plans and related health plans and flexible spending arrangements (FSAs). The IRS guidance released on May 12, 2020, is a significant departure from current regulation of cafeteria plans as it allows employers the option of letting employees revoke, add, or change 2020 coverage elections mid-year without a qualifying status change.

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Agencies Issue Clarifying Guidance on COVID-19 Testing Coverage Provisions

A second round of FAQs recently issued by the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Department of Health and Human Services (HHS) provides plan sponsors and insurers with additional implementation guidance relating to health coverage provisions under the Families First Coronavirus Response Act (FFCRA), as amended by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The June 23 guidance in [FAQs Part 43](#) is a follow-up to the Departments' April 11 guidance in [FAQs Part 42](#) and provides specific clarifications on testing coverage and provider payments, summary of benefits coverage (SBC) notifications, temporary telehealth relief provisions, and various other compliance matters of significance to group

COVID-19 Tolling of Employee Benefit Plan Deadlines – Plan Sponsors Beware

A deadline is a deadline, except when it isn't. New COVID-19 relief for participants issued by the Department of Labor (DOL), in coordination with the Internal Revenue Service (IRS), extends key deadlines for health, retirement and welfare plans subject to ERISA and the Internal Revenue Code. In addition, the Department of Health and Human Services (HHS) indicated non-federal governmental plans are encouraged, but not required, to adopt the extensions.

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health plans. The more significant provisions of the guidance are as follows.

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COVID-19 Employee Benefits Mandatory and Permissive Amendments Checklist

Among the many challenges for employers during the pandemic has been keeping track of the numerous legislative changes and updates from federal agencies relating to permissive and mandated benefit plan amendments. While many of these legal updates present welcome relief relating to the COVID-19 issues facing employers and employees, employers may be feeling overwhelmed by all of the guidance and new compliance obligations.

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This information is general and is provided for educational purposes only. It reflects UBA's understanding of the available guidance as of the date shown and is subject to change. It is not intended to provide legal advice. You should not act on this information without consulting legal counsel or other knowledgeable advisors.



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