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Employee Benefits:
2021 Legal Update

Jeremy T. Christensen

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Employee Benefits:
2021 Legal Update

- ERISA Cybersecurity
- SECURE ACT Updates (2.0?)
- Case Law Update
- No Surprises Act
- COBRA Premium Subsidies
- Changes to EPCRS
- Miscellaneous Updates

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ERISA Cybersecurity

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- DOL issued new guidance in April
 - Tips for Hiring a Service Provider
 - Cybersecurity Program Best Practices
 - Online Security Tips
- Choosing service provider is a fiduciary decision

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SECURE Act Updates

- Post-Death RMDs
- Long-Term Part-Time Employees
- SECURE Act 2.0?

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Case Law Update

- *Hughes v. Northwestern University* – plan investments (7th Cir.)
- *Reetz v. Lowe's Cos.* – contrast with NW case (4th Cir.)
- *Benson v. Tiffany & Co.* – claims procedures must be exhausted
- *Stewart v. Hartford* – tolling of claims procedure deadlines

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No Surprises Act

- Aims to address concept known as "balance billing"
- Addresses gap for self-funded plans
- Effective for plan years beginning on and after January 1, 2022

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COBRA Premium Subsidies

- Requirements
- Voluntary vs. involuntary termination – IRS Examples
- How does an employer claim the tax credits for premium subsidies?

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EPCRS Updates – AGAIN!

- Intended to make it easier for plan sponsors to make certain plan corrections and to limit IRS involvement
- No more anonymous submissions, but can set up a pre-submission conference
- More updates to come!!!!!!!!!!!!!!

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Reimbursement of Student Loans

- Can now be done tax-free through a Section 127 plan
- Same limit applies
- Set to expire on December 31, 2025

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ESG Investments

- "ESG" – Environmental, social, or governance factors in investing
- AKA "Social Conscience Investing"
- DOL issued fiduciary guidance on plan investments relying on ESG factors

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Other Misc. Updates

- "Definitely Determinable" standard applies to discretionary employer matching contributions
- Lifetime Income Disclosures

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Questions?

Jeremy T. Christensen
402.636.8336

jchristensen@bairdholm.com

Morgan L. Kreiser
402.636.8206

mkreiser@bairdholm.com

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