

Legislative Update

International Society of Certified Employee Benefits Specialists: DFW Chapter

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Retirement Plans

Health and Welfare Plans

- Voluntary Benefits v. ERISA Plan
 - Voluntary Benefits Safe Harbor:
 - No employer contributions and employer receives no consideration for offering the benefit
 - Employer only (i) permits the insurer to publicize the benefits and (ii) collect and remit premiums
 - Voluntary participation and benefits not “endorsed” by employer
 - Encourage employees to participate
 - Select insurer and limit eligibility criteria
 - *McCann v. Unum Provident*, No. 16-2014 (3d Cir. Oct. 5, 2018)
 - Sole provider of disability insurance
 - Employer determined who was eligible to participate
 - Employer stated provider was the “industry leader”