

Law & Policy Group

GRIST



Tracking federal COVID-19 laws affecting employee benefits, jobs

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Like previously enacted COVID-19 aid bills, new relief legislation enacted March 11 — the American Rescue Plan Act (ARPA) ([Pub. L. No. 117-2](#)) — contains a broad array of employee benefit and workplace provisions, along with many other provisions to help Americans through the pandemic. Healthcare and leave items include fully subsidized COBRA coverage, more generous tax benefits for employer-provided dependent care assistance, enhanced tax credits for employers providing emergency paid sick and family leave, and increased Affordable Care Act (ACA) subsidies. The law also encourages Medicaid expansion in states that have not already done so by increasing the base federal medical assistance percentage (FMAP) by five percentage points for two years and dramatically improves the child tax credit. Other provisions include substantial pension funding relief for single-employer plans and extensive multiemployer pension plan reforms, as well as an extension of the expanded employee retention tax credit.

Multiple rounds of COVID-19 relief enacted

ARPA is one of the major COVID-19 relief measures with provisions directly affecting employers and employee benefit plans. Earlier legislation included the roughly \$900 billion government spending package enacted in December 2020, the Consolidated Appropriations Act (CAA) of 2021 ([Pub. L. No. 116-260](#)), as well as the Families First Coronavirus Response Act (FFCRA) ([Pub. L. No. 116-127](#)) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act ([Pub. L. No. 116-136](#)). Additional pandemic-related measures enacted last year ([Pub. L. Nos. 116-142](#) and [116-139](#)) provided more funding for the Paycheck Protection Program (PPP) and healthcare providers' COVID-19 response and testing, but those measures did not contain provisions directly affecting employer plans. Another bill ([HR 1799](#)) signed into law on March 30 extends the PPP through May 31.

Although all relief legislation enacted in 2020 passed with bipartisan support, Republicans didn't support the latest aid package, preferring a smaller bill. Democrats used their new control of the Senate and White House this year to muscle the latest aid package through under budget reconciliation rules. Those rules allow legislation to pass with a simple majority in the Senate rather than the usual 60 votes. Democrats will likely mount a push later this year for a second reconciliation bill containing additional benefits and workplace reforms.

This GRIST provides a table summarizing significant employment-related provisions in all COVID-19 relief legislation enacted to date, along with an extensive list of links to relevant federal and Law & Policy Group resources.

The table starting on the next page summarizes measures affecting:

- [Retirement plans](#)
- [Health plans](#)
- [Paid leave benefits](#)
- [Other health, welfare and retirement benefit changes](#)
- [Other tax credits, deductions and financial aid for employers and individuals](#)

While federal regulators have issued a mountain of related guidance and provided additional relief, details about that regulatory guidance are generally outside the scope of this article. However, the [Related resources](#) at the end of this GRIST include links to relevant legislation, regulations, guidance and Mercer resources.

Key retirement, health, leave and employer aid provisions of COVID-19 relief

Relief provision	Description
Retirement plans	
Defined benefit (DB) plan 2020 funding relief	Deadlines for quarterly and year-end minimum required contributions to DB plans were delayed until Jan. 1, 2021 (although IRS treated contributions made by Jan. 4 as timely). When paid, the contribution must include interest at the plan's effective interest rate for the plan year in which the contributions is paid. Plan sponsors had until Feb. 1 to submit amended PBGC premium filings to claim a refund for excess variable-rate premiums.
Section 436 benefit restrictions	DB plan sponsors could use the adjusted funding target attainment percentage (AFTAP) for last plan year ending before Jan. 1, 2020, to determine if benefit restrictions apply in any plan year that began or ended in 2020.
Expanded CSEC plan definition	DB plans sponsored by charities providing services to mothers and children can use the special funding rules for cooperative and small-employer charity (CSEC) pension plans, provided sponsors meet specific conditions.
Waiver of DC plan RMDs in 2020	<p>All required minimum distributions (RMDs) from defined contribution (DC) plans that relate to 2020 are waived. This includes:</p> <ul style="list-style-type: none"> • 2019 RMDs due by April 1, 2020, for retired participants who turned 70-1/2 in 2019 • 2020 RMDs due by Dec. 31, 2020 • 2020 RMDs due by April 1, 2021, for participants who retired in 2020 after turning 70-1/2 before 2020 <p>Plans can offer participants a choice to receive or not receive their RMDs. The waiver doesn't apply to DB plans.</p>
Coronavirus-related distributions	<p>Until Dec. 30, 2020, plans could offer distributions up to \$100,000 to a "qualified individual" (defined below). Any distribution in 2020 could be coronavirus-related, including plan loan offsets (but not deemed distributions from plan loan defaults). Coronavirus-related distributions:</p> <ul style="list-style-type: none"> • Weren't subject to the 10% early withdrawal penalty • Were subject to 10% withholding unless the participant elected different or no withholding • May be repaid — if the participant chooses and the plan allows — within 3 years (with repayments treated as rollovers) • Didn't require a 402(f) rollover notice • Are taxed ratably over 3 years, unless the participant elected full taxation in 2020 <p>DC plans (including money purchase pension plans) could make the distributions to eligible employees of any age. DB plans could make the distributions to employees only if the plan offers in-service distributions (allowed at age 59-1/2 or later).</p>

Relief provision	Description
Retirement plans (cont'd)	
Increased plan loan cap	Through Sept. 22, 2020, plans could offer loans to qualified individuals up to the lesser of \$100,000 or the entire vested benefit.
Suspension of plan loan repayments	Plans could let qualified individuals suspend plan loan repayments due between March 27 and Dec. 31, 2020. Resumed repayments must be adjusted to reflect the delay and accrued interest. The delay doesn't count toward the maximum plan loan repayment period.
Qualified individual	A qualified individual was a participant who met any of the following: <ul style="list-style-type: none"> • Was diagnosed with SARS-CoV-2 or COVID-19 • Had a spouse or dependent diagnosed with SARS-CoV-2 or COVID-19 • Experienced (or had a spouse or household member who experienced) adverse financial consequences from being quarantined, furloughed or laid off; having work hours reduced; receiving a pay cut; having a job offer rescinded or a start date delayed; being unable to work due to lack of child care; closing or reducing the hours of a business owned or operated by individual; or from other factors, as determined by Treasury secretary Plan administrators could rely on a participant's self-certification of eligibility for relief.
CARES Act plan amendments	Amendments reflecting any of the changes listed above are due by 2022 plan year-end (2024 plan year-end for governmental plans). IRS can prescribe a later date.
Partial plan termination relief	Plans won't have a partial plan termination for any plan year that includes the period beginning March 13, 2020, and ending March 31, 2021, if the number of active participants at the end of that period is at least 80% of the number at the start of the period.
Permanent DB plan funding relief	Through 2025, DB plan sponsors can use 95% of the 25-year average segment rate to calculate minimum required contributions. Starting in 2026, the corridor will widen from the current 5% by an additional 5 percentage points each year until reaching 30% in 2030. A permanent 5% floor will apply to the 25-year average rates. DB sponsors also gain permanent relief for shortfall amortizations, with all outstanding bases reset to zero and 15 years — instead of 7 years — to amortize new funding shortfalls. Sponsors can elect interest rate relief for the 2020, 2021, or 2022 plan year and can implement shortfall relief starting in any plan year between 2019 and 2022.
Early termination of IRC Section 420 transfers	Employers that made "qualified future transfers" of excess DB plan assets to prefund retiree health benefits have until Dec. 31, 2021, to elect to terminate the transfer and return unused funds to the DB plan. The employer will have a taxable reversion unless the funds are repaid to the retiree health plan within 5 years of the end of the original transfer period.

Relief provision	Description
Retirement plans (cont'd)	
Multiemployer plan relief	<p>Multiemployer plans have received extensive relief:</p> <ul style="list-style-type: none"> Multiemployer plans can take a break from updating their status — and their funding improvement or rehabilitation plan and schedules, if applicable — for a single plan year starting in the period from March 1, 2020, through Feb. 28, 2022. Plans in critical or endangered status can elect 5 extra years to work on funding improvement or rehabilitation plans and an extra 15 years to amortize losses attributable to the pandemic. PBGC will administer a new temporary special fund providing financial assistance through grants that eligible poorly funded plans can use to pay benefits and plan expenses. Plans must apply for the relief by Dec. 31, 2025, and all payments will be made by Sept. 30, 2030. Plans receiving assistance must reinstate suspended benefits, can't apply for new benefit suspensions and will be deemed in critical status through 2051. <p>To address the looming insufficiency of PBGC's multiemployer insurance program, PBGC premiums for multiemployer plans will double from \$26 to \$52 for plan years starting in 2031, with annual adjustments for inflation thereafter.</p>
Non-COVID-19 relief provisions	<p>The following retirement provisions are unrelated to the COVID-19 pandemic:</p> <ul style="list-style-type: none"> Access to retirement plan funds for participants affected by major disasters (other than the pandemic) declared from Jan 1, 2020, through Feb. 25, 2021 Minimum age for in-service distributions reduced from 59-1/2 to 55 for participants in certain long-standing multiemployer plans covering employees in the building and construction industry Expanded funding relief for community newspaper plans
Expansion of 162(m) covered employees	<p>Starting in 2027, the \$1 million limit on deductible compensation will apply to the next 5 highest paid employees after the CEO, CFO and 3 highest-paid officers. The 5 newly covered employees will not be subject to 162(m) for life (unlike the covered CEO, CFO and officers).</p>

Relief provision	Description
Health plans	
100% COBRA subsidy	<p>100% COBRA premium subsidies are available for “assistance eligible individuals” from April 1–Sept. 30, 2021 (not retroactive):</p> <ul style="list-style-type: none"> • Subsidy is available if group health plan coverage (a medical, dental or vision plan, but not a health flexible spending arrangement (FSA)) is lost due to involuntary termination of employment or reduced work hours and the maximum COBRA coverage period hasn’t expired. • Special 60-day enrollment period is available, even if COBRA was previously declined or dropped. • Employers may (but are not required to) let assistance-eligible individuals switch to less-expensive coverage other than an excepted benefit (e.g., stand-alone dental or vision coverage), a health FSA, or a qualified small-employer health reimbursement arrangement. • Employers can receive Medicare tax credits to cover the cost of subsidized premium (whether plan is fully insured or self-funded). • Employers must provide an expiration notice before the premium subsidy expires. • The Department of Labor (DOL) will publish model notices describing the subsidy program by April 10 (30 days after ARPA’s enactment). Employers will need to distribute model notices or provide an alternate notice.
Prohibition on surprise medical billing	<p>New provisions limit surprise bills in a variety of circumstances. Generally effective for plan years beginning on or after Jan. 1, 2022, key provisions target surprise bills from out-of-network providers:</p> <ul style="list-style-type: none"> • Out-of-network emergency service providers must provide services without prior authorization at in-network cost sharing. • Certain ancillary service providers (at an in-network facility) and air (but not ground) ambulances can’t balance-bill patients. • Other out-of-network service providers can’t balance-bill patients without prior notice and consent (subject to certain exceptions). <p>Other provisions require:</p> <ul style="list-style-type: none"> • Audits and prompt payment • Binding “baseball-style” arbitration of certain out-of-network claims • External review to determine whether surprise-billing rules apply • Continuity-of-care provisions • Independent dispute-resolution process for certain charges that exceed estimates for the uninsured • Provider nondiscrimination • Enforcement against noncompliant providers • Air-ambulance cost reporting

Relief provision	Description
Health plans (cont'd)	
Transparency requirements	<p>New transparency requirements for group health plans and issuers will generally take effect for plans years beginning on or after Jan. 1, 2022 (unless noted otherwise):</p> <ul style="list-style-type: none"> • Price comparison tool • Prescription drug benefit and cost reporting (by Dec. 27, 2021) • Good-faith estimate and advance explanation of benefits for scheduled services • Cost-sharing disclosures (i.e., in- and out-of-network deductibles and out-of-pocket limitations) on health plan ID cards • Updated and accurate in-network provider directories • State all-payer claims databases (grants and standardization) • Prohibitions on contract terms restricting certain price and quality information, such as “gag clauses” (appears to be effective immediately) • Health benefit broker/consultant disclosures of direct and indirect compensation to health plans and enrollees (generally effective Dec. 27, 2021)
Mental Health Parity and Addiction Equity Act (MHPAEA) compliance	<p>For any health plan covering mental health/substance use disorder benefits, plan sponsors and carriers must prepare a comparative analysis of the plan’s compliance with MHPAEA’s nonquantitative treatment limitation rules. Effective Feb. 10, 2021, plan sponsors and issuers must supply this analysis if requested by federal regulators.</p>
No-cost coverage, reimbursement standards for COVID-19 testing	<p>Effective March 18, 2020, group health plans and insurers must cover without imposing cost-sharing, preauthorization or other medical-management requirements:</p> <ul style="list-style-type: none"> • COVID-19 testing and related services • COVID-19 preventive services like vaccines <p>Plans must reimburse COVID-19 tests at the test provider’s prenegotiated rate or the cash price posted on the provider’s website.</p> <p>States may allocate testing funds toward employers’ testing costs.</p>
Health savings account (HSA) rules for telemedicine eased	<p>For plan years beginning on or before Dec. 31, 2021, high-deductible health plan (HDHP) participants won’t lose eligibility for HSA contributions if they receive telemedicine or other remote healthcare services free of cost sharing. This includes telehealth and other remote care, whether provided:</p> <ul style="list-style-type: none"> • Through the HDHP before participants have met their deductible • From a vendor outside of the HDHP
Pretax reimbursement of over-the-counter (OTC) drug costs, menstrual products allowed	<p>For expenses incurred after Dec. 31, 2019, the CARES Act permanently:</p> <ul style="list-style-type: none"> • Eliminates the ACA’s ban on pretax reimbursement of the costs for OTC drugs not prescribed by a physician • Treats menstrual care products as medical expenses reimbursable on a pretax basis <p>These changes apply to pretax reimbursements under HSAs, Archer medical savings accounts and group health plans, including health FSAs and health reimbursement arrangements.</p>

Relief provision	Description
Health plans (cont'd)	
New Health Insurance Portability and Accountability Act (HIPAA) guidance required	<p>The CARES Act required the Department of Health and Human Services (HHS) to issue guidance on sharing patients' protected health information (PHI) during the COVID-19 public health emergency. The guidance must address compliance with:</p> <ul style="list-style-type: none"> Existing HIPAA regulations Any policies that may come into effect due to the national emergency <p>HHS lists guidance on its HIPAA and COVID-19 website.</p>
Confidentiality changes for substance use disorder (SUD) records	<p>Significant changes better align federal confidentiality standards on the use and disclosure of certain SUD information with the HIPAA privacy rules.</p>
Paid leave	
Emergency paid leave for COVID-19 reasons	<p>From April 1 through Dec. 31, 2020, the FFCRA required employers with fewer than 500 employees to provide up to 80 hours of emergency paid sick leave and up to 12 weeks of partially paid emergency family and medical leave:</p> <ul style="list-style-type: none"> Emergency paid sick leave was available to all employees unable to work or telework for certain COVID-19-related reasons, such as illness, quarantine, isolation order, or closure of a child's school or care facility. Emergency family leave for COVID-19-related reasons was available to employees who had worked for the employer least 30 calendar days, including anyone rehired after a layoff occurring on or after March 1, 2020, who had worked at least 30 of the 60 calendar days before the layoff. Employees on emergency sick leave received their regular wages for average hours worked in a typical two-week period, up to a cap of \$511/day and \$5,110 total (for self-care) or \$200/day and \$2,000 total (for family care). Employees on emergency family leave received no pay for the first 2 weeks, then 2/3 of their regular rate of pay, up to a cap of \$10,000 total for 10 weeks' leave. <p>Employer tax credits, including advance credits, are available to offset the costs of providing mandated paid sick and family leave. Although the leave mandate has expired, the 2021 CAA and ARPA have extended the tax credits (up to \$12,000 per individual) through Sept. 30, 2021, to employers with fewer than 500 employees voluntarily providing FFCRA emergency paid leave (including time off for testing, immunizations and recovery from vaccine side effects) to eligible employees. The credit may be increased by allocable health plan expenses and certain contributions made pursuant to a collective bargaining agreement. The credit is not allowed if the availability of paid leave discriminates on the basis of employee tenure or in favor of highly compensated or full-time employees.</p>
Employer tax credit for paid family and medical leave	<p>The employer tax credit for paid family and medical leave is now available through 2025. Eligible employers can claim an elective general business credit based on eligible wages paid to qualifying employees during family and medical leave. The credit, which is separate from the FFCRA paid leave credit, ranges from to 12.5%–25% of eligible wages.</p>

Relief provision	Description
Other health, welfare and retirement plan changes	
Optional, temporary relief for FSAs	<p>Employers may (but are not required to) adopt any of several new options to let employees access their unused FSA balances and change their FSA elections:</p> <ul style="list-style-type: none"> • Carryovers. Health and dependent care FSAs may permit uncapped carryovers from 2020 into 2021 and 2021 into 2022. • Grace periods. Health and dependent care FSAs may extend existing grace periods — from 2020 into 2021 and 2021 into 2022 — to 12 months instead of 2-1/2 months. • Limiting age for dependent care FSAs. The age of children whose expenses qualify for reimbursement temporarily increases (apparently through 2021) from 12 to 13 years old. • Health FSA post-termination reimbursement. Additional flexibility allows reimbursing medical expenses incurred after health FSA participation ends (e.g., post-termination of employment), similar to how the dependent care FSA spend-down provision currently works. • Midyear election changes for FSAs. Employers may allow employees to prospectively change FSA elections during the 2021 plan year, without a change in status or other IRS-recognized triggering event. • Amendments. Plan amendments may be retroactive, as long as adopted by Dec. 31, 2022, for 2021 changes and by Dec. 31, 2023, for 2022 changes.
Temporary increase in income exclusion for dependent care assistance programs (DCAPs); enhanced dependent care tax credit	<p>DCAPs. For the 2021 tax year, employers may (but are not required to) increase the income exclusion for employer-provided DCAPs — for example, employee pretax contributions to dependent care FSAs — from \$5,000 to \$10,500 (and from \$2,500 to \$5,250 for a married individual filing a separate return). Employers that choose to adopt this increase must amend their plans accordingly by the last day of the plan year in which the amendment is effective (e.g., Dec. 31, 2021, for calendar-year plans).</p> <p>Child and dependent care tax credit. For the 2021 tax year, the credit is fully refundable, and the maximum credit percentage increases to 50% (from 35%). The credit percentage gradually phases down from 50% to 20% for individuals with adjusted gross income (AGI) between \$125,000 and \$183,000, and completely phases out for individuals with AGI exceeding \$438,000. The amount of dependent care expenses eligible for the credit increases to \$8,000 (from \$3,000) for 1 qualifying individual and \$16,000 (from \$6,000) for 2 or more qualifying individuals (so the maximum credits are \$4,000 and \$8,000).</p> <p>Because of the 2021 dependent care tax credit changes, many more individuals may find that the credit will provide greater tax savings and benefits than contributing to a dependent care FSA.</p>
ERISA deadlines	<p>DOL has ERISA authority to postpone for up to a year any employee benefit plan deadline during the public health emergency. DOL Disaster Relief Notices 2020-01 and 2021-01 and a joint DOL and Treasury rule postpone a number of deadlines for employee benefit plans.</p>

Relief provision	Description
Other tax credits, deductions and financial aid for employers and individuals	
Employee retention credit	<p>Until Jan. 1, 2022, employers can receive a fully refundable tax credit equal to 50% (70% for quarters beginning after Dec. 31, 2020) of qualified wages — including allocable qualified health plan expenses — paid to employees. Beginning after June 30, 2021, the credit will be structured as a refundable payroll tax credit against the employer's share of Medicare taxes instead of Social Security taxes. The tax credit:</p> <ul style="list-style-type: none"> • Is available to employers (including certain tax-exempt employers but not government employers) that have to fully or partially shut down operations or experience a revenue drop during a period of economic hardship • Applies to the first \$10,000 of wages (\$10,000 per quarter for quarters beginning after Dec. 31, 2020) — including employer contributions for health coverage — paid to each employee after March 12, 2020 <p>The scope of the tax credit varies by employer size:</p> <ul style="list-style-type: none"> • Employers with more than 100 full-time employees in 2019 (more than 500 for 2021), except for severely financially distressed employers. The credit applies only to wages paid to employees who are not working during the period of economic hardship (e.g., the employer pays wages and attributable health contributions for employees who are not working). • Employers with 100 or fewer full-time employees in 2019 (500 or fewer for 2021) and severely financially distressed employers. The credit applies to any wages paid to any employee — including those who are working — during the period of economic hardship. • Employers that did not exist in 2019. These employers should look back to 2020 for measurement purposes.
Paycheck Protection Program	<p>A forgivable loan program is available to employers with 500 or fewer employees, including sole proprietors, independent contractors and self-employed individuals through May 31, 2021.</p> <ul style="list-style-type: none"> • Employers in the hotel and restaurant industry may be eligible if they have 500 or fewer employees in a particular location, and a special rule applies to franchises. <p>To have a portion of the loan forgiven, employers must use the funds to pay wages (up to \$100,000 prorated over the covered period and tips per employee); the costs of health, retirement or paid leave benefits; state or local taxes; mortgage interest, rent and/or utility payments; and various other business-related costs and expenditures.</p> <ul style="list-style-type: none"> • The amount of the loan that may be forgiven is reduced by the number of employees who are laid off or have their wages reduced. • The program offers opportunities for employers to rehire or increase wages. • Forgiven loans are excludable from income and employers can take business deductions for expenses paid with the forgiven loans.
Payroll tax deferral	<p>Employers could defer paying and depositing their share of employment taxes owed from March 27 through Dec. 31, 2020. Employers have 2 years to pay and deposit the deferred taxes, with 50% due by Dec. 31, 2021, and the remaining 50% due by Dec. 31, 2022.</p>

Relief provision	Description
Other tax credits, deductions and financial aid for employers and individuals (cont'd)	
Employer contributions toward student loans	Employers can reimburse employees up to \$5,250 per year on a nontaxable basis for repayments toward qualified student loans. <ul style="list-style-type: none"> Initially available only in 2020, but extended through end of 2025
Enhanced unemployment benefits with broader eligibility	Federal funding has increased eligibility for and the amount of unemployment insurance (UI) benefits, which are administered through each state's unemployment compensation program. Enhanced federal UI benefits expire Sept. 6, 2021. A \$10,200 federal income tax exclusion for unemployment benefits received in 2020 is available to households with incomes under \$150,000.
Temporary allowance of full deduction for business meals	Companies can deduct 100% of business expenses paid or incurred in 2021 and 2022 for restaurant-provided food and beverages, including any carryout or delivery meals. The deduction previously was capped at 50% of such expenses.
Health coverage tax credit (HCTC)	Through 2021, certain individuals can receive a refundable HCTC equal to 72.5% of premiums paid for qualified health insurance coverage for themselves and qualifying family members.
Individual income tax deduction for qualified medical expenses	All taxpayers can claim an itemized deduction for the amount of unreimbursed medical expenses that exceeds 7.5% of adjusted gross income (AGI). Between 2013 and 2017, the expense threshold was 10% of AGI for individuals younger than 65 and 7.5% for individuals 65 or older. The 2021 CAA makes permanent the lower threshold of 7.5% for all taxpayers, originally restored for 2017 and 2018 and then extended for 2019 and 2020.
Increased ACA marketplace subsidies for 2021 and 2022	ACA marketplace health coverage is fully subsidized for individuals earning up to 150% of the federal poverty level (FPL). In addition, subsidy eligibility has expanded to individuals earning more than 400% of the FPL, with their premium costs capped at 8.5% of household income. These expansions will last for coverage years beginning in 2021 or 2022. For 2021, coverage is fully subsidized for anyone receiving unemployment insurance. The ACA's employer shared-responsibility requirements have not changed.

Related resources

Federal government resources

For US employers in general

- [COVID-19 and the American workplace](#) (DOL, regularly updated)
- [CareerOneStop](#): State-by-state unemployment insurance information (DOL, regularly updated)
- [Coronavirus tax relief](#) (IRS, regularly updated)
- [Filing and payment deadline Q&As](#) (IRS, regularly updated)

- [Paycheck Protection Program](#) (Small Business Administration, regularly updated)
- [Paycheck Protection Program](#) (Treasury Department, regularly updated)
- [HR 1799](#), the PPP Extension Act of 2021 (Congress, March 26, 2021)
- [Pub. L. No. 117-2](#), the American Rescue Plan Act of 2021 (Congress, March 11, 2021)
- [Notice 2021-20](#), Guidance on the employee retention credit under section 2301 of the CARES Act (IRS, March 1, 2021)
- [Form 7200](#) and [instructions](#), Advanced payment of employer credits due to COVID-19 (IRS, Feb. 3, 2021)
- [Protecting workers](#), Guidance on mitigating and preventing the spread of COVID-19 in the workplace (DOL, Jan. 29, 2021)
- [Notice 2021-11](#), Additional relief with respect to employment tax deadlines applicable to employers affected by the ongoing coronavirus (COVID-19) disease 2019 pandemic (IRS, Jan. 19, 2021)
- [Pub. L. No. 116-260](#), the Consolidated Appropriations Act, 2021 (Congress, Dec. 27, 2020)
- [What you should know about COVID-19 and the ADA, the Rehabilitation Act, and other EEO laws](#) (EEOC, Dec. 16, 2020)
- [FAQs on deferral of employment tax deposits and payments through Dec. 31, 2020](#) (IRS, Nov. 27, 2020)
- [Pub. L. No. 116-142](#), the Paycheck Protection Program Flexibility Act (Congress, June 5, 2020)
- [Notice 2020-35](#), Additional deadline relief for employment taxes, employee benefits and exempt organizations affected by COVID-19 pandemic (IRS, May 28, 2020)
- [Pub. L. No. 116-139](#), the Paycheck Protection Program and Health Care Enhancement Act (April 24, 2020)
- [Unemployment Insurance Program Letter No. 17-20](#) (DOL, April 10, 2020)
- [Notice 2020-23](#), Update to Notice 2020-18: Additional relief for taxpayers affected by ongoing COVID-19 pandemic (IRS, April 9, 2020)
- [Unemployment Insurance Program Letter No. 16-20](#) (DOL, April 5, 2020)
- [Unemployment Insurance Program Letter No. 15-20](#) (DOL, April 4, 2020)
- [Unemployment Insurance Program Letter No. 14-20](#) (DOL, April 2, 2020)
- [Notice 2020-22](#), Relief from penalty for failure to deposit employment taxes (IRS, March 31, 2020)
- [Pub. L. No. 116-136](#), the CARES Act (Congress, March 27, 2020)
- [Unemployment Insurance Program Letter No. 13-20](#) (DOL, March 22, 2020)

- [Pandemic preparedness in the workplace and the Americans with Disabilities Act](#) (EEOC, March 21, 2020)
- [Notice 2020-18](#), Relief for taxpayers affected by ongoing COVID-2019 pandemic (IRS, March 20, 2020)
- [Pub. L. No. 116-127](#), the FFCRA (Congress, March 18, 2020)
- [Proclamation on declaring a national emergency concerning the novel coronavirus disease \(COVID-19\) outbreak](#) (White House, March 13, 2020)
- [Unemployment Insurance Program Letter No. 10-20](#) (DOL, March 12, 2020)

For US benefit plans in general

- [Disaster relief notice 2021-01](#), Guidance on continuation of relief for employee benefit plans and plan participants and beneficiaries due to the COVID-19 outbreak (DOL, Feb. 26, 2021)
- [Rule](#), Extension of certain timeframes for employee benefit plans, participants and beneficiaries affected by the COVID-19 outbreak (Federal Register, May 4, 2020)
- [Joint DOL and IRS notice](#), Extension of certain time frames for employee benefit plans, participants and beneficiaries affected by the COVID-19 outbreak (Federal Register, April 29, 2020)
- [Disaster relief notice 2020-01](#) (DOL, April 28, 2020)
- [COVID-19 FAQs for participants and beneficiaries](#) (DOL, April 28, 2020)

For US health plans and leave programs

- [HIPAA, civil rights and COVID-19](#) (HHS, regularly updated)
- [HIPAA and emergency preparedness, planning and response](#) (HHS, regularly updated)
- [COVID-19-related tax credits for required paid leave provided by small and midsize businesses FAQs](#) (IRS, regularly updated)
- [COVID-19 vaccine toolkit for health and drug plans](#) (CMS, March 18, 2021)
- [COVID-19 vaccine provider toolkit](#) (CMS, March 16, 2021)
- [How CDC is making COVID-19 vaccine recommendations](#) (CDC, March 3, 2021)
- [FFCRA, CARES Act FAQs, Part 44](#) (DOL/HHS/Treasury, Feb. 26, 2021)
- [Notice 2021-15](#), Additional relief for coronavirus disease (COVID-19) under § 125 cafeteria plans (IRS, Feb. 18, 2021)
- [Notification of enforcement discretion for telehealth remote communications during the COVID-19 nationwide public health emergency](#) (HHS, Jan. 20, 2021)

- [Renewal of determination that a public health emergency exists](#) (HHS, Jan. 7, 2021)
- [FAQs on telehealth and HIPAA during the COVID-19 nationwide public health emergency](#) (HHS, Jan. 7, 2021)
- [FFCRA Q&As](#) (DOL, Dec. 31, 2020)
- [HIPAA, health information exchanges, and disclosures of protected health information for public health purposes](#) (HHS, Dec. 18, 2020)
- [Interim final rule: Rapid coverage of COVID-19 preventive services and price transparency for COVID-19 diagnostic tests](#) (Federal Register, Nov. 6, 2020)
- [Notice 2020-76](#), Extension of ACA individual statement 2021 due date, good-faith relief (IRS, Oct. 2, 2020)
- [Temporary rule](#), Paid leave under the FFCRA (Federal Register, Sept. 16, 2020)
- [New York v. US Dep't of Labor](#), No. 20-cv-3020 (S.D.N.Y. Aug. 3, 2020)
- [Notice 2020-54](#), Guidance on reporting qualified sick leave wages and qualified family leave wages paid pursuant to the Families First Coronavirus Response Act (IRS, July 8, 2020)
- [FFCRA, CARES Act FAQs, Part 43](#) (DOL/HHS/Treasury, June 23, 2020)
- [Letter to sponsors of nonfederal government plans on COVID-19 test coverage](#) (CMS, June 5, 2020)
- [FFCRA, CARES Act FAQs, Part 42](#) (DOL/HHS/Treasury, April 11, 2020)
- [Press release on expanded coverage for essential COVID-19 diagnostic services](#) (HHS, April 11, 2020)
- [Corrections to temporary final rule](#), Paid leave under the FFCRA (Federal Register, April 10, 2020)
- [COVID-19 and HIPAA](#), Disclosures to law enforcement, paramedics, other first responders and public health authorities (HHS, April 7, 2020)
- [Notice of enforcement discretion under HIPAA](#), Use and disclosure of PHI by business associates for public health oversight (Federal Register, April 7, 2020)
- [Temporary final rule](#), Paid leave under the FFCRA (DOL, April 6, 2020)
- [Bulletin](#), Civil rights, HIPAA and COVID-19 (HHS, March 28, 2020)
- [Employee FFCRA rights poster in English](#) and [Spanish](#) (DOL, March 25 and 28, 2020)
- [FFCRA notice FAQs](#) (DOL, March 28, 2020)
- [Notice 2020-21](#), Effective date for employment tax credits under the FFCRA (IRS, March 27, 2020)
- [FAB 2020-1](#), Temporary nonenforcement period for the FFCRA (DOL, March 24, 2020)

- [News release](#) on FFCRA's paid leave provisions (IRS and DOL, March 20, 2020)
- [COVID-19 and HIPAA bulletin](#), Limited waiver of HIPAA sanctions and penalties (HHS, March 16, 2020)
- [Waiver or modification of requirements under Section 1135 of the Social Security Act](#) (HHS, March 13, 2020)
- [Notice 2020-15](#), High-deductible health plans and expenses related to COVID-19 (IRS, March 11, 2020)
- [Bulletin](#), HIPAA privacy and novel coronavirus (HHS, Feb. 3, 2020)

For US retirement plans

- [Reportable events & large unpaid contributions](#) (PBGC, regularly updated)
- [Retirement plan FAQs regarding partial plan termination](#) (IRS, regularly updated)
- [Coronavirus-related relief for retirement plans and IRAs Q&As](#) (IRS, regularly updated)
- [Deadlines extended for 403\(b\) plans and preapproved defined benefit plans](#) (IRS, regularly updated)
- [List of preapproved 403\(b\) plans](#) (IRS, regularly updated)
- [Field Assistance Bulletin 2021-01](#), Temporary enforcement policy regarding the participation of terminating defined contribution plans in the PBGC missing participants program (DOL, Jan. 12, 2021)
- [Notice 2020-82](#), Implementation of the CARES Act extended Jan. 1, 2021, due date for DB plan contributions (IRS, Nov. 16, 2020)
- [Technical Update 20-2](#), Extended due date for inclusion of prior-year contributions (PBGC, Nov. 16, 2020)
- [COVID-19-related single-employer plan sponsors and administrators Q&As](#) (PBGC, Nov. 16, 2020)
- [Press release](#), PBGC to expand COVID-19 relief, support economic recovery (PBGC, Sept. 21, 2020)
- [Employee Plans News](#), Extension of deadline for hybrid plans to request determination letters (IRS, Aug. 24, 2020)
- [Notice 2020-61](#), Special funding and benefit limitation rules for single-employer DB pension plans under the CARES Act (IRS, Aug. 6, 2020)
- [COVID-19-related single-employer pension plan sponsors and administrators Q&As](#) (PBGC, July 20, 2020)
- [Notice 2020-52](#), COVID-19 relief and other guidance on midyear reductions or suspensions of contributions to safe harbor § 401(k) and § 401(m) plans (IRS, June 29, 2020)
- [Notice 2020-51](#), Guidance on waiver of 2020 required minimum distributions (IRS, June 25, 2020)
- [Notice 2020-50](#), Guidance for coronavirus-related distributions and loans from retirement plans under the CARES Act (IRS, June 19, 2020)

- [Notice 2020-42](#), Temporary relief from the physical presence requirement for spousal consents under qualified retirement plans (IRS, June 3, 2020)
- [Press release](#), PBGC provides relief to mitigate effects of COVID-19 pandemic (PBGC, April 10, 2020)

Mercer Law & Policy resources

For employers in general

- [Roundup: Employer resources on remote working rights/trends](#) (regularly updated)
- [Roundup: COVID-19 resources for employers](#) (regularly updated)
- [Paycheck Protection Program changes become law](#) (June 5, 2020)
- [CARES Act expands unemployment benefits, aims to stem job losses](#) (April 15, 2020)
- [IRS extends income tax filing and HSA contribution deadlines](#) (March 25, 2020)

For US benefit plans

- [Spending deal lets DB plan sponsors quit 420 transfers](#) (Jan. 12, 2021)
- [IRS, PBGC issue employee benefit plan relief for COVID-19 pandemic](#) (April 16, 2020)

For US health benefit plans and leave programs

- [States, cities tackle COVID-19 paid leave](#) (regularly updated)
- [COBRA subsidies in COVID-19 rescue plan require employer action](#) (March 29, 2021)
- [COBRA help, dependent care items in COVID-19 bill near enactment](#) (March 10, 2021)
- [Agencies issue new FAQs on COVID-19 testing, vaccines](#) (March 9, 2021)
- [Deadline relief continues for health plans and participants](#) (March, 4, 2021)
- [Congress extends tax credit for paid family and medical leave](#) (Feb. 12, 2021)
- [2021 state paid family and medical leave contributions and benefits](#) (Jan. 20, 2021)
- [DOL and IRS issue COVID-19 guidance on emergency paid leave](#) (Jan. 15, 2021)
- [COVID-19 vaccine considerations for group health plans](#) (Dec. 21, 2020)
- [ACA individual statement due date, good-faith relief extended for 2021](#) (Oct. 13, 2020)
- [Plan coverage of COVID-19 testing: Issues remain after June guidance](#) (Sept. 15, 2020)

- [Colorado enacts paid sick leave law, emergency leave requirements](#) (Aug. 19, 2020)
- [California expands COVID-19 test coverage for managed care plans](#) (Aug. 11, 2020)
- [Massachusetts clarifies paid leave taxes for temporary telecommuters](#) (July 29, 2020)
- [Top 10 compliance issues for health and leave benefits in 2021](#) (July 20, 2020)
- [IRS offers relief to cafeteria plans, HDHPs, individual-coverage HRAs](#) (May 28, 2020)
- [Employer health plans have to meet new COVID-19 coverage mandate](#) (April 21, 2020)
- [COVID-19 raises HIPAA privacy, security issues](#) (April 6, 2020)
- [CARES Act boosts telehealth, makes other health, paid leave changes](#) (March 27, 2020)
- [IRS extends income tax filing and HSA contribution deadlines](#) (March 25, 2020)
- [Mercer urges more healthcare, paid leave legislation and guidance](#) (March 24, 2020)
- [COVID-19 spurs IRS relief for HDHPs, state insurance guidance](#) (March 18, 2020)
- [Virus aid legislation includes cost-sharing curbs, new leave rights](#) (March 18, 2020)

For US retirement plans

- [Pension funding relief, union plan reforms in aid bill near enactment](#) (March 10, 2021)
- [DOL clarifies deadline relief for retirement plans and participants](#) (March 8, 2021)
- [House set to move pension funding relief, multiemployer reforms](#) (March 3, 2021)
- [Partial plan termination relief not a free pass for reportable events](#) (Feb. 25, 2021)
- [Democrats revive pension funding relief, multiemployer plan reforms](#) (Jan. 25, 2021)
- [DOL issues guidance on missing participants](#) (Jan. 19, 2021)
- [Virus aid bill offers help for retirement plans, student loans](#) (Jan. 6, 2021)
- [IRS OKs witnessing retirement plan elections, spousal consent by video](#) (Dec. 29, 2020)
- [IRS bends on CARES Act funding deadline; PBGC follows suit](#) (Nov. 18, 2020)
- [PBGC takes a U-turn on CARES Act contribution delay](#) (Sept. 24, 2020)
- [Hybrid plans gain time to complete determination letter requests](#) (Aug. 26, 2020)
- [CARES Act DB funding and AFTAP guidance provides little relief](#) (Aug. 11, 2020)

- [PBGC issues FAQs on CARES Act contribution delay](#) (July 23, 2020)
- [Offering CARES Act distributions to DB plan participants](#) (July 14, 2020)
- [Suspending 401\(k\) match raises compliance issues \(updated\)](#) (June 30, 2020)
- [Administering CARES Act's waiver of 2020 RMDs from DC plans](#) (June 25, 2020)
- [Delving into CARES Act relief for retirement plan participants \(revised\)](#) (June 22, 2020)
- [IRS gives retirement plans more pandemic relief](#) (June 2, 2020)
- [Pension funding relief features in House-passed aid bill](#) (May 18, 2020)
- [IRS releases FAQs on CARES Act distributions and loans](#) (May 5, 2020)
- [DOL gives retirement plans and participants pandemic relief](#) (April 30, 2020)
- [IRS, PBGC issue employee benefit plan relief for COVID-19 pandemic](#) (April 16, 2020)
- [Mercer urges additional funding relief for DB plans](#) (April 13, 2020)
- [SECURE, CARES acts change rules on required minimum distributions](#) (April 7, 2020)
- [IRS extends preapproved DB, 403\(b\) plan adoption deadlines](#) (April 6, 2020)
- [Stimulus bill gives DB funding relief, access to DC savings](#) (March 26, 2020)
- [Mercer urges immediate funding relief for DB plan sponsors](#) (March 23, 2020)

Other Mercer resources

- [Navigating coronavirus](#) (regularly updated)
- [New outbreak period guidance requires plan action](#) (March 2, 2021)
- [IRS clarifies FSA relief in CAA, provides more flexibility for cafeteria plan elections](#) (Feb. 25, 2021)
- [What should employers do about outbreak period relief?](#) (Feb. 24, 2021)
- [Federal COBRA subsidies among health, leave items in COVID aid bill](#) (Feb. 11, 2021)
- [Should employers incentivize workers to get vaccinated?](#) (Jan. 28, 2021)
- [Biden seeks COBRA subsidies, ACA enhancements, expanded paid leave](#) (Mercer, Jan. 21, 2021)
- [Big news for employers — Long-sought answers on how to handle unused 2020 FSA balances and much more!](#) (Mercer, Dec. 23, 2020)

- [COVID-19 relief for health plans: How long does it last?](#) (Mercer, Dec. 3, 2020)
- [Mercer comment letter supporting national paid leave standard](#) (Mercer, Sept. 14, 2020)
- [Paid leave: Five considerations for a second COVID wave and beyond](#) (Aug. 20, 2020)
- [Employer groups encourage federal funding, support for COVID-19 testing](#) (July 23, 2020)
- [Employers urge policy changes as Senate panel examines telehealth issues](#) (June 25, 2020)
- [Employer groups outline health policy priorities to Congress](#) (May 28, 2020)
- [Extended timeframes for plan disclosures, including COBRA and HIPAA](#) (May 7, 2020)
- [Yes, you can and should ask employees about COVID-19 exposure](#) (April 23, 2020)
- [Mercer CEO's letter to Senate leaders supporting additional DB plan relief](#) (Mercer, April 7, 2020)
- [Are you ready for COVID-19 workers' comp claims?](#) (April 2, 2020)
- [Mercer CEO's letter to Senate Finance Committee urging immediate DB plan funding relief](#) (Mercer, March 18, 2020)
- [Designing a COVID-19 emergency leave policy: Four key considerations](#) (March 17, 2020)
- [Update: Rapid action plan on paid leave during the pandemic](#) (March 12, 2020)

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