

**Introduction to Employee Benefits Law  
UNC-Chapel Hill School of Government  
December 9 – 10, 2024  
Agenda**

**Monday, December 9, 2024**

**1:00 – 1:30 pm Overview of Employee Benefits Law**

This session will discuss the authority of various North Carolina public employers to offer various kinds of benefit plans, which benefits are required by law and which are not, and key concepts in understanding employee benefits law.

**1:30 – 2:30 The Laws That Shape Health Insurance**

This session will cover the Affordable Care Act concepts of minimum essential coverage, affordability and minimum value, the penalties for failing to offer health insurance and how to determine whether you are an ACA-covered employer and which of your employees are covered employees. We will also discuss the Health Insurance Portability and Accountability Act's (HIPAA's) nondiscrimination requirements. Depending on participant interest and experience (surveyed in advance), we may discuss the role of cafeteria plans, HRAs and HSAs in supplementing traditional health insurance offerings.

**2:30 – 2:45 Break**

**2:45 – 3:15 Retiree Health Insurance Benefits: Creating Them and Eliminating Them**

**3:15 – 3:45 Basics of COBRA Healthcare Continuation Coverage and Compliance** This session will look at the events that trigger COBRA rights and the individuals who have COBRA rights for each event, the types of notices that COBRA requires and when they must be provided; how employees, former employees and beneficiaries elect and pay for COBRA; and the consequences of noncompliance. COBRA after FMLA.

**3:45 – 4:00 Break**

**4:00 – 5:00 Employee Wellness Programs and Employee Assistance Programs**

This session will focus on the different kinds of wellness programs and the requirements they must satisfy under HIPAA, GINA, and ADA nondiscrimination rules and under tax law, including the legal limits on wellness program rewards or incentives, the limitations on the use of health risk assessments, and privacy considerations. Employee Assistance programs.

**Tuesday, December 10, 2024**

**9:00 – 10:00 Retirement Benefits**

This session will focus on the retirement benefits offered through the North Carolina Treasurer's Office (LGERS, TSERS etc.), supplemental retirement programs like 401(k) and 403(b) plans, the difference between defined benefit and defined contribution plans, special provisions for public safety retirement, especially the Law Enforcement Officer Special Separation Allowance, and retirement contributions required for military reservists by USERRA. We will also discuss retirement system rules governing reemployment and how to structure early retirement incentives.

**10:00 – 10:15 Break**

**10:15 – 11:15 Paid Leave and Income Replacement Benefits**

Income replacement benefits encompass a whole range of benefits and offer employers a lot of choice in how to structure their benefit plans. This session will focus on sick and vacation leave and workers compensation but will also look at longevity and severance pay, and holiday and military leave. A special focus will be how to coordinate sick, vacation, workers compensation and disability leave and FMLA leave.

**11:15 – 11:30 Break**

**11:30 – 12:30 Employment Law Impacting Benefits**

This session will discuss the unique challenges around leave as pregnancy accommodation under the Pregnant Workers Fairness Act, military leave, military FMLA, and how to apply COBRA to situations arising under the FMLA.

**12:30 – 1:00 Can Public Employers Offer Benefits to Elected Officials?**

What are the rules governing the provision of benefits like health insurance and retirement benefits to members of a governing board? Can a county require sheriffs and registers of deeds to record sick and vacation leave? This last session will cover the few, but thorny issues arising from providing benefits to elected officials.