

Implications of a Pandemic-Created Nomadic Workforce

The physical place where an employee performs services generally governs the employment relationship, including wage and overtime regulations, leave, payroll tax, and professional licensing. In addition location of employees also impacts the benefits available to employees.

Many states, regions and municipalities have their own minimum wage and overtime regulations. San Francisco, for example, requires employers to pay hourly employees a minimum wage of \$16.32, nearly \$10 more per hour than the federal \$7.25 hourly mandate.

Wages are not the only subject of local regulation; sick leave, disability leave, and parental leave, are distinctly regional as well. State taxation schemes for income and payroll taxes are also imposed based employee work locations. State licensing laws may also impact where employees may lawfully perform services.

Distinct from legal compliance is the impact of a remote workforce on health benefits. Specifically, does the network of providers, including hospitals, include the location of all employees. Not even all telemedicine is available across state lines.



Given the importance of where an employee is performing their work, employers are now faced with knowing where their employees are working. An approach suggested by Mintz law firm is to simply ask employees to identify their work locations and implement a work rule requiring employees to notify the employer when they change their place of employment. Some employees may refuse to comply or may provide false or misleading responses. But it is prudent at a minimum to regularly ask the location question, and to require certification of the response.

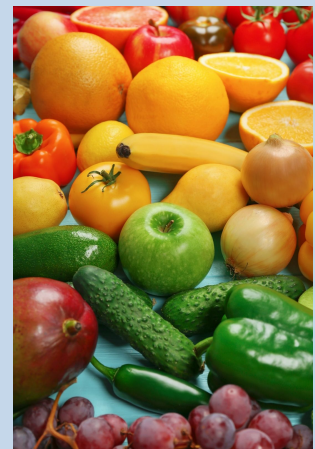
Source: *Bloomberg Law* <https://bit.ly/3z5DJ9M>

Source: *SHRM* <https://bit.ly/3w2GDtU>

Your Diet can Support or Hinder your Mental Health

Follow these 6 simple pillars of eating to optimize the well being of your body and mind.

- 1) Eat Whole – 80% of your diet should be non prepared foods: fruit, vegetables, nuts, seeds, beans and protein. The other 20% allows some flexibility in your diet.
- 2) Eat the Rainbow – Eating different colored plant foods helps optimize the nutrient quality of your meals.
- 3) The Greener the Better – Aim for 4-6 cups per day of leafy greens.
- 4) Tap into your Body – If something doesn't make you feel good after eating it, it is probably not good for you. Pay attention to your health symptoms in response to various foods and use your body's intelligence to guide you.
- 5) Consistency is Key - Following the 80/20 rule described in #1 is a great way to achieve balance in a sustainable way.
- 6) Avoid Anxiety Triggering Foods: Avoid inflammatory and anxiety producing foods such as added and refined sugars in foods, industrial seed oils (soy, corn and grapeseed), nitrate containing processed foods and meats. Source: *Chef UMA MD* <https://bit.ly/3psaCJs>



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Learning: A Release of Claims May Not Offer Blanket Protection Against Potential ERISA Claims

A recent federal court case illustrates that a release agreement executed upon employment termination may not offer blanket protection for employers against future claims arising after termination and after the release agreement has been executed.

In this case (*Anastos v. IKEA Property, Inc.*), a retired employee sued his former employer alleging the information provided to him about the retiree life insurance led him to believe that no medical certification would be required to continue his life insurance in retirement. After the employee retired, his employer informed him that life insurance coverage under the employer-provided plan was not available, and that he would have to convert the coverage to a whole life insurance policy with the carrier, MetLife. MetLife required a medical examination before it would issue the policy, and the employee would not be able to satisfy the medical examination requirement.

The employer filed a motion to dismiss the employee's lawsuit based on a release of claims agreement the employee executed after his last day of employment covering "any and all claims, known and unknown, asserted or unasserted" that the employee had or may have under ERISA as of the date the release was executed.

The court held that the release agreement only covered claims as of the date the release was executed and, thus, did not cover any claims that arose after that date. Because the employer did not deny the life insurance coverage until after the release was executed, the court held the employee's ERISA claim was not within the scope of the release.

To minimize potential benefits claims that could arise after a release agreement is signed, employers should:

Review their plans to understand the terms of any post-termination benefits to ensure that any obligations imposed on the former employee (such as conversion rights) are accurately and adequately described to the employee prior to termination;

Use care when agreeing to any carve-outs from the release agreements for certain claims under benefit plans or programs; and

Ensure employees sign release agreements on or after their last day of employment so the release agreement covers claims that arose during employment.

Source: Haynesboone <https://bit.ly/3x6UFuE>

Kaiser Family Foundation Reports Steady Progress with COVID Vaccine

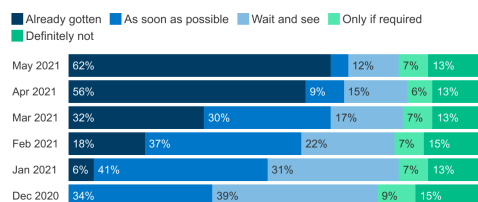
The KFF COVID-19 Vaccine Monitor is an ongoing research project tracking the public's attitudes and experiences with COVID-19 vaccinations. The latest report shows rates inching upwards across groups. Key findings:

- 62% of adults say they have been vaccinated compared to 56% in April
- 41% of parents with children ages 12-17 report their child has been vaccinated; while parents with children under 12 are more cautious
- 43% say the CDC guidance is "confusing and hard to follow"

For the latest data, visit the KFF Vaccine Monitor: <https://bit.ly/3x3JOlo>

Share Who Report Receiving A COVID-19 Vaccine Continues To Increase, With Few Remaining Eager To Get A Vaccine As Soon As Possible

Have you personally received at least one dose of the COVID-19 vaccine, or not? As you may know, an FDA-authorized vaccine for COVID-19 is now available for free to all adults in the U.S. Do you think you will...?



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