

Mendel Quoted in BNA *Pension & Benefits Daily* Story on Waiting Period Limit for Health Care Enrollment

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Linda Mendel, of counsel in the firm's Columbus office, was quoted in a BNA *Pension & Benefits Daily* story titled "Proposal on Waiting Period Limit Troubles Some Employers, Confirms Prior Guidance." The story focused on newly proposed Affordable Care Act (ACA) rules that would give employers a 90-day waiting period limit for enrolling employees in health care coverage. The story covered the possible impact the rule will have on employers and on multiemployer health plans.

The story states:

"The Departments view eligibility provisions that are based on compensation as substantive eligibility provisions that are not designed to avoid compliance with the 90-day waiting period limitation," the proposed rules said. "In addition, hours banks, which are common multiemployer plan provisions that allow workers to bank excess hours from one measurement period and then draw down on them to compensate for any shortage in a succeeding measurement period and prevent lapses in coverage, function as buy-in provisions, which were discussed earlier as permissible."

In stating this, Mendel said, the departments 'went out of their way to accommodate the multiemployer plan community.'

These statements in the proposed rules—coupled with the correction made to the employer shared responsibility rules, which clarified the transition rules for multiemployer plans, make it appear that the departments are 'trying to provide some initial comfort to employers contributing to multiemployer plans,' Mendel said."