

Employee Benefits Plan Newsletter

Form 5500 Filing Reminder and Information on Employee Assistance and Wellness Plans

By Louis F. LiBrandi, Principal

We would like to remind our readers that the filing date for Form 5500 for calendar year employee benefit plans — July 31 — is fast-approaching. Preparers of the Form may want to review the changes and additions made for the 2016 plan year reporting before completing the Form. We invite you to access an [e-newsletter we issued earlier this year](#) in which we discuss the general reporting requirements for many types of employee benefit plans, including retirement and welfare plans.

In addition, we are providing in this e-newsletter information on employee assistance plans (EAPs) and wellness plans which may be determined to be subject to the requirements of ERISA, including the reporting requirements. A review of the particular characteristics and operations of these types of arrangements may be warranted to ensure that the Form 5500 is timely filed and to eliminate the risk of significantly higher ERISA penalties associated with a delinquent Form 5500.

Employee Assistance and Wellness Plans

Many employers have begun implementing EAPs/employee wellness programs as a means of promoting the well-being of valued employees. A well-designed program can improve productivity, boost morale, and reduce stress and absenteeism among the work force of the employer sponsoring the program.

Programs that offer comprehensive “medical care” overseen by a trained medical professional (e.g., flu shots, health “coaching” provided by a registered nurse, therapy counseling, cholesterol screening, etc.) may constitute an ERISA plan (i.e., a group health plan) and, therefore, would be subject to annual reporting requirements (i.e., Form 5500).

Many organizations that have implemented these types of plans have determined with their provider or attorney that they need to satisfy the ERISA reporting requirements. In most situations, the required reporting of an EAP or wellness plan consists of a Form 5500 and may include a Schedule A - Insurance Information.

Plans that are subject to ERISA also require a plan document, a summary plan description, and summary of material modification (when applicable) in addition to other ERISA requirements.

Since the Affordable Care Act (ACA) created new incentives built on existing wellness program policies and encouraged opportunities to support healthier workplaces, our Employee Benefit Services Group has experienced an increase in the number of requests to prepare and file the Form 5500 for these types of employee benefit plans.

Exceptions to the ERISA Requirements for EAPs and Wellness Plans

There are many EAPs/wellness plans that are exempt from ERISA. Plans that provide only a “referral” to an outside organization that treats an employee’s condition, or plans that provide no medical benefits are not considered a group health plan. Other programs offering educational resources (e.g., offering newsletters or “lunch and learn” webinars) on various health-related issues are also most likely exempt from ERISA requirements.

Contact Us

The PKF O’Connor Davies Employee Benefit Services Group has helped many employers satisfy their ERISA reporting requirements. If your organization has implemented or is considering establishing a wellness program, we are available to assist you in determining any potential requirements that may exist (Form 5500, plan document, SPD). We provide a full spectrum of compliance services for qualified and non-qualified benefit plans, as well as representation during IRS examinations. For more information, please email Tim Desmond at tdesmond@pkfod.com or Louis F. LiBrandi at lilibrandi@pkfod.com or call 212.286.2600.

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