

# Multiemployer Pension Plans: Addressing the Issue of Underfunding

A significant issue facing many business owners is the impact of underfunded multiemployer pension plans. This is most common, but not exclusive to, unionized businesses. McDermott Partner and Global Head of the Firm's Employee Benefits and Executive Compensation Practice Group Todd Solomon joins Domenic Rinaldi, owner and managing partner of Sun Acquisitions, for a recent episode of [...]

The post [Multiemployer Pension Plans: Addressing the Issue of Underfunding](#) appeared first on [EMPLOYEE BENEFITS BLOG](#).

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## How Advisers Serving MEPs and PEPs Can Be Conflicted

The most obvious potential conflict of interest for advisers setting up or serving pooled employer plans is if their practice is affiliated with the investments being selected—but there are other potential pitfalls to acknowledge. In a recent article, Erin Turley, a partner with McDermott Will & Emery, said a potential conflict of interest for advisers [...]

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# **Illinois Federal Court Dismisses ERISA Claims Against 401(k) Fiduciaries**

The Employee Retirement Income Security Act of 1974 (ERISA) requires plan fiduciaries to act prudently and loyally when making decisions about the plan. In *Martin v. CareerBuilder, LLC*, a federal district court held that the complaint's allegations about expensive recordkeeping costs and imprudent investment options failed to give rise to an inference that the defendants [...]

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# **What to Do When Scared Workers Do Not Respond to**

# Work Due to COVID-19

Some essential workers are refusing to go to work out of fear of contracting COVID-19. Their employers must weigh the employees' legal rights and understandable health concerns with the organizations' business needs. It can be a tough balancing act. In a recent article, McDermott Partner Pankit Doshi said employers may relax documentation requirements due to [...]

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# Use of the Coronavirus Alert App in the Employment Relationship in Germany

In Germany, a Corona Alert App has been deployed. If a user tests positive for COVID-19, it's entirely up to the user to share the test result via the app. Employees are at liberty to use the app voluntarily on their personal devices, but employers cannot oblige employees to use it on a private or [...]

The post [Use of the Coronavirus Alert App in the Employment Relationship in Germany](#) appeared first on [EMPLOYEE BENEFITS BLOG](#).

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## **The Biggest Benefits Rulings of 2020: Midyear Report**

The US Supreme Court took up several Employee Retirement Income Security Act (ERISA) cases this term, handing down both a major loss and a substantial win to employees looking to sue their employers over retirement plan mismanagement. In a recent Law360 article, McDermott Partner Chris Nemeth discusses these decisions. “It’s going to be really interesting [...]”

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## **Background Checks: The Advent of the New California Employment Class Action**

Class action litigation brought under the Fair Credit Reporting Act (FCRA) is on the rise—particularly in California—after the US Court of Appeals for the Ninth Circuit issued a 2017 decision applying a hypertechnical approach to

the FCRA's disclosure requirements. Background checks are an integral part of the hiring process, but they open employers up to [...]

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## **Don't Fear the Math – Analyzing Layoffs, Plant Closings Under the WARN Act**

Complying with the federal WARN Act, a layoff or shutdown notification law, and its state counterparts is more than just crunching numbers. In a recent Bloomberg Law article, McDermott Will & Emery's Kate De La Cruz examines five "alarms" companies should consider to ensure compliance. Access the article.

The post [Don't Fear the Math – Analyzing Layoffs, Plant Closings Under the WARN Act](#) appeared first on [EMPLOYEE BENEFITS BLOG](#).

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# The New Electronic Disclosure Rule is Here

Plan Sponsor Council of America hosted a webinar to discuss the new electronic disclosure rule for retirement plans from the US Department of Labor (DOL), which took effect July 26, 2020. The rule allows employers to deliver disclosures to plan participants primarily electronically, which the DOL says will reduce printing, mailing, and related plan costs [...]

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# Use a Checklist to Avoid LGBTQ Discrimination in Your Benefits Programs

The US Supreme Court ruled June 15 in *Bostock v. Clayton County, Ga.* that the prohibition against sex discrimination in the workplace under Title VII of the Civil Rights Act covers sexual orientation and gender identity. Title VII applies to employers with 15 or more employees, including part-time and temporary workers. Following the decision, benefits experts [...]

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