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Employers
Association
Group Marketing
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• *Group Insurance That
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A PUBLICATION FROM GROUP MARKETING SERVICES, INC. KALAMAZOO – GRAND RAPIDS – (800) 354-4768

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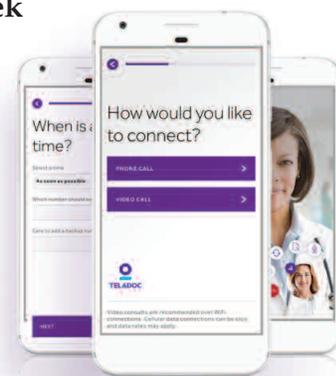
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Michigan Paid Leave Act— Caution Law May Change Any Day

by Sandra M. Andre, Miller Johnson Attorneys

Does My Time-Off Plan Comply With Michigan's Paid Medical Leave Act?

In December, the Michigan Legislature passed the Michigan Paid Medical Leave Act (MPMLA), an amendment to the adopted "Earned Sick Time" ballot proposal. The MPMLA requires employers of 50 individuals or more to provide eligible employees with (generally) at least 40 hours of paid leave per benefit year; each eligible employee using paid leave must be paid at a rate equal to the greater of minimum wage or the employee's normal hourly base wage; and eligible uses include: use for the employee's own illness, injury or preventative medical care; use for an eligible employee's family member's illness, injury, or preventative medical care; use related to domestic violence and sexual assault; and use related to public health emergency or communicable disease. Employers have several options on how they choose to comply with the new law, including how an eligible employee earns the time, in what increments of time MPMLA must be taken, what notice, procedural, and documentation requirements an eligible employee must follow to use the time, and whether to pay out time when an employee separates from employment.



The law provides for a rebuttal presumption that an employer who provides at least 40 hours of paid leave to eligible employees each year is in compliance with the law. However, employers who assume that their time off policies meet the requirements under MPMLA just because they provide 40 hours of paid leave each year should take caution. With the law's March 29th effective date looming, employers need to complete a thorough review of their existing policy language for issues such as employee eligibility (do your part-time employees earn paid time off?), the amount of time off provided per year, how that time is provided, and whether time used under its current paid time off policy is protected from disciplinary action under its attendance policy (just to name a few).

There has been some recent activity suggesting that the state legislature may have overstepped its bounds when it amended both the minimum wage and MPMLA ballot proposals, and this activity raises a question about the constitutionality of both of these laws. However, as of March 15th, neither of these new laws has been ruled unconstitutional and are still slated to go into effect on March 29th. Employers should continue preparing to comply with both laws by March 29th.

If you have questions about the MPMLA, please contact this article author at Miller Johnson, Kalamazoo office: 269-226-2950, Grand Rapids office: 616-831-1700 or: www.millerjohnson.com.

Special Insurance Requirement for Riding Without a Helmet

Michigan state law now requires individuals who chose to ride motorcycles without a helmet, to carry an insurance policy that will cover the first \$20,000 of a motorcycle accident personal injury claim. Claims for those injured while riding a motorcycle without a



helmet will only be considered after the first \$20,000. The first \$20,000 of a helmetless motorcycle related personal injury claim under the group health plan is excluded.

All other policy provisions and limitations pertain and operate in the usual manner.

Out-Of-Network Coverage Is Disappearing But Not On The GLEA Plans

For many, Out-Of-Network Coverage is disappearing— But NOT for those covered on the Great Lakes Employers Association Group Insurance Health Plans.

One reason surprise medical bills are going up: Coverage for out-of-network care is going down, according to the Robert Wood Johnson Foundation (RWJF), whose findings include:

- Just 29% of insurance plans in the individual market provide any benefits for out-of-network providers. That's down from 58% a mere three years ago.
- Coverage is also declining in the market for small businesses, but not nearly as dramatically – 64% of small-group plans offer some out-of-network coverage, down from 71% in 2015.
- Those small-group numbers are probably roughly in line with where things stand among large employers' Qualified plans.

Why it matters: The burgeoning controversy over surprise hospital bills stems partly (though not exclusively) from the bills patients receive when they're treated by an out-of-network provider – even without their knowledge, often within an in-network facility.

- Out-of-network coverage has obviously never been as generous as in-network coverage (that's the whole point of creating a network), but as insurers pull back even further, more patients will likely find themselves on the hook for even bigger bills.



© Axios. This article was originally published in October, 2018

Michigan Supreme Court to Hear Employer Minimum Wage and Paid Leave Mandate in July

The Michigan Supreme Court agreed to hear arguments this summer on whether the state Legislature could amend laws on paid sick leave and minimum wage increases during the lame-duck session that were passed earlier in the legislative session.

The state's highest court issued an order on Wednesday scheduling oral arguments for July 27. Justices invited the state House and Senate, plus members of either chamber, to file briefs in the case, and requested separate briefs from Attorney General Dana Nessel arguing both sides of the question.

At issue in the case is whether the Republican-controlled state Legislature had the authority under the Michigan Constitution to amend laws in the same legislative session in which they were originated through citizen petition.

Written briefs supporting the constitutionality of the amended legislation are due by May 15. Briefs in opposition are due no later than June 15.

The Supreme Court order also allows "persons or groups interested in the determination of the questions presented in this matter" to submit amicus briefs by the same filing deadlines.

In an email Wednesday to members, Michigan Manufacturers Association President Chuck Hadden wrote the trade group would file an amicus brief defending the legislature's action and "working in conjunction with the broader business community" through a coalition known as Small Business for a Better Michigan.

Both the state House and Senate in February passed a resolution asking the state Supreme Court for an advisory opinion on the issue. Nessel said she would issue an opinion as well at the request of state Sen. Stephanie Chang, a Democrat from Detroit.

Nessel now intends to hold off on issuing that opinion.

"The Attorney General will continue to refrain from opining on the issue unless and until the matter remains unsolved

following the outcome of the Michigan Supreme Court's review," spokesperson Kelly Rossman-McKinney said. "This approach is consistent with the Attorney General having traditionally refrained from opining on matters that are the subject of pending litigation."

The court's request to the Department of Attorney General to submit briefs supporting and opposing the legislature's action is unusual but not unprecedented, Rossman-McKinney said. It's happened twice in the last decade – in 2016 on funding for private schools, and in 2011 regarding taxing pensions, she said.

Acting in response to petition drives, lawmakers last year enacted laws increasing the state's minimum wage and mandating paid sick leave.

By enacting the laws after receiving petition signatures rather than putting both proposals on the ballot, legislators retained the ability to amend them later by a simple majority vote, which they did in December at the end of the legislative session. If adopted by voters, the laws would have required a three-fourths vote of each chamber in the legislature to amend.

Under one law legislators amended in December, the state's minimum wage increased from \$9.25 to \$9.45 per hour as of March 29. Subsequent increases will occur Jan. 1 of each year until the minimum wage reaches \$12.05 by 2030.

The petition drive originally sought to raise the minimum wage to \$12 an hour by 2022.

The other law, which also took effect March 29, allows eligible workers at employers with 50 or more employees to earn one hour of paid medical leave for each 35 hours worked, up to 40 hours per benefit year. The original law adopted by legislators in response to a petition drive would have required all employers to offer 72 hours of paid sick leave.

© MiBiz. This article was originally published in April 2019



Group Marketing Services, Inc. Summer Hours

Group Marketing Services, Inc. regular office hours are Monday through Friday 8:00 AM to 5:00 PM. Beginning with Memorial Day weekend and continuing through the Labor Day weekend office hours on **Fridays will be from 8:00 AM to 4:00 PM.** Online service continues to be available around the clock, twenty-four hours a day at www.groupmarketingservices.com

A Couple Retiring in 2019 Needs \$285,000 for Expected Medical Expenses

With group insurance covering the majority of their current health care and prescription drug costs, employees tend to overlook what they'll need to prepare for those costs in retirement.

Fidelity Investments recently released their annual Retiree Health Care Cost Estimate. Here are some key findings from the report:

- A 65-year old couple retiring in 2019 needs \$285,000 for healthcare expenses.

- In 2018, the estimate was \$280,000 and rose 3.6% from 2017 to 2019.
- For single retirees, the health care cost estimate is \$150,000 for women.
- The healthcare cost estimate is \$135,000 for single men retirees.

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Another Tax Headache Ahead: IRS is Changing Paycheck Withholdings

You finally finished your taxes and are learning – for better or worse – the ins and outs of the new law.

But wait, the law isn't done with you. There's another complication coming out later this year: The Internal Revenue Service is changing how you adjust your paycheck withholdings, and early indicators show it won't be easy.

The agency plans to release a new W-4 form that better incorporates the changes ushered in by the new tax law so that the amount held back for taxes in each of your paychecks is more accurate.

The agency's goal: A taxpayer shouldn't owe or be owed come tax time.

But the changes won't be simple, says Pete Isberg, head of government affairs at ADP, the payroll and human resources company. Filling out the new form will be a lot like doing your taxes again. "It'll be a much bigger pain," he says. "The accuracy will be 100 percent, but the ease-of-use will be zero."

What's changing?

While the new form hasn't been released yet, the IRS last summer put out a draft version and instructions seeking feedback from tax preparation companies and payroll firms. Instead of claiming a certain amount of allowances based on exemptions – which have been eliminated – the draft form asked workers to input the annual dollar amounts for:

- Nonwage income, such as interest and dividends
- Itemized and other deductions
- Income tax credits expected for the tax year
- For employees with multiple jobs, total annual taxable wages for all lower paying jobs in the household

"It looked a lot more like the 1040 than a W-4," Isberg says.

The new form references up to 12 other IRS publications to fill it out. It was so complex and different from the previous W-4 form that Ernst & Young is worried employees would struggle to fill it out correctly and employers may need to offer training beforehand.

Why is it taking so long?

The tax and payroll community expressed many concerns about the draft form aside from its complexity. Many cited

privacy issues because the form asked for spousal and family income that workers might not want to share with their employers. Other employees may not want to disclose they have another job or do side work outside their full-time job. To avoid disclosing so much private information, taxpayers instead could use the IRS withholding calculator, but it's "not easy to use, and the instructions are confusing," according to feedback from the American Payroll Association.

In September 2018, the IRS scrapped plans to implement the new W-4 form for 2019 and instead is planning to roll it out for 2020.

What to expect

Another draft version of the new W-4 is expected by May 31, according to the IRS, which will also ask for public comment.

"We encourage taxpayers to take advantage of that opportunity and send us comments on the redesign," says agency spokeswoman Anny Pachner.

The IRS will review the comments and plans to post a second draft later in the summer. The final W-4 version will be released by the end of the year in time for the 2020 tax year.

Once it arrives, you'll probably need the following information on hand, says Kathy Pickering, executive director of H&R Block's Tax Institute. That may mean lugging in past 1099 forms, paystubs or last year's tax returns to fill out the new form correctly.

- Your filing status (married, divorced, single)
- Number of dependents you claim
- Information about your itemized deductions such as home mortgage interest, state and local taxes, and charitable deductions
- Earnings from all jobs
- Information about nonwage income such as business income, dividends, rental income and interest.

You may also need to fill out a new state income tax withholding form. Many states use the current W-4 for withholding, but they may require their own forms, also.

© USA Today. This article was originally published in April 2019



Boys and Girls Clubs of Greater Kalamazoo 28th Annual Golf Outing, Sponsored by Group Marketing Services, Inc.

Please mark your calendars for May 20th 2019... and plan to attend the 28th Annual Golf Outing to be held this year at Gull Lake View in beautiful Richland, Michigan! Take this opportunity to show your support for an organization that is vital to the greater Kalamazoo community.



NOTICE: Important Employee Communications

Please duplicate and distribute to each of your employees, Plan participants or forward as an email to your employees.

Please post this Newsletter, for employees' review, in a conspicuous, on site location.

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