

A New Era of Health and Welfare Fiduciary Litigation
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Health and welfare plan fiduciaries are entering a period of increased legal scrutiny. For many years, fiduciary litigation under the Employee Retirement Income Security Act of 1974 (ERISA) focused primarily on retirement plans, and particularly on allegations of excessive fees involving 401(k) plans. More recently, however, plaintiffs and regulators have shifted attention toward employer-sponsored health and welfare plans.

This growing wave of litigation is being driven by rising healthcare costs, expanded transparency requirements, increased access to plan pricing data, and evolving expectations surrounding fiduciary oversight. In particular, employers sponsoring self-funded health plans are now facing questions about whether they are adequately monitoring plan expenses, vendor compensation, pharmacy benefit arrangements, and participant costs.

As a result, health and welfare plan fiduciaries should expect heightened scrutiny of the way they select and oversee vendors, negotiate service agreements, and document fiduciary decision-making... **Keep Reading**

May 2026 Webinar Recording: **Comparing Small Group and Large Group Compliance Requirements**

Explaining HSAs, FSAs, HRAs, and ICHRAs in Today's Benefit Plans
Tuesday, June 9, 2026 2-3PM EST



Attend this live webinar to learn about the growing range of consumer-driven health plan options available to employers and employees.

Key Takeaways:

- Learn how the IRS identifies pre- and post-tax benefits.
- Gain an understanding of Individual Coverage Health Reimbursement Arrangements (ICHRAs), Lifestyle Spending Accounts (LSAs), Health Reimbursement Arrangements (HRAs), Health Savings Accounts (HSAs), Flexible Spending Accounts (FSAs), and other benefit programs like tuition assistance, adoption assistance, and doula services.
- Understand how to implement and manage these plans, how they interact with group health coverage, COBRA, and leaves of absence, and the potential benefits for both employers and employees in promoting flexibility, savings, and personalized care options.

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CMS Revises Medicare Part D Creditable Coverage Rules for 2027
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The Centers for Medicare & Medicaid Services (CMS) has finalized important changes affecting Medicare Part D creditable coverage determinations beginning with plan years starting on or after January 1, 2027. The updates will impact the way employer-sponsored health plans evaluate prescription drug coverage and comply with Medicare Part D disclosure requirements... **Keep Reading**

HR ELEMENTS: Redesigning Benefits for a Multigenerational Workforce
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For the first time in history, many employers are managing a workforce that spans five generations—from employees just entering the workforce to those delaying retirement well into their sixties and seventies. While this diversity can strengthen organizations through broader perspectives and experience, it is also reshaping how employers think about benefits... **Keep Reading**

Question of the Week

Question: Can I require an at-will employee to give two weeks' notice?

Answer: No, but you can request it as a professional courtesy. At-will employment means either party can end the employment relationship at any time, with or without

notice and with or without cause. Requiring notice would conflict with that arrangement and could jeopardize at-will status.

As mentioned, you can request that employees provide notice as a professional courtesy—basically as “the right thing to do”—so that you can figure out how to cover their duties and make the transition smoother for coworkers and customers. You could also explain that quitting without any notice typically reflects poorly on an employee and might be a factor you’d consider if the employee were to reapply in the future.

This way, the decision about whether to give the requested notice will still be up to the employee, but they might be more inclined to provide notice ahead of their departure once they’ve considered the potential downsides.

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