

CLIENT ALERT

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DEPARTMENT OF LABOR COMPLIANCE ASSISTANCE

Many companies find themselves in the same dilemma that they either spend an inordinate amount of time making sure they are compliant with the DOL, Federal and State Laws or they throw their hands up in the air and ignore compliance issues all together. Neither option is very good. The following are websites, some of them interactive, to assist your company management with compliance issues.

1. The elaws Employment Adviser from the DOL is an excellent tool for employers of every size. The compliance guide encompasses employee benefit, pension, poster, accounting and reporting requirements. We encourage you to review this site often as well as pass this information onto others in your company that may find it useful.

The *FirstStep* Employment Law Advisor is designed to help employers determine which federal employment laws administered by the U.S. Department of Labor (DOL) apply to their business or organization, what recordkeeping and reporting requirements they must comply with, and which posters they need to post. (www.dol.gov/elaws)

The Advisor provides three basic starting points depending on your interests and needs:

- FirstStep - Employment Law Overview Advisor (<http://www.dol.gov/elaws/FirstStep.htm>) provides a short primer on each law's basic provisions as well as any related recordkeeping, reporting and notice requirements.
- FirstStep - Recordkeeping, Reporting, and Notices Advisor (<http://www.dol.gov/elaws/FirstStepRRN.htm>) provides detailed explanations of each law's recordkeeping, reporting and notice requirements.
- FirstStep - Poster Advisor (<http://www.dol.gov/elaws/posters.htm>) provides access to short descriptions of DOL poster requirements and links to printable posters.

As you start each step you are asked questions and as you provide answers you are provided guidance as to what you may or may not need to do in order to be compliant.

2. You can easily find your state Department of Labor by following this link and then clicking on your state: http://www.dol.gov/whd/contacts/state_of.htm

3. The DOL, through the Employee Benefits Security Administration provides invaluable support for employers subject to ERISA. The Employee Retirement Income Security Act of 1974 (ERISA) is a federal law that sets minimum standards for retirement and health benefit plans in private industry. ERISA does not require any employer to establish a plan. It only requires that those who establish plans must meet certain minimum standards.

EBSA's compliance assistance information will assist employers and employee benefit plan officials with understanding and complying with the requirements of ERISA as it applies to the administration of employee retirement, health and other welfare benefit plans.

http://www.dol.gov/ebsa/compliance_assistance.html and

<http://www.dol.gov/ebsa/pdf/rdguide.pdf>

4. The Health Insurance Portability and Accountability Act (HIPAA) Security Rule requires that covered entities conduct a risk assessment of their organization. Health Plans are considered covered entities so when you act on behalf of the Health Plan you are a covered entity.

This security risk assessment (SRA) tool will help you conduct a risk assessment of your practices within the human resources department. Though this tool was designed for health care offices, covered entities that must comply with HIPAA include Health Plans and Business Associates and may use it as well. Visit the following site for additional information and to download the tool.

<http://www.healthit.gov/providers-professionals/security-risk-assessment>

A risk assessment helps you ensure that you are compliant with HIPAA's administrative, physical, and technical safeguards. This requirement dates back to when HIPAA Security came into law, but up until now was difficult to assess.

DISCLAIMER - This Client Alert is provided as an informational service only and is not considered insurance, legal or tax advice. Review and/or Completion of these websites does not guarantee full compliance with the Department of Labor, federal or state laws and regulations.