

In The News

Erin O’Neal, Brian Nugent’s *PEO Insider* Article Breaks Down Changes in PEO-Sponsored Benefit Plans

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Erin O’Neal and [Brian Nugent](#) wrote an article for *PEO Insider* explaining the mixed messages stemming from a series of executive orders that increased guidance for PEO-sponsored benefit plans. They further explain, “An uptick in guidance followed these executive orders. However, despite the Trump administration’s clear support for multiple-employer plans, the guidance suggests some internal inconsistency about how regulatory agencies view them and how plans sponsored by PEOs may be treated.”

In particular, O’Neal and Nugent looked into the Association Health Plan Final Rule, the proposed Treasury regulations regarding application of the ‘Unified Plan Rule,’ the Department of Labor’s Field Assistance Bulletin providing transition relief from Form 5500 reporting failures, and Multiple-Employer Plan final regulation.

O’Neal and Nugent closed the article by commenting, “Be vigilant about developments impacting PEOs relating to AHPs. All rules and guidance in this area will likely have some impact on PEO health plans and their status under ERISA. Be aware that plaintiff’s attorneys may try to use recent DOL guidance and rules as a means to argue employer status for PEOs in non-benefits areas such as Title VII, the Fair Labor Standards Act (FLSA), the

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Affordable Care Act (ACA), and other employment laws. As always, news on one front of the ‘who is the employer’ issue can impact other employer status questions, even if not intended.”

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