

## COWDEN TIMES

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## [Cowden News](#)

[How to Negotiate the Price in the Deal](#)

When we are in discussion with a prospect and setting forth our value proposition, expertise, experiences, etc., the question becomes: At what point do we show our hand? We often think that we should wait, look for clues or sometimes just come right out and ask: What's your budget? Are you looking for the best quality, a quick completion or do you plan to go with the cheapest option?

Elliot N. Dinkin, President & CEO, is featured in Smart Business.

[Click here to view the article.](#)

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## [National Kidney Foundation's 2018 Kidney Walk](#)

Why we walk

Right now, 30 million American adults are living with kidney disease. We want to help improve and extend people's lives. We walk for patients, families, and people at risk. We walk with more than 5,500 teams from across the country to raise vital funds and help the National Kidney Foundation (NKF) expand the public conversation from kidney disease to kidney health.

Make an impact today! Walk with us and fundraise or support our efforts with a donation.

[Click here to donate or to join our team.](#)

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## [Upcoming Webinar: Surviving a DOL Wage & Hour Audit](#)

August 23, 2018 | 2:00 pm EST

Presenter: Jeremy Hertz, Sr. Deputy General Counsel and Director of HR Consulting, Acrisure LLC

Although Health and Welfare plan DOL audits have increased due to Health Care Reform, employers would be wise to not forget the more traditional liabilities associated with the DOL's enforcement of the FLSA and the FMLA. This presentation will discuss several non-Health Care Reform DOL areas of

concern for employers in 2018, and best practices for preparing for and surviving a DOL audit.

[Click here to register.](#)

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## Industry News

### Compliance Bulletin: IRS Announces HSA Limits for 2019

On May 10, 2018, the IRS announced the 2019 inflation-adjusted limits for health savings accounts (HSAs) and high deductible health plans (HDHPs). Employers who sponsor HDHP plans may need to make plan design changes reflecting the new limits, for plan years *beginning* in 2019. Also, if an employer communicates the HSA contribution limits to employees as part of the enrollment process, these enrollment materials should be updated to reflect the increased limits that apply for 2019. Employers who have questions regarding how these changes impact their benefit plans should speak with their Health & Benefits Consultant.

The attached Compliance Bulletin provides details of the changes for 2019.

Contact your Cowden [representative](#) for more information on this or other compliance issues.

[Read the Compliance Bulletin PDF.](#)

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### Compliance Bulletin: IRS Allows Taxpayers with Family Coverage to Use \$6,900 HSA Limit for 2018

On April 26, 2018, the Internal Revenue Service (IRS) has released another change to the family Health Savings Accounts (HSAs) contributions. The IRS has increased the HSA contribution limit from \$6,850 (back to the original amount) to \$6,900, for individuals with family coverage under a High Deductible Health Plan (HDHP).

Contact your Cowden [representative](#) for more information on this or other compliance issues.

[Read the Compliance Bulletin PDF.](#)

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## [Compliance Overview: DOL Health Plan Audits: Checklist of Requested Documents](#)

The Department of Labor (DOL) has the authority to investigate or audit an employee benefit plan's compliance with the Employee Retirement Income Security Act (ERISA). The attached compliance bulletin provides a checklist of documents that are commonly requested in a DOL audit.

Contact your Cowden [representative](#) for more information on this or other compliance issues.

[Read the Compliance Bulletin PDF.](#)

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## [Meet Our Team](#)

Our team consists of 23 employees; each newsletter we take time to highlight some of our employees. To see our leadership team [click here](#); to see all employees please [click here](#).

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### **Amy Crouse** **Senior Analyst**

**What would you most like to tell yourself at age 13?**

Don't let the anticipation of tomorrow drown out the opportunity you have today.

**Where is the best place you've traveled to and why?**

Ireland. It is a beautiful country full of deep heritage and live entertainment everywhere.



**Robert W. Hazy**  
**Senior Consultant and Actuary**

**What would you most like to tell yourself at age 13?**

You actually will have a girlfriend someday!

**Where is the best place you've traveled to and why?**

Hawaii. Just beautiful.

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**Nathan Hoellman**  
**Analyst**

**What would you most like to tell yourself at age 13?**

I want my 13-year-old self to know the Kentucky Derby winners for the next 12 years.

**Where is the best place you've traveled to and why?**

The Prague Castle is unreal. "Looks straight outta Game of Thrones."

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**Aletha Francis**  
**Administrative Assistant**

**What would you most like to tell yourself at age 13?**

You're going to make it, honey!

**Where is the best place you've traveled to and why?**

San Francisco; it was because of the incredible steepness of its picturesque hills combined with a first date in standard shift Dodge Duster that I fell in love.

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## What's Dinkin Thinkin'?



Elliot Dinkin is equally comfortable whether he is in a courtroom providing testimony or in a CFO's office providing strategic counsel. The 25-year plus veteran of the actuarial, compensation, and employee benefits fields continues to make his mark.

Today, as President and CEO at Cowden Associates, Inc., Elliot provides leadership to position the company at the forefront of the industry. You can learn more about changes in actuarial, benefits, management, and compensation policies from his blog, "[What's Dinkin Thinkin'?](#)" or on Twitter, [@ElliotDofCowden](#).

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## Can A Struggling Multi-Employer Plan Override A Collective Bargaining Agreement?

After bargaining to impasse, Just Born implemented its last, best and final offer, which included a soft-freeze type provision, where contributions would be made to the Multiemployer Pension Fund (MEPP), just for existing employees, but not new hires. This decision (*Just Born*, 4th circuit court of appeals; April 26, 2018) requires Just Born to continue contributions for all bargaining unit employees in accordance with terms of the MEPP's Rehabilitation Plan, regardless of any agreement between the parties, based upon the court's interpretation of the Multiemployer Pension Reform Act of 2014 (MPRA). It is of interest to note that this Pension Fund has been suffering since the 2012 Hostess bankruptcy, in which \$1 billion of liability was discharged.

What is the impact of this case from a non-legal perspective?

- Gives MEPPs (especially the underfunded ones) a new way to respond to employer attempts to reduce their contribution obligations. Before the MPRA, MEPPs could reject collective bargaining agreements (CBAs) and force a complete withdrawal on the employer, if the MEPP considered the

CBA unacceptable, but could not impose a different contribution obligation on the employer; this circuit now obligates the employer to comply with the MEPP's Rehabilitation Plan, if the employer wants to continue participating in the MEPP.

- Clarifies what terms a Rehabilitation Plan imposes upon employers, without their consent. The Rehab Plans are adopted unilaterally by the MEPP Trustees. The contribution schedule required that Just Born not only comply with the amount of the contributions, but also with the employees for whom the contributions must be made.
- In my experience with collective bargaining, this would appear to diminish the ability of the employer and the union to negotiate terms and conditions of employment. Said a different way: What happened to the requirement that contributions and benefits must be made pursuant to a written agreement with the employer and the union, providing a detailed basis of terms and conditions?
- Would the court's answer have been different if, in fact, an agreement to implement a soft-freeze would have been reached vs. implementing the last, best, and final offer and declaring an impasse?

Employers participating in severely underfunded MEPPs have experienced increased contribution rates and higher Pension Benefit Guarantee Premiums. However, this, has clearly not solved many of these funds' problems. The fact is that many current and future retirees may never receive the full benefits promised by these MEPPs. Congress has now convened a Joint Select Committee on Solvency of Multiemployer Pension Plans to recommend a solution for the MEPP crisis, by the end of 2018. It is uncertain what type of packages will be included, although loans and other reforms will be proposed.

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[Cowden View](#)

[Attractive Employee Perks: What's Hot Now \(and What](#)

## Works).

When it comes to employee benefits, you have a clear path on what to offer top talent. Repeated studies have shown some of [the most important benefits](#) to offer in order to remain competitive are:

- Health Insurance
- Paid Time Off
- Parental Leave
- Retirement Plans
- Tuition Assistance

But when it comes to perquisites—the layer of icing on top of the benefits cake—you have much more room for creativity. Offering a [colorful perks package](#) can help you to stand out from other employers, just as much as your benefits.

Not only that—perks can also save you money. Numerous studies, both [big](#) and [small](#), have found that workers are willing to accept a pay cut in exchange for a better work-life balance in the form of working remotely and flexible office hours.

### **Perks to Get on Your Radar**

To increase your company's allure, consider offering these perks:

#### **Health**

Drink/Snack Fridge – Keeping it fully-stocked at all times will prevent workers from ever needing to leave the office during the day to fight off afternoon hunger pangs.

Napping Room – While it might sound counterintuitive, giving employees a quiet place to rest will allow them a chance to [tackle tough challenges fully-charged](#).

Onsight Gym – Even a small room with a treadmill and a set of weights can save busy professionals a bundle of cash and time by enabling them to work out on their lunch break.

#### **Family-Life Balance**

No Official Office Hours – The benefit here is obvious: [better work-life balance](#).

Remote Work Options – With better internet connections, the need to be physically in the office every day has declined.

Onsite Childcare – This service may require hiring an extra set of hands, but it's a major benefit for parents who worry about their young tikes during the day.

The Option to Bring Your Pet – [When done right](#), having some furry friends around the office boosts morale.

## **Community**

Game Room – Stocking up on a few board games and electronic consoles gives hard-working employees a chance to unwind and recharge during the most stressful days.

Company-Sponsored Sports Teams – Not only will paying for some bats and gloves get employees engaged outside of work, it will also increase exercise—which may cut down on your healthcare expenses.

Season Tickets – If you have a local sports team, buying a few season tickets offers employees a chance to bond outside of work, while sharing a popular form of entertainment.

Volunteer Days – Granting a day or two off every year for folks to volunteer at a cause of their choice shows that you're dedicated to the community.

## **Doing It the Right Way**

Increase the effectiveness of your perks with help from true professionals. Contact [Cowden Associates](#) to determine which perks are best for your workforce—and what you can best afford.

[Click here for a printable PDF.](#)

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## **About Cowden**

Cowden Associates, Inc. (Cowden) is recognized as a leading independent compensation, health and benefits, and retirement consulting firm regionally, nationally, and internationally. Cowden was established in 1996, bringing together seasoned professionals to provide client-focused advice designed to produce superior and measurable results to businesses, regardless of size or industry. Client industries include: financial institutions, governmental entities, healthcare, manufacturing, not-for-profit, school districts, and Taft-Hartley.

Cowden's exceptional interactive approach is what sets us apart from similar consulting firms. To deliver a tailored resolution to your specific needs, we first identify the overall attributes exclusive to your organization. We build an understanding of your organization by asking questions, observing, and listening. In this manner you are not merely receiving a pre-fabricated answer, but rather a unique solution for your circumstances.

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