

Includes 2020 & 2021 Relief Bills

COVID-19 Plan Amendments Guide

Understand the amendments & download the ones you need

Instructions

Each amendment includes: 1) a plan amendment, 2) a resolution, and 3) a summary of material modifications. Employers adopting these amendments must complete the first page, execute the resolution (depending on the employer's formalities), and distribute the last page (the summary of material modifications) to all plan participants. **Employers adopting the new grace period extension and/or increase in eligibility age for day care must return a completed copy of the amendment to Navia by emailing it to employerservices@naviabenefits.com.** Employers adopting any other amendments do not need to return copies to Navia, but may do so if they wish for us to retain a copy on the employer's behalf.

**Note all amendments download a Word document directly to your computer and do not open in a browser window.*

Date of new guidance	Amendment description	Guidance	*Download Amendments	Effective	Temporary or permanent?	Required or optional?	Retroactive?	Why or why not adopt?
March 26, 2021	Permits Personal Protection Equipment (PPE) as eligible expenses for FSA/HRA as a primary purpose to prevent the spread of COVID-19	IRS Notice 2021-7	NO AMENDMENT REQUIRED *Unless plan specifically excludes these expenses	Effective as of March 26, 2021.	Permanent	Optional	Yes, can apply retroactively to January 1, 2020.	NO AMENDMENT REQUIRED *Unless plan specifically excludes these expenses
March 11, 2021	Increase of Dependent Care FSA maximum contribution to \$10,500	American Rescue Plan Act 2021 (ARPA)	DOWNLOAD PLAN AMENDMENT	Applies to taxable year 2021	Temporary for any taxable year beginning after December 31, 2020, and before January 1, 2022,	Employers can choose to adopt or not adopt.	No.	Recommended for all employers, unless it would negatively impact non-discrimination testing.
March 11, 2021	Provides for 100% COBRA Subsidy for AEIs for April 1 to September 30, 2021	American Rescue Plan Act 2021 (ARPA)	DOWNLOAD RECOMMENDED CLARIFYING AMENDMENT	Applies to coverage April 1 to September 30, 2021 for AEIs	Temporary. Applies to coverage April 1 to September 30, 2021 for AEIs	Amendment is not required, but recommended.	Not retroactive, such amendment must be adopted no later than the last day of the plan year in which the amendment is effective.	Recommended for employers subject to Federal COBRA.
February 26, 2021	Healthcare FSA Claims Run-Out and Appeals Extension	EBSA Disaster Relief Notice 2021-01	DOWNLOAD PLAN AMENDMENT	Effective from March 1, 2020 until TBD	Temporary based upon TBD end date of National Emergency	Employers can choose to adopt or not adopt.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
February 26, 2021	Health Reimbursement Arrangement Claims Run-out and Appeals Extension	EBSA Disaster Relief Notice 2021-01	DOWNLOAD PLAN AMENDMENT	Effective from March 1, 2020 until TBD	Temporary based upon TBD end date of National Emergency	Employers can choose to adopt or not adopt.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
February 26, 2021	COBRA Election and Payment deadline Extensions	EBSA Disaster Relief Notice 2021-01	DOWNLOAD PLAN AMENDMENT	Effective from March 1, 2020 until TBD	Temporary based upon TBD end date of National Emergency	Employers should (but are not required) adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
February 18, 2021	Clarifying CAA Guidance for <ul style="list-style-type: none"> Change in Status thru 2021 12 month Grace Period DCAP Age Relief Unrestricted Carryover Terminated Spenddown 	IRS Notice 2021-15	DOWNLOAD PLAN AMENDMENT	Effective as of the date of the amendment	Temporary. Applies to plan years ending in 2020 or 2021.	Employers can choose to adopt or not adopt.	Retroactive, if the amendment is adopted not later than the last day of the first calendar year beginning after the end of the plan year in which the amendment is effective	Recommend employers adopt: Change in Status thru 2021, Unrestricted Carryover, and Terminated Spenddown. Not recommended due to administrative burden: 12-month Grace Period and DCAP Age Relief