

Legal Connections

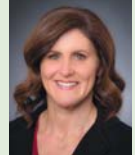


LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

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PET INSURANCE: BENEFITS AND CONSIDERATIONS FOR EMPLOYERS

Voluntary benefits are an essential way for employers to attract and retain talent. Nearly 70 percent of Americans own at least one pet, and those Americans spent over \$17 billion on veterinary care in 2017 alone. Those expenses must be covered by take-home pay – which begs the question: Are employers failing to attract or retain employees who desire greater compensation to help offset such expenses?

Not surprisingly, pet insurance is among the fastest-growing employee benefits. Pets play an essential role in the lives of employees—with the majority of pet owners describing themselves as “pet parents” as opposed to “pet owners.” Given the advancement of veterinary services, the costs of these services are on the rise.

Consider the impact of veterinary



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costs on Justin Burns, an attorney with Dinsmore & Shohl LLP’s Columbus office and a new “pet parent.” He adopted his goldendoodle, Barrett, when Barrett was eight weeks old, and, almost immediately, Barrett found himself at the veterinarian’s office on a weekly basis. From multiple eye and ear infections, to intestinal problems, to

an abdominal surgery to remove a toy Barrett swallowed among other visits, Barrett’s veterinary bills quickly exceeded \$5,000 in his first few months as a Columbus resident. Fortunately, Burns had pet insurance – for roughly \$1,000 a year in quarterly premiums and a deductible (which covers illnesses, accidents and some routine care), Burns received 90 percent of those vet expenses back.

Burns’ story is not unique. Employees across the country face financial strain due to surprise veterinary expenses.

To attract employees, help ease the burden of veterinary costs and stand out among the crowd, employers should consider offering pet insurance as a benefit.

For employers, pet insurance is relatively simple to incorporate as a voluntary benefit. Businesses of all types can offer the benefit to employees without much complication. With anytime enrollment, businesses and their employees are not limited by specified enrollment periods. Depending on the plan selected, an employer can offer pet insurance at zero cost to itself, with participating employees covering the cost in full. Employers, however, have flexibility in choosing a plan and can vary this structure as well as the scope of coverage offered. Various pet insurers also offer plans exclusively for employers, which provide discounted rates to employees, allowing employers to offer the benefit without significant impact on their bottom line.

Employers should consider the size of their business and, depending on demand, choose a plan with no minimum participation requirements offered by multiple insurers. Upon selecting a plan, employers should implement a roll-out strategy to both get the word out and promote enrollment, and also to celebrate the employer’s decision to support every member of its employees’ families. Pet insurance represents a win-win for employers and their employees.

Pet insurance offers a unique way for employers to alleviate concerns faced by many of its employees and ensure employees are able to access quality care for their furry—and even feathered—friends, as certain insurers offer plans for birds and other exotic pets as well. To stay ahead, employers need to address the concerns facing the employees they wish to recruit. Pet insurance can provide a cost-effective path for employers to do just that. ■

LOOKING FOR PROBATE BONDS OR PROFESSIONAL LIABILITY INSURANCE? CBS AGENCY, INC. IS HERE TO HELP: CBALAW.ORG/BONDS

NLRB RESTORES EMPLOYERS’ RIGHT TO RESTRICT USE OF EMAIL

The National Labor Relations Board (NLRB) is a federal agency that protects the rights of private sector employees to join together to improve wages and working conditions, primarily through enforcement of the National Labor Relations Act (NLRA). Nearly all employees in the private sector are covered by the NLRA. Under the NLRA, even if not represented by a union, employees are allowed to engage in “concerted activity,” which is when two or more employees take action regarding terms and conditions of employment. For example, employees



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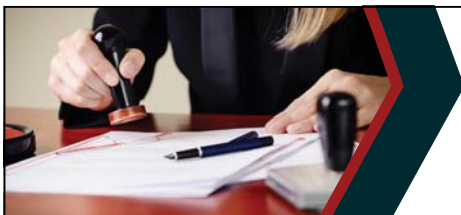
may lawfully communicate with one another about improving their pay, discuss work-related issues such as safety concerns, or speak to an employer on behalf of co-workers about improving workplace conditions. The NLRA forbids employers from interfering with employees in exercising these rights.

The NLRB, in *Purple Communications, Inc.* (2014), held that if an employer gave employees access to an email system it must let them use the system on nonworking time to communicate with others for “concerted activities,” such as

forming a union or discussing pay or workplace conditions, unless the employer could show special circumstances related to the need to maintain production or discipline. However, in its recent *Rio All-Suites Hotel and Casino* (2019) decision, the NLRB reversed *Purple Communications* and held that an employer may bar employees from using their company email for nonworking communications, so long as the company does not discriminate against union or other protected concerted communications. The NLRB did recognize the importance of having an adequate method of engaging in “concerted activities,” thus the *Rio* decision contains an exception

for circumstances where the use of employer email is the only reasonable means for employees to communicate with one another during the workday.

In the modern workplace many employers have adopted email policies designed to curb solicitations for commercial, religious, political or other non-job-related matters. As a result, future cases litigated under *Rio* will require employers to demonstrate that they applied personal email-use rules in a non-discriminatory fashion when they used those rules to bar employee discussion of union matters over company email. ■



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