



# Navigating Through Employment Questions

What I need to know during times of  
hardship



# Package of Content

- What is EAP (Employee Assistance Program)
- 401k Hardship
- Employee Stock Purchase Program
- Unemployment Benefits
- Continuation of Coverage (Medical Insurance)
- FMLA (Family & Medical Leave Act)
- Virtual Workspace Preparedness



EAP

Information

(Employee Assistance Program)

**Partner with your company's benefits or human resources department to find information specifically related to your company.**

# + What is EAP (Employee Assistance Program)

## **What is an Employee Assistance Program (EAP)?**

**Employee Assistance Program (EAP)** is an employee benefit program that assists employees with personal problems and/or work-related problems that may impact their job performance, health, mental and emotional well-being. EAPs generally offer free and confidential assessments, short-term counseling, referrals, and follow-up services for employees. EAP counselors may also work in a consultative role with managers and supervisors to address employee and organizational challenges and needs. Many corporations, academic institution and/or government agencies are active in helping organizations prevent and cope with workplace violence, trauma, and other emergency response situations. There is a variety of support programs offered for employees. Even though EAPs are mainly aimed at work-related issues, there are a variety of programs that can assist with problems outside of the workplace. EAPs have grown in popularity over the years, and are more desirable economically and socially.

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# + What is EAP (Employee Assistance Program)

## What Does Most EAP Plans Offer Through Your Employer?

### Health and Safety Concerns

- ✓ stress, depression ✓ anxiety ✓ substance abuse ✓ concern about another person's substance abuse ✓ gambling or other addictions ✓ domestic abuse ✓ grief and loss ✓ crisis and trauma

### Financial and Legal Topics

- ✓ budgeting, financial worries, and reducing debt ✓ legal matters

### Work-Related Issues

- ✓ work-related problems and job stress ✓ conflict at work ✓ job burnout ✓ workplace change

### Relationship & Family Matters

- ✓ adoption issues ✓ relationship issues ✓ separation and divorce ✓ child care and parenting issues ✓ elder care/caregiving issues ✓ education issues



# 401k Hardship Withdrawal

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# + 401k Hardship Withdrawal

**The following items are considered by the IRS as acceptable reasons for a hardship withdrawal:**

- ✓ Medical care expenses for the participant, his/her spouse, dependents, or beneficiaries.
- ✓ Costs directly related to the participant's purchase of his/her principal residence (not including mortgage payments).
- ✓ Amounts necessary to prevent the participant's eviction from, or foreclosure on, the participant's principal residence.
- ✓ Funeral expenses for the participant, his/her spouse, dependents, or beneficiaries.
- ✓ Tuition and related expenses (fees, room and board, etc.) for the next 12 months of post-secondary education for the participant, his/her spouse, dependents, or beneficiaries.
- ✓ Expenses incurred to repair damage to the participant's principal residence\*.
- ✓ Hardship withdrawals are subject to income tax and, if you are not at least 59½ years of age, the 10% withdrawal penalty. You do not have to pay the withdrawal amount back.
- ✓ A hardship distribution may not exceed the amount of the need. However, the amount required to satisfy the financial need may include amounts necessary to pay any taxes or penalties that may result from the distribution.

# + 401k Hardship

## **401k Hardship Withdrawals - An Overview**

A 401k retirement plan may, but is not required to, provide for hardship distributions. Again, most plans do, but some don't. Check with your Human Resources department if you're not sure if your plan allows hardship withdrawal. Like a 401k loan, your employer must adhere to some very strict and detailed guidelines.

The IRS code that governs 401k plans provides for hardship withdrawals only if:

- (1) the withdrawal is due to an immediate and heavy financial need;
- (2) the withdrawal must be necessary to satisfy that need (i.e. you have no other funds or way to meet the need); and
- (3) the withdrawal must not exceed the amount needed by you.

Under the provisions of the Pension Protection Act of 2006, the need of the employee also may include the need of the employee's non-spouse, non-dependent beneficiary.

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## 401k Hardship

### **A Couple of Other Notes**

The rules for hardship distributions from 403(b) plans are similar to those for hardship distributions from 401k plans. The hardship rules are only relevant while you still work for the sponsor of your 401k. Once you are separated from service (through permanent layoff, termination, quitting or retirement), the hardship rules do not apply.

**Please click on the below link to find additional information regarding  
401k Hardship Withdrawals**

<https://www.irs.gov/retirement-plans/retirement-plans-faqs-regarding-hardship-distributions#return>



# Employee Stock Purchase Program

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# + Employee Stock Purchase Program

## **WITHDRAWALS FROM YOUR ESPP**

### **How does a withdrawal work in an ESPP?**

With most employee stock purchase plans, you can withdraw from your plan at any time before the purchase. Withdrawals are made on Fidelity.com or through a representative. However, you should refer to your plan documents to determine your plan's rules governing withdrawals

### **How do I make a withdrawal from my employee stock purchase plan?**

Refer to your plan documents to determine the availability and frequency of withdrawal request under your plan's specific rules. You can request a withdrawal by clicking Act > Withdraw Money. Click Withdraw Money next to an offering period with available funds. Enter the dollar amount that you want to withdraw (this amount must be equal to or less than the available amount).

You must read your Employee Stock Purchase Plan Enrollment Agreement.

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# Unemployment Benefits

# + Unemployment Benefits

## **How to Apply**

### **Apply for benefits in one of two ways:**

1. Apply online at [Unemployment Benefit Services by selecting Apply for Benefits. Read the Applying for Unemployment Benefits Tutorial](#)
2. Call a Tele-Center at 800-939-6631 and speak to a customer service representative.

### **Information You Need to Apply**

1. You will need:
2. Your last employer's business name, address and phone number
3. First and last dates (month, day and year) you worked for your last employer. If you worked for your last employer on more than one occasion, provide the most recent employment dates.
4. Number of hours worked and pay rate if you worked the week you apply for benefits (Sunday through Saturday)
5. Information about the [normal wage for the job you are seeking](#)
6. Alien Registration number (if not a U.S. citizen)

# + Unemployment Benefits

## **Your Unemployment Benefit Services Password**

When you sign up for online services, you will select a User ID and password. Your password protects your identity and privacy. It has the same legal authority as your signature on a paper document. Do not give your password to anyone, not even to a family member or TWC employee. You are responsible for any payment request made using your User ID and password.

If you have a User ID and password from

[WorkInTexas.com, use that User ID and password to logon to Unemployment Benefit Services. For more about the password requirements, go to Managing Your Benefits Password & PIN.](#)



# COBRA

## Continuation of Coverage

### (Medical Insurance)

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## + COBRA - Continuation of Coverage (Medical Insurance)

COBRA continuation coverage lets you stay on your employer's group health insurance plan after leaving your job. COBRA stands for the Consolidated Omnibus Budget Reconciliation Act. It's shorthand for the law change that required employers to extend temporary group health insurance to departing employees.

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# + COBRA - Continuation of Coverage (Medical Insurance)

## **How COBRA Continuation Coverage Works**

Say you're an employee and you're covered by your employer-sponsored group health insurance plan. Now say you're leaving your job, either voluntarily or involuntarily. Before COBRA, you would lose your access to group health insurance coverage. But the COBRA continuation coverage requirement changed that.

Since COBRA, employers have been required to extend group health insurance coverage to employees who separate from service, whether they leave of their own free will or are terminated (for any reason other than gross misconduct). This applies if you have your hours reduced from full-time to part-time, too. The requirement generally applies to companies with 20 or more employees, but some states have so-called "mini-COBRA" laws that extend the continuation coverage requirement to smaller companies.

Continuation coverage applies to anyone else who would normally get access to employer-sponsored coverage, such as the employee's spouse, ex-spouse and children. That means that even if you don't leave your job but your spouse does, he or she can join your health insurance plan. It also means that if you're covered by your spouse's health insurance and you divorce, you can still get continuation coverage under your ex's group health insurance plan.



# FMILA

# Family Medical Leave

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# + FMLA - Family & Medical Leave Act

## **FMLA Overview**

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- ◆ Twelve workweeks of leave in a 12-month period for:
  - ◆ the birth of a child and to care for the newborn child within one year of birth;
  - ◆ the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - ◆ to care for the employee's spouse, child, or parent who has a serious health condition;
  - ◆ a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - ◆ any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

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# + FMLA - Family & Medical Leave Act

## FMLA - Group Health Insurance Benefits

If an employee is provided **group health insurance**, the employee is entitled to the continuation of the group health insurance coverage during FMLA leave on the same terms as if he or she had continued to work. If family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. The employee must continue to make any normal contributions to the cost of the health insurance premiums.

If paid leave is substituted for FMLA leave, the employee's share of group health plan premiums must be paid by the method normally used during paid leave (usually payroll deduction). An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped unless the employer has a policy of allowing a longer grace period. The employer must provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

In some instances, an employer may choose to pay the employee's portion of the premium, for example, in order to ensure that it can provide the employee with equivalent benefits upon return from FMLA leave. In that case, the employer may require the employee to repay these amounts. In addition, the employer may require the employee to repay the employer's share of the premium payment if the employee fails to return to work following the FMLA leave unless the employee does not return because of circumstances that are beyond the employee's control, including a FMLA-qualifying medical condition.

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# + FMLA - Family & Medical Leave Act

## **PROTECTIONS UPON RETURN FROM FMLA LEAVE (JOB RESTORATION)**

When an employee returns from FMLA leave, he or she must be restored to the same job or to an "equivalent job". The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

Equivalent pay includes the same or equivalent pay premiums, such as a shift differential, and the same opportunity for overtime as the job held prior to FMLA leave. An employee is entitled to any unconditional pay increases that occurred while he or she was on FMLA leave, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted only if employees taking the same type of leave for non-FMLA reasons receive the increases. Equivalent pay includes any unconditional bonuses or payments. If an employee does not meet a specific goal for achieving a bonus because of taking FMLA leave, however, the employer must only pay the bonus if employees taking the same type of leave for non-FMLA reasons receive it. For example, if an employee is substituting accrued paid sick leave for unpaid FMLA leave and other employees on paid sick leave are entitled to the bonus, then the employee taking FMLA-protected leave concurrently with sick leave must also receive the bonus.

All benefits an employee had accrued prior to a period of FMLA leave must be restored to the employee when he or she returns from leave. An employee returning from FMLA leave cannot be required to re-qualify for any benefits the employee enjoyed before the leave began.

# + FMLA - Family & Medical Leave Act

## **FMLA - LIMITATIONS TO FMLA PROTECTIONS**

An employee on FMLA leave is not protected from actions that would have affected him or her if the employee was not on FMLA leave. For example, if a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours. If an employee is laid off during the period of FMLA leave, the employer must be able to show that the employee would not have been employed at the time of reinstatement.

An employer may also deny restoration to a “key” employee under certain circumstances. A key employee is a salaried, FMLA-eligible employee who is among the highest-paid 10 percent of all of the employer’s employees within 75 miles. To deny restoration to a key employee, an employer must have determined that substantial and grievous economic injury to its operations would result from the restoration, must have provided notice to the employee that he or she is a key employee and that restoration will be denied, and must provide the employee a reasonable opportunity to return to work.



# Virtual Workplace Preparedness

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# + Virtual Workplace Preparedness

## **How to Set Up a Virtual Office in 5 Easy Steps**

1. Secure the Essential Equipment
2. Stay Connected
3. Choose the Right Communication and Collaboration Tools
4. Move your Data Storage to the Cloud
5. Stay Organized and Available

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## 1. Secure the Essential Equipment

Remote workers need basic equipment to support their success. Every remote worker needs a laptop computer to allow them to work from any place they can find an Internet connection. Workers can easily carry their computers to client and employer sites, ensuring that they have consistent access to their software and files. Buy a laptop that has plenty of memory and storage, a fast processor, and a built-in camera to make sure you can easily execute every part of your business.

Mobile devices also rank as essential equipment for remote workers. Smartphones and tablets keep people connected in settings where a laptop seems impractical. Workers can sync their devices with their computer to make sure they always have access to their data. Thanks to cloud-based software, workers can seamlessly transition from one device to another, without fear of causing data corruption or version conflicts.

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## 2. Stay Connected

Now that many business applications operate in the cloud, remote workers need a reliable Internet connection more than ever before. A fast connection in the home office will help ensure enough bandwidth for voice and video calls, online meetings, and conferencing while processing files and updating records.

Mobile workers should always have a mobile hotspot device on hand for use while traveling and for backup when the home connection goes down. You can choose to use the [hotspot function on your smartphone](#) or get a dedicated hotspot device such as the Verizon Jetpack MiFi 6620L 4G LTE Mobile Hotspot, Freedom Pop's Overdrive Pro, or the Verizon Wireless Jetpack MiFi, to name just a few.

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## 3. Choose the Right Communication and Collaboration Tools

Remote workers must have access to collaboration and communication tools that can optimize their workflow. The latest project management trends include virtualization, digitization, and remote connections, so make sure that you have tools that help you keep pace with the demands of your job. Essential communication tools include an email provider, such as Outlook or Gmail, Instant messaging, softphones or IP phone terminals that work with your VoIP provider, and Web conferencing such as Zoom, MS-Teams, WebEx or GoTo Meeting.

Collaboration tools that can help you work effectively with teams include Slack, the messaging app for teams, Yammer, the leading social network tool for enterprises, Asana, a leading project tracking tool. WorkflowMax provides an all-in-one job management tool that helps with time tracking, quotes, invoicing, and reporting. When you have the right tools at your disposal, you will discover that you can work faster and smarter.

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## 4. Move your Data Storage to the Cloud

In the past, teleworkers had difficulty keeping track of their files stored on different computers, devices, and portable USB drives. Now, cloud-based file storage gives workers access to their data from any computer or device.

Properly utilized, online storage helps secure data and protect data loss caused by computer and hard drive failures. Services such as OneDrive, Dropbox, Google Drive, and Box provide web-based and mobile apps that make possible the easy saving, sharing, and organizing of files.

# + Virtual Workplace Preparedness

## 5. Stay Organized and Available

Missed deadlines, forgotten tasks, and skipped appointments can derail your career as a teleworker. You must manage your time well while getting things done. Most importantly, you must stay accessible to your clients and colleagues. Try using apps and tools for organizing your tasks, notes, and appointments so you can fulfill all your responsibilities.

Software products such as MyLife Organized, Organizer Pro, and MyOrganizer ultimate give you a centralized place to create to-do lists, plan, set goals, and store contacts. Apps that work in similar ways include Google Calendar, Evernote, Trello, and Toodledo. Regardless of your choice, you can sync your information for use on all your devices so you can make sure you never miss an important task or opportunity again.

**NOTE:** It is important everyone in your household is aware of your remote work hours. Hang a do not disturb sign on your and ensure you are in a quiet area of the house.