

COBRA and Employees Guns

NEW: COBRA PREMIUMS FOR UNEMPLOYED: The National League of Cities reports that President Obama's economic recovery package sets aside funds to enable some unemployed individuals to receive a 65 percent reduction in their COBRA premiums. To be eligible, an individual (1) must have become unemployed between September 1, 2008 and December 31, 2009, (2) must have had employer-provided health insurance, and (3) must be eligible to maintain their health insurance under COBRA.

Under the COBRA provision, an unemployed individual's former employer would pay 65 percent of that individual's monthly premium, leaving the remaining 35 percent to be paid by the unemployed individual each month. The federal government would reimburse the former employer for this payment with a tax credit that would be deducted from the first withholding tax payment the employer made to the federal government following payment of the monthly COBRA premium.

DOL has issued additional guidance for employers. You can access the entire DOL guidance materials including an informative fact sheet, FAQ, posters, IRS information, etc. by going on-line at <http://www.dol.gov/ebsa/cobra.html> or by calling 1.866.444.3272.

EMPLOYEES & THEIR GUNS: The Tenth Circuit has determined that Oklahoma's law allowing employees to have guns in their locked vehicles on the employer's property is valid. See 21 O.S. Section 1289.7a. U.S. District Judge Terence Kern had ruled that the Occupational Safety and Health Act (OSHA) pre-empted the "guns-at-work" provisions. The Court held in its 23-page opinion that the district court's ruling interfered with the State's police powers. See *Ramsey Winch Inc. v. Henry*, ___ F.3d ___, 2009 WL 388050.

The Court recognized while OSHA has issued voluntary guidelines and recommendations, it has not issued a mandatory standard on workplace violence. In addition, in 2006 OSHA declined to promulgate a standard to ban firearms from the workplace. Finally, the Court rejected the plaintiff's Due Process argument by finding that the State had a rational basis for enacting the statute.

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