



Cash-in-Lieu Reminder

As the new fiscal year approaches, we would like to remind you of the **Cash-in-Lieu (CIL) guidance memorandum** available to school districts and local unions.

Reminder: Cash-in-lieu **was not addressed** by the Statewide Bargaining Commission and will continue to be handled locally at this time.

IRS guidance includes provisions that permit employers, if specific health plan certification measures are satisfied, to avoid issues that could arise with CIL payments in respect to three key issues:

- (a) employer health plan **“affordability”**;
- (b) the question of what is or is not an **“incidental”** CIL payment; and
- (c) the effects of CIL payments on **wages, overtime and other employee benefits**.

The certification guidance is pertinent and useful both to districts that have long-standing CIL arrangements (and, thus, are subject to **“safe harbor protections”** delineated in the IRS rules) and to **newly merging districts** that do not fall under the safe harbor protections.

The CIL memorandum also includes guidance on the timing of payments, non-discrimination requirements and testing, and Section 125 Plans.

Click [HERE](#) for the recently reviewed CIL memo, a model certification document and a CIL flow chart.

If you have questions, please contact VEHI Trust Administrator Bobby-Jo Salls (bobbyjo@vsbit.org)

This notification has been sent to School Business Officials, Health Plan Contacts and Human Resources.

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