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Affordable Care Act: 2015 Highlights and Updates

Presented by:

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Celebrating 25 years!

Jekyll Island Convention Center
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ACA: 2015 Highlights and Updates

Is your client subject to the Employer Mandate ?

- Counting employees
- Are you taking into consideration “controlled group” members?
- Transition rules
 - 100 for 2015
 - 50 for 2016
 - Non-Calendar Year Plans
 - “Grandmothering”

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Obligations of ALE

- Offer to Full-Time Employees and Dependents (Children)
- Minimum Value
- Affordable

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Strategies for Determining “Full-Time” Employees?

- Measurement periods and stability periods
- Month to Month

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Know Your Client's "Employees"

- Common Law Employees
- Staffing Employees
- Independent Contractors
- Partners/Owners

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Definition of Full-Time Employee

- 30 Hours Per Week/130 Hours Per Month
- Temporary Employees/Interns
- Seasonal Employees

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Counting Hours of Service

- Service with Controlled Group Members
- Hours Paid
 - Performance of Duties
 - No Performance of Duties
 - Third Party Payments
- Special Unpaid Leave
- FMLA, USERRA, Jury Duty

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Which ACA Safe Harbor is Better for Your Client

- ACA Safe Harbors
 - Month to Month
 - Look Back
- Impact on Leave Administration and COBRA
- Penalty/Reporting vs. Plan Eligibility
- Administrative and Cost Considerations

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Need for written eligibility rules

- ERISA and other legal requirements
- Avoiding disputes with employees, dependents and carriers
- How much detail is enough?

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Measuring “affordability”

- Using the affordability “safe harbors”
 - W-2 (Current Year Comp)
 - Rate of Pay
 - Federal Poverty Line (State of Employment)
 - \$93.17 in GA – 2015 ($\$11,770 \times 9.5\% \div 12$)
- Effect of “opt out payments” or “waiver payments”
- Effect of wellness discounts or surcharges

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Tax reporting and administration

- New tax reporting requirements for 2015
- Applies to all Applicable Large Employers in 2015
- Written waivers recommended
- Responding to Exchange inquiries

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Prohibition on Subsidizing Individual Policies

- Restrictions on FSAs, HRAs and other employer reimbursement arrangements
- Transition Rules for Small Employers
- Treatment of “high risk” participants

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Looking ahead...

- Steady stream of new guidance continues
- Same-sex Marriage rulings
- Future nondiscrimination rules for fully-insured plans
- EEOC Guidance on Wellness Programs
- “Cadillac tax” for high value plans

Final Questions



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Thank You

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