



JUNE 2015

WEBINAR: FLSA Compliance (Exempt vs. Non Exempt, Contractor vs. Employee)

Thursday, June 18, 2015
2:00 p.m. - 3:00 p.m. EST

[Click to learn more and register](#)

The Department of Labor and Internal Revenue Service have stepped up enforcement of the Fair Labor Standards Act in an effort to find misclassified workers and recover underpaid wages and payroll taxes. Employees paid as “exempt” and individuals classified as “independent contractors” receive particular scrutiny. Our one hour webinar will discuss the common exemptions as well as the DOL and IRS tests for an “independent contractor”.

This educational webinar has been submitted to the HR Certification Institute (HRCI) for 1 general hour of continuing education credit towards PHR, SPHR and GPHR certifications.

Register now: <https://attendee.gotowebinar.com/register/6678556037165586690>

WEBINAR: Affordable Care Act Taxes and Fees

Tuesday, June 23, 2015
2:00 p.m. - 3:00 p.m. EST

[Click to learn more and register](#)

Join us on June 23rd as Stacy Barrow reviews the various taxes, fees, assessments and penalties that can apply under the Affordable Care Act, and strategies for avoiding or minimizing your exposure. We'll discuss the PCORI fee, transitional reinsurance fee, health insurance industry fee, the “Cadillac tax” and more.

Register Now: <https://attendee.gotowebinar.com/register/2271922340337221889>

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New IRS Q&As on ACA Information Reporting by Large Employers

A [new set of Q&As](#) from the IRS provides additional information for large employers that are required to file Forms 1094-C and 1095-C, as part of the information reporting requirements under the Affordable Care Act (ACA). **Information reporting is first required in early 2016 with respect to calendar year 2015.**

Background

The ACA requires large employers (generally those with **50 or more full-time employees**, including full-time equivalent employees) to report information to the IRS and to their employees about their compliance with the [employer shared responsibility provisions](#) ("pay or play") and the health care coverage they have offered.

New Q&As

In addition to basic information regarding employer reporting, the new IRS Q&As also include specific information on reporting offers of coverage and other enrollment information. Specifically, the Q&As address how large employers should:

- Report whether an offer of coverage was made to an employee for a calendar month, including months in which employees are hired or terminated;
- Enter applicable safe harbor codes (if applicable);
- Report enrollment information for self-insured coverage provided to non-employees; and
- Complete Forms 1094-C and 1095-C if they are eligible to use the qualifying offer method, qualifying offer method transition relief, or the 98% offer method.



The Q&As also address how to report [offers of COBRA continuation coverage](#). For general details about the large employer reporting requirements, employers may refer to the [previously released IRS Q&As](#).

Be sure to check out our [Large Employer Information Reporting](#) section for more information.

OSHA Updates 'It's The Law' Poster for Employers to Display in the Workplace

The U.S. Occupational Safety and Health Administration (OSHA) has released a new version of its "[Job Safety and Health - It's The Law!](#)" poster. Employers must display the poster in a conspicuous place where workers can see it; however, **previous versions of the poster do not need to be replaced.** (Employers in [states operating OSHA-approved state plans](#) should obtain and post the state's equivalent poster.)

The newly designed poster informs employers of their legal obligation to provide a safe workplace. It also informs workers of their right to request an OSHA inspection of their workplaces, receive information and training on job hazards, report a work-related injury or illness, and raise safety and health concerns with their employers or OSHA without being retaliated against.

Additionally, the poster has been updated to include the [new reporting obligations for employers](#), who must now report every fatality and every hospitalization, amputation, and loss of an eye. It also informs employers of their responsibilities to train all workers in a language and vocabulary they can understand, comply with OSHA standards, and post citations at or near the place of an alleged violation. To learn about other federal notices required to be displayed in the workplace, please visit our section on [Federal Poster Requirements](#).

OSHA
Occupational Safety and Health Administration

**Job Safety and Health
IT'S THE LAW!**

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days by phone, online or by mail if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violation.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-689-5627 • www.osha.gov

2016 HSA Contribution Limits and Maximum Deductibles

The IRS has released the [2016 inflation adjusted amounts](#) for health savings accounts (HSAs). To be eligible to make HSA contributions, an individual must be covered under a high deductible health plan (HDHP) and meet certain other [eligibility requirements](#).

High Deductible Health Plan Coverage

An HDHP has a higher annual deductible than typical health plans and a maximum limit on the sum of the annual deductible and other out-of-pocket expenses. For 2016, the minimum annual deductible is **\$1,300 for self-only coverage** or **\$2,600 for family coverage**. Annual out-of-pocket expenses (deductibles, co-payments, and other amounts, but not premiums) may not exceed **\$6,550 for self-only coverage** or **\$13,100 for family coverage**.

Annual HSA Contribution Limitation

An eligible employee, his or her employer, or both may contribute to the employee's HSA. For calendar year 2016, the annual limitation on HSA deductions for an individual with self-only HDHP coverage is **\$3,350**. For an individual with family coverage under an HDHP, the annual limitation on HSA deductions is **\$6,750**. The limit is increased by \$1,000 for eligible individuals age 55 or older at the end of the tax year.

Updated FMLA Model Forms Now Available for Use by Employers

The U.S. Department of Labor recently released [updated model forms](#) for employers to use in connection with leave taken by their employees under the federal Family and Medical Leave Act (FMLA). The updated forms reflect a new expiration date of May 31, 2018. (Previously released versions contained month-to-month expiration dates.)

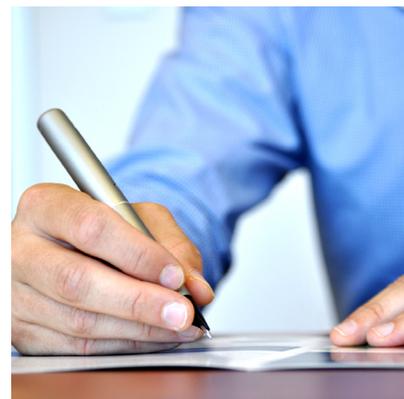
Under the [FMLA](#), eligible employees are entitled to take unpaid, job-protected leave for specified family and medical reasons. The law also includes certain family military leave entitlements. Private employers who employ **50 or more employees** for at least 20 workweeks in the current or preceding calendar year must comply with the FMLA. Employees must work at a location where the company employs 50 or more employees within 75 miles and meet certain [other requirements](#) with respect to time worked before they are entitled to take FMLA leave.

The following forms have been updated with the new expiration date:

- [WH-380-E](#) Certification of Health Care Provider for Employee's Serious Health Condition
- [WH-380-F](#) Certification of Health Care Provider for Family Member's Serious Health Condition
- [WH-381](#) Notice of Eligibility and Rights & Responsibilities
- [WH-382](#) Designation Notice
- [WH-384](#) Certification of Qualifying Exigency For Military Family Leave
- [WH-385](#) Certification for Serious Injury or Illness of Current Servicemember - for Military Family Leave
- [WH-385-V](#) Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave



You can learn more about HSAs in our section on [Health Savings Accounts](#).



Additional information on the FMLA is available in our [Family and Medical Leave Act](#) section.

LGBT Workers and Employment Discrimination: What Employers Should Know

New [guidance](#) released by the U.S. Equal Employment Opportunity Commission (EEOC) highlights what employers should know about the agency's enforcement efforts on behalf of lesbian, gay, bisexual, and transgender (LGBT) individuals under federal employment discrimination laws.

BACKGROUND

[Title VII of the Civil Rights Act](#) (Title VII) prohibits discrimination in employment on the basis of race, color, sex, religion, and national origin. This federal law applies generally to employers with **15 or more employees**.

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. The law also makes it illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

EEOC GUIDANCE

The EEOC takes the position that **discrimination against an individual because that person is transgender is a violation of Title VII's prohibition of sex discrimination in employment**. Therefore, the EEOC's district, field, area, and local offices are expected to accept and investigate charges from individuals who believe they have been discriminated against because of transgender status (or because of gender identity or a gender transition).

In addition, the EEOC takes the position that **lesbian, gay, and bisexual individuals may bring valid Title VII sex discrimination claims**, as Title VII also protects such individuals against sex discrimination. The EEOC is expected to accept and investigate charges alleging sexual-orientation discrimination, such as claims of sexual harassment or allegations that an adverse action was taken because of a person's failure to conform to sex-stereotypes.



The text of the guidance is available by [clicking here](#). A [brochure](#) regarding the prevention of employment discrimination against LGBT workers is also available.

Our section on [Discrimination](#) has more information regarding employer obligations under federal nondiscrimination laws.

Marshall & Sterling Insurance will continue to provide you with updates and information regarding important issues. Should you have specific questions or need more information, please contact us.

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