

AFFORDABLE CARE ACT

5 Things to Know for 2015

Marc S. Wise, Esq.

5 Things to Know for 2015

1. Employer Responsibilities
2. Analyzing Employee Categories
3. PEO and Staffing Issues
4. Employee Disclosure
5. IRS Reporting

Employer Responsibilities

- Special Rules for 50 to 99 FTE
- 100 or More FTE
- Special Rules for 100+

Special Rules for 50 to 99 FTE

- 2014 is the Determination Year
- No “Pay or Play” Penalty for 2015 Plan Year if Conditions Met
- 2/9/14 to 12/31/14 Determination
 - Workforce size or hours
 - Health coverage
 - 95% of dollar amount or same percentage
 - Eligible classes

Employers With 100+ FTEs

- 1/1/15 or First Day of 2015 Plan Year?
- 12/27/12 is a Key Date
- Pre-2015 Eligibility
- “All Employee” Test/Significant Percentage Test

Analyzing Employee Categories

- Full-Time Employee Analysis
- Use 2014 for 2015
- New Full-Time and Hourly Employee
- Ongoing Employees
- Seasonal Employees

PEO and Staffing Company Issues

- Short-Term Staffing
- PEO
- IRS Safe Harbor

Employee Disclosures

- DOL Marketplace Notice
- 60 Day Notice of Changes
- ERISA SPD Issues
- W-2 Reporting
- SBC
- Form 1095-B/1095-C

Form 1094/1095 Reporting and Disclosures

- New Reporting in 2016 for 2015
- Fully-Insured
- Small Self-Insured
- Large Employers

2016

- 50+ FTEs Are In
- Supreme Court Decision