

Employee Benefits VOICE



This Month: December 2018

Click links below to view articles.
Click  to return to this page.

Page 1

Thank you for your business!
We look forward to serving you in 2019.

Page 2

[In the News:](#) *New Form 5500 filing FAQs are available; Wellness program incentive rules are modified; "Disabled" gets a new standard*

Page 3

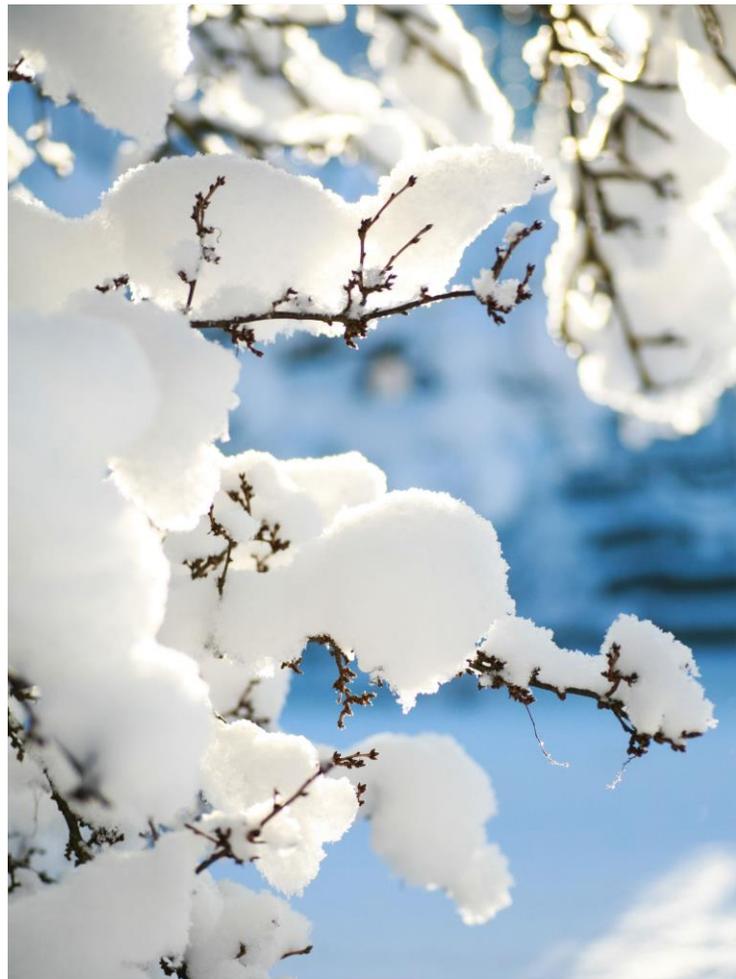
[Health Care Review:](#) *News about health plans to keep you informed*
[ACA Reporting:](#) *Due dates are extended*
[ACA Preventive Care Updates:](#) *Required services for 2019*

Page 4

[What's Happening?](#) *W-2s must include cost of health coverage*

Of Interest...

[TidBit:](#) *When high-achievers reveal their failures, co-workers have less resentment*



Wishing you a very happy and prosperous New Year!

From all of us at





In the NEWS

Department of Labor Updates Form 5500 Electronic Filing FAQs

On their website, the DOL’s Employee Benefits Security Administration (EBSA), have updated information regarding electronic filing of Form 5500. EFAST2 Internet Filing (IFILE) is the free internet-based filing tool designed for individual filers and service providers who choose to not use EFAST2-approved third party software to complete their Form 5500/Form 5500-SF filings. The [EBSA site](#) contains eight updated questions and answers regarding IFILE.

EEOC Removes Certain Incentive Provisions from Wellness Regulations

Last year a federal court vacated key provisions regarding permissible incentive limits under the Americans with Disabilities Act (ADA) and Genetic Information Nondiscrimination Act (GINA) in the Equal Employment Opportunity Commission (EEOC) 2016 wellness program regulations. This month, the EEOC announced it will withdraw certain employee and spousal wellness incentives (generally up to 30% of the total cost of employer’s lowest cost major medical plan) effective January 1, 2019. However, the DOL will continue to enforce the ACA and HIPAA wellness program rules. Best practices for compliance should include disclosure of wellness program reasonable alternative standards anywhere the program is communicated or described. In addition, wellness program incentives should not condition eligibility for coverage on submission to a health risk assessment. Resources: <https://www.federalregister.gov/documents/2018/12/20/2018-27539/removal-of-final-ada-wellness-rule-vacated-by-court>
<https://www.federalregister.gov/documents/2018/12/20/2018-27538/removal-of-final-gina-wellness-rule-vacated-by-court>



The “Regarded-As” Disabled Standard is Expanded

Earlier this month, the Ninth Circuit addressed and expanded the definition of an individual who is “regarded-as” disabled under the Americans with Disabilities Act (ADA). The court held that a plaintiff establishes he is “regarded-as” disabled if he shows “an actual or perceived physical or mental impairment,” regardless of whether the impairment actually limits, or the employer perceives the impairment to limit, a major life activity. Employers are reminded to proceed carefully when making personnel decisions regarding employees with injuries or impairments, even if they may not rise to the level of a disability.



Why Managers Should Reveal Their Failures

New research from Harvard Business School says high-achievers can win over their colleagues by sharing the failures they encountered on the path to success. By reducing “malicious envy” (resentment by colleagues in the workplace), productivity, cooperation and group cohesion can flourish. “If you’re highly successful, your achievements are obvious. It’s more novel and inspiring for others to learn about your mistakes,” says Assistance Professor Alison Wood Brooks. “Even after revealing their struggles or failures, high achievers still look good” to colleagues.

January 2019
National Hobby Month

January 4
Trivia Day

January 14
Dress Up Your Pet Day

January 20
Total Lunar Eclipse

January 21
Martin Luther King Jr. Day

January 25
Opposite Day

January 31
Backward Day



ACA Reporting Deadline is Extended

The 2018 ACA reporting deadlines are now as follows:

► **2018 Forms 1095-B and 1095-C**

Deadline to Furnish to Individuals

Standard Due Date: January 31, 2019

Extended Due Date: March 4, 2019

► **2018 Forms 1094-B and 1094-C** plus

Copies of Forms 1095-B/1095-C

Deadline to File with IRS by **Paper**

Standard Due Date: February 28, 2019

► **2018 Forms 1094-B and 1094-C** plus

Copies of Forms 1095-B/1095-C

Deadline to File with IRS **Electronically**

(Required for 250 or More Returns)

Standard Due Date: April 1, 2019 (March 31, 2019 falls on a Sunday)

IRS [Notice 2018-94](#) explains the due dates for furnishing statements and also good faith transitions relief.



Health Care Review *News and Reminders*

Texas Judge Rules ACA Unconstitutional

This month, a district court judge ruled (on *Texas v. Azar*) that because Congress eliminated the individual mandate penalty effective January 1, 2019, it can no longer be part of Congress's tax power. In addition, the judge struck down the ACA in full, concluding the individual mandate is so connected to the law that Congress would not have passed the ACA without it. These decisions are being appealed and making their way to the U. S. Supreme Court. In addition, ACA obligations remain in-force despite these rulings:

Statement from the Department of Health and Human Services on *Texas v. Azar*

"The recent U.S. District Court decision regarding the Affordable Care Act is not an injunction that halts the enforcement of the law and not a final judgment. Therefore, HHS will continue administering and enforcing all aspects of the ACA as it had before the court issued its decision. This decision does not require that HHS make any changes to any of the ACA programs it administers or its enforcement of any portion of the ACA at this time. As always, the Trump Administration stands ready to work with Congress on policy solutions that will deliver more insurance choices, better healthcare, and lower costs while continuing to protect individuals with pre-existing conditions."

2019 ACA Preventive Care Updates

For 2019, calendar-year health plans must address the following changes:

U.S. Preventive Services Task Force A and B recommendations are as follows:

- New requirement: preeclampsia screening, including monitoring of blood pressure throughout pregnancy for signs of preeclampsia
- Modified requirements: folic acid supplementation, obesity screening for children and adolescents, and vision screening for children

Immunization schedule changes modified the standards for, and therefore coverage of, the following vaccines for children and adolescents age 18 or younger:

- | | |
|--|--------------------------------|
| • Hepatitis B vaccine | • Human papillomavirus vaccine |
| • Poliomyelitis vaccine | • Influenza vaccine |
| • Diphtheria, tetanus toxoids, & acellular pertussis vaccine | • Meningococcal vaccine |
| • Haemophilus influenzae type B vaccine | • Pneumococcal vaccine |

Bright Futures recommendation modifications for child preventive care include the following:

- Updates to timing and follow-up requirements for a number of existing recommendations
- Bilirubin screening requirements for newborns
- Screening for maternal depression



What's Happening...?



W-2s Must Include Health Coverage Cost

The ACA requires employers that provide “applicable employer-sponsored coverage” under a group health plan to report the total cost of their group health coverage on employees’ W-2s. W-2 forms are due to employees by January 31, 2019.

Reporting the cost of health care coverage on the Form W-2 does not mean that the coverage is taxable. It is for informational purposes only. The amount reported should include both the portion paid by the employer and the portion paid by the employee.

For more information, visit the IRS website:

[Form W-2 Reporting of Employer-sponsored Health Coverage](#)

Quick Take

- ▶ The total cost of an employee’s group health coverage must be reported on W-2s.



9855 West 78th Street
Eden Prairie, MN 55344
(952) 653-1000 (800) 923-4088
www.christensengroup.com



We are a referral based,
client-centered agency.
Your referral is the greatest
compliment we can receive.
Thank You!

Christensen Group does not endorse any websites or information sources contained in this newsletter. Please seek the services of an attorney or tax advisor or ask us for a referral to one as we are neither of these. Although we have made every effort toward accuracy, any errors are honest mistakes.

To unsubscribe to this newsletter, please call us.

© 2018 Christensen Group