

# 2019 ACA Reporting Refresher

Presented by: Dannielle O'Toole-Mattes, Esq. Manager - Compliance and Client Solutions dotoole@marshallsterling.com

December 19, 2019

# Today's Agenda

- Reporting Overview & Affected Employers
- Deadlines for Furnishing & Filing Forms
- Reporting Related Penalties
- 1094-C/1095-C: Form Review & Recommendations
- Updates & Relief for 2019





# 6055 & 6056 Reporting Overview

	Section 6055 – INSURER REPORTING	Section 6056 – EMPLOYER REPORTING
Applies to:	Providers of minimum essential coverage (MEC): Self-insured plan sponsors; insurers/carriers	Applicable Large Employers (ALEs)
Requires reporting parties to:	<ul> <li>File information with the IRS</li> <li>Provide statements to covered individuals</li> </ul>	<ul> <li>File information with the IRS</li> <li>Provide statements to full-time employees</li> </ul>
Purpose is to assist:	<ul> <li>IRS administer the individual mandate</li> <li>Individuals show compliance with the individual mandate</li> </ul>	IRS administer the employer shared responsibility rules and determine eligibility for subsidies

Self-funded ALEs must report under both sections, but will use a combined reporting method to report on a single form.



### FTE & ALE Determination

- Each Month:
  - Identify full-time employees
  - Aggregate hours of service by anyone not full-time
  - Divide aggregate hours of service by 120 to determine equivalent employees
  - Add the number of full-time employees to the number of equivalent employees to determine the average number of fulltime equivalent employees (FTEs) you employed that month
- Determine Annual FTE average by adding up all monthly calculations and dividing by 12→ If annual average is 50+ FTEs, you are an ALE.



## FTE Calculation Example

For each month of 2018 ABC firm had 35 full-time employees (working over 120 hours per month) and 20 part-time employees who each worked 96 hours per month. These part-time employees' hours would be treated as equivalent to 16 full-time employees:

20 employees x 96 hours / 120 = 1920 / 120 = 16 FTEs

Here, ABC firm would be considered an "applicable large employer" for 2019 based on a total FTE count of 51 (35 full-time employees + 16 FTEs based on the number of part-time hours worked).

\*Annual FT + FTE average from prior calendar year determines ALE status & ACA requirements for the immediately following calendar year.

\*Include fractions in monthly totals, but disregard fractions from annual average.



# Reporting Forms

# ALEs with self-insured plans

- Form 1095-C: Part I,
   Part II & Part III
- Form 1094-C

# ALEs with fully insured plans

- Form 1095-C: Part I & Part II only
- Form 1094-C

#### Non-ALEs with selfinsured plans

- Form 1094-B
- Form 1095-B

- Small employers who sponsor fully insured plans have no direct reporting obligations under either Section 6055 or Section 6056.
- For ALEs who sponsor a fully insured plan, their enrolled employees will receive: 1) a 1095-C form from the employer and 2) a 1095-B form from the insurance carrier.



# Reporting Deadlines

IRS Returns

Annual Deadline: Feb. 28
 (March 31, if filed electronically)

Individual Statements

- Annual Deadline: Jan. 31 (Extended to March 2 for 2019 statements)
- May be furnished electronically if consent requirements are met

→ Employers filing over 250 forms are required to file with the IRS electronically.



# 2019 Reporting Penalties

ACA reporting under both sections 6055 & 6056 are subject to the Internal Revenue Code's reporting penalty provisions:

- §6721: Failure to file correct **information returns**
- §6722: Failure to furnish correct individual statement

Penalty Type	Per Violation	Annual Maximum				
After August 1 <sup>st</sup> or not at all	\$270	\$3.339 million (\$1,113,000 for small businesses)				
More than 30 days after the due date, but by August 1	\$110	\$1,669,500 per year (\$556,500 for small businesses)				
Within 30 days of the due date	\$50	\$556,500 per year (\$194,500 for small businesses)				

Penalty amounts double & there is no annual maximum if noncompliance is ruled to be intentional.



## Form 1094-C

#### **Transmittal/Employer Cover Sheet:**

- Provides a summary to the IRS of aggregate employer level data
- Discloses any Certifications of Eligibility the employer is claiming
- Filed with IRS only

#### **Required Information:**

- Company Information (address, EIN, contact info.)
- Information about whether an offer of coverage was made to
   95% of full-time employee & their dependent children
- Total # of Form 1095-Cs issued to employees
- Full-time employee count & total employee count by month
- Controlled Group Information



Form 1094-C

### Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns

CORRECTED
CORRECTED

OMB No. 1545-2251

2019

Department of the Treasury Internal Revenue Service

► Go to www.irs.gov/Form1094C for instructions and the latest information.

Part I Applicable Large Employer Member (ALE Mem	ber)						
1 Name of ALE Member (Employer)	,	2 Employer identification number (EIN)					
3 Street address (including room or suite no.)							
4 City or town	5 State or province	6 Country and ZIP or foreign postal code					
7 Name of person to contact		8 Contact telephone number					
Name of Designated Government Entity (only if applicable)		10 Employer identification number (EIN)	ar (EIN)				
11 Street address (including room or suite no.)			For Official Use Only				
12 City or town	13 State or province	14 Country and ZIP or foreign postal code					
15 Name of person to contact		16 Contact telephone number	шшшшш				
<b>17</b> Reserved							
18 Total number of Forms 1095-C submitted with this transmitta							
19 Is this the authoritative transmittal for this ALE Member? If "Ye	es," check the box and continu	ue. If "No," see instructions					
Part    ALE Member Information							
20 Total number of Forms 1095-C filed by and/or on behalf of Al	E Member						
21 Is ALE Member a member of an Aggregated ALE Group?			Yes No				
If "No," do not complete Part IV.							
22 Certifications of Eligibility (select all that apply):							
A. Qualifying Offer Method B. Reserved	C. Re	eserved D. 9	98% Offer Method				
Under penalties of perjury, I declare that I have examined this return and a	ccompanying documents, and to t	the best of my knowledge and belief, they are	true, correct, and complete.				
<b>\</b>	\	\					
Signature	Title	Ont No execut	Date - 4004 C				

Part	ALE Membe	r Information—N	Monthly				
			sential Coverage adicator	(b) Section 4980H Full-Time Employee Count for ALE Member	(c) Total Employee Count for ALE Member	(d) Aggregated Group Indicator	(e) Reserved
		Yes	No				
23	All 12 Months						
24	Jan						
25	Feb						
26	Mar						
27	Apr						
28	May						
29	June						
30	July						
31	Aug						
32	Sept						
33	Oct						
34	Nov						
35	Dec						

Page 3

Form 1094-C (2019)

#### Part IV Other ALE Members of Aggregated ALE Group

Enter the names and EINs of Other ALE Members of the Aggregated ALE Group (who were members at any time during the calendar year).

Name	EIN	Name	EIN
36		51	
37		52	
38		53	
39		54	
40		55	
41		56	
42		57	₽.
43		58	
44		59	
45		60	
46		61	
47		62	
48		63	
49		64	
50		65	

## Form 1095-C

#### **Individual Information Sheet:**

- One copy sent to full-time employee/covered individual
- One copy filed with IRS
- Full reporting for every individual who was covered or a full-time employee for any month of the calendar year

#### **Required Information:**

- Identifying employee information, including name & address
- Information about the health coverage offered to the employee by month
- Employee contribution for lowest-cost self-only minimum value coverage
- Months the employee was enrolled in offered coverage
- Months the employer met an affordability safe harbor with respect to an employee & whether other relief applies
- <u>For self-insured plans</u>: Information about all covered individuals (e.g. dependents, non-employee enrollees) by month in Part III



### Department of the Treasury Internal Revenue Service

### Employer-Provided Health Insurance Offer and Coverage Do not attach to your tax return. Keep for your records.

► Go to www.irs.gov/Form1095C for instructions and the latest information.

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OMB No. 1545-2251

Part I Employee Applicable Large Employer Member 1 Name of employee (first name, middle initial, last name) 2 Social security number (SSN) 7 Name of employer 3 Street address (including apartment no.) 9 Street address (including room or suite no.) 4 City or town 5 State or province 6 Country and ZIP or foreign postal code 11 City or town 12 State or province	10 (	8 Employe 10 Contact 13 Country a	telephone o	number	
3 Street address (including apartment no.)  9 Street address (including room or suite no.)	10 (	10 Contact	telephone on the zip or for	number	
	13 (	13 Country a	nd ZIP or fo		tal code
4 City or town 5 State or province 6 Country and ZIP or foreign postal code 11 City or town 12 State or province				reign post	tal code
	Oct	ct			
Part II Employee Offer of Coverage Plan Start Month (enter 2-digit number):	Oct	ct			
All 12 Months Jan Feb Mar Apr May June July Aug Sept			Nov	[	Dec
14 Offer of Coverage (enter required code)					
15 Employee Required Contribution (see instructions) \$ \$ \$ \$ \$ \$ \$	\$	\$		\$	
16 Section 4980H Safe Harbor and Other Relief (enter code, if applicable)					
Part III Covered Individuals If Employer provided self-insured coverage, check the box and enter the information for each individual enrolled in coverage, inclination for each individual enrolled in coverage, inclination		e employ	ee.		
(a) Name of covered individual(s) (b) SSN or other TIN (c) DOB (if SSN or other (d) Covered  TIN is not available) all 12 months Jan Feb Mar Apr May June Ju		g Sept	Oct	Nov	Dec
Sail red Ivial Apr Iviay Suite Su	ally Aug	g Sept	OCI	INOV	Dec
18					
19					
21					

## Form 1095-C: Line 14

Form 1095-C Department of the Treasury Internal Revenue Service Part I Employee 1 Name of employee 3 Street address (including		►Inform	►D	o not attach Form 1095-0	to your tax re	eturn. Keep f rate instruct	or your record ions is at www Ap 7 Name of empi	s. .irs.gov/form plicable La oyer	1095c irge Emplo	VOID CORF	Z	senefi Sett	ata por (EIN)	
4 City or town	5 Stat	e or provino	oe .	6 Country	and ZIP or foreig	gn postal code	11 City or town 12 State or pr			ovince	13 Cou	untry and ZIP or foreign postal code		
Part II Employee			-				Plan Start I							
4 Offer of loverage (enter equired code)	Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
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5 Section 4980H afe Harbor and ther Relief (enter ode, if applicable)														
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### Line 14 "Code Series 1"; for Each Month

Part II Employee Offer and Coverage													
	All 12 Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
14 Offer of Coverage (enter required code)													

- **1A** Qualifying Offer
- **1B** MEC with MV offered to employee only
- 1C MEC with MV offered to employee and MEC offered to dependent(s)
- 1D MEC with MV offered to employee and MEC offered to spouse
- 1E MEC with MV offered to employee and MEC offered to dependent(s) and spouse\*
- **1F** MEC without MV offered (skinny plan) to employee, spouse and dependents
- 1G Offer of coverage to non full-time employee
- **1H** No offer of coverage
- 1I Reserved
- 1J Conditional Offer to spouse, no dependent coverage
- 1K Conditional Offer to spouse, plus dependent coverage



# Form 1095-C: Line 15

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ity or town		5 State or provi	nce	6 Countr	y and ZIP or fore	ign postal code	11 City or town 12		12 State or p	12 State or province		13 Country and ZIP or foreign postal co	
rt II Emp	oloyee Offe	r of Cover	age			.,	Plan Start Month (Enter 2-digit number):						
	All 12 Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
ffer of rage (enter red code)													
mployee ired ibution (see ctions)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	s
ection 4980H Harbor and Relief (enter if applicable)													
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	of covered indi-	virtual(e)	(b) SSN	or other TIN	or other TIN			Feb Mar				Sept Oct	Nov Dec



# Line 15: The Cost of Coverage

15 Employee Share of Lowest Cost Monthly Premium, for Self+Only Minimum Value							
for Self-Only Minimum Value Coverage	\$ \$	\$ \$	\$ s	\$ \$	\$ \$	\$ \$	s

- Indicator codes 1B, 1C, 1D, and 1E indicate the employee was offered a plan that provided MEC & minimum value—we are only worried about the costs of these plans
- Cost entered is the employee's required monthly premium contribution for single coverage in the lowest cost plan available to them (regardless of what individual actually elects/does not elect)



# Form 1095-C: Line 16

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1 Name of employee 2 Soci						ecurity number (SSN) 7 Name of employer								umi	ber (EIN)			
Street address (in	ncluding apartr	nent no.)					9 Street add	ress (in	cluding roo	m or suite	no.)					chone	number	
4 City or town 5 State or province 6					try and ZIP or fore	ign postal code	11 City or town 12 State or province						13 Country and ZIP or foreign postal code					
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	All 12 Months	Jan	Feb	Mar	Apr	May	June		July	AL	Jg .	Sep	pt	Oct		Nov	0	)ec
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ection 4980H Harbor and PRelief (enter a, if applicable)																		
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(a) Name of covered individual(s) (b) SSN or oth				or other TIN	or other TIN not available	is all 12 mo	nether .		June	July	Aug	Sept	Oct	Nov	Dec			
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coverage and affordability



### Line 16 "Code Series 2"; Employer Safe Harbors

16 Applicable Section 4980H Safe Harbor (enter code, if applicable)												
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- 2A Employee not employed any day during the month
- 2B Employee not a full-time employee (or coverage/offer of coverage ended before EOM based on termination rules)
- 2C Employee enrolled in coverage offered for each day of the month
- 2D Employee in Limited Non-Assessment Period
- **2E** Multiemployer interim rule relief (*Union employees*)
- **2F** Form W-2 Safe Harbor applies
- **2G** FPL Safe Harbor applies (>\$99.75)
- 2H Rate of Pay Safe Harbor applies
- **2I** Reserved





### Code 2D: Limited Non-Assessment Period

- An employee in a Limited Non-Assessment Period (LNAP) is not considered a full-time employee
- Not subject to penalties during the period; Employee must be offered affordable MV coverage by first day after end of period
  - LNAP= Waiting Period for New FT employees: 90 days max
  - LNAP= "Look Back Safe Harbor" Initial MP + Admin period for new variable hour/seasonal/PT employees
- Employers need not file a Form 1095-C for an individual who for each month of the calendar year is either not an employee of the employer or is in an LNAP



# Reporting COBRA Coverage

- Terminated Employees: An offer of COBRA continuation coverage that is made to a former employee upon termination of employment should **not** be reported as an offer of coverage on line 14. For a terminated employee, code 1H (No offer of coverage) should be entered for any month for which the offer of COBRA continuation coverage applies.
- Active Employees: An offer of COBRA continuation coverage that is made to an active employee (e.g. an offer of COBRA that is made due to a reduction in the employee's hours that resulted in the employee no longer being eligible for coverage under a plan) is reported in the same manner and using the same code as an offer of that type of coverage to any other active employee.



## 1095-C Example 1

ABC Company has a fully insured group health plan. The monthly employee premium contribution for single only coverage in their lowest cost MV plan is \$150 per month. ABC Company's waiting period for medical coverage is 1<sup>st</sup> of the month following 30 days of employment.

Polly is hired by ABC Company in March of 2019 and she elects employee + spouse coverage effective 5/1/2019, carrying a monthly employee premium contribution of \$300. On November 15, 2019, Polly is terminated and her coverage ends on the date of her termination in accordance with ABC Company's plan rules.

Part II Emp	loyee Offer	r of Covera	ige			F	Plan Start Month (enter 2-digit number):								
	All 12 Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec		
14 Offer of Coverage (enter required code)		1H	1H	1H	1H	1E	1E	1E	1E	1E	1E	1H	1H		
15 Employee Required Contribution (see															
instructions)	\$	\$	\$	\$	\$	<b>\$</b> 150	<b>\$</b> 150	<b>\$</b> 150	<b>\$</b> 150	<b>\$</b> 150	<b>\$</b> 150	\$	\$		
16 Section 4980H Safe Harbor and Other Relief (enter															
code, if applicable)		2A	2A	2D	2D	2C	2C	2C	2C	2C	2C	2B	2A		



## 1095-C Example 2

Bob was a long term part-time employee of ABC Company. Bob was promoted to a full-time benefit eligible position on March 10<sup>th</sup> with coverage available the first of the month following 30 days, however Bob initially chose to waive coverage. Bob's hourly rate was \$16/hour.

Bob got divorced on August 15<sup>th</sup>, which is considered a qualifying event, and chose to enroll himself in ABC company's plan effective September 1<sup>st</sup>.

Part II Emp	F	Plan Start Month (enter 2-digit number):											
_	All 12 Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
14 Offer of Coverage (enter required code)		1H	1H	1H	1H	1E							
15 Employee Required Contribution (see instructions)	\$	\$	\$	\$	\$	<b>\$</b> 150							
16 Section 4980H Safe Harbor and Other Relief (enter code, if applicable)		2B	2B	2D	2D	2H	2H	2H	2H	2C	2C	2C	2C



# Reporting Relief for 2019

- Deadline to Distribute Forms to Employees and Covered Individuals Extended to March 2<sup>nd</sup> (Deadline to File with the IRS remains unchanged)
- Good Faith Compliance Standard Renewed
- Section 6055 Transition Relief: No penalties will be assessed for failing to furnish forms to covered individuals under Section 6055 if two requirements are met:
  - 1. The coverage provider must prominently post a notice on its website stating that an individual's 1095 Form is available and can be requested at any time. This notice must include an email address and physical address where the request can be sent and a phone number where individuals can get additional information; and
  - 2. The coverage provider must provide any requested form within 30 days of the request.
  - \* This relief only applies to the requirement to furnish forms to covered individuals and does not affect the requirement to file with the IRS.



## **Best Practices**

- Start data collection in advance, anticipating data complexities
- Communicate with employees before distribution
- Prepare for issues with the IRS
- Review & audit information before filing

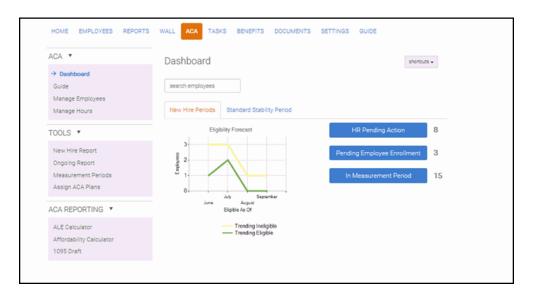
#### **Common Data Challenges**

- Benefit transactions and effective dates
- Leaves of absence
- COBRA
- Payroll data w/ multiple FEINs
- Dependents
- Union employees



### Next Steps + Marshall & Sterling's ACA Dashboard

- Review filing forms and instructions issued by the IRS to identify data elements required for the reporting and specific rules/relief which may apply
- II. Verify that recordkeeping systems will be able to capture the necessary data elements; Reporting may require the use of several recordkeeping systems, such as payroll and HRIS, and may require data aggregation across systems
- III. Determine which procedures you will use for filing returns with the IRS and furnishing statements to employees (e.g. prepare & deliver internally or use a vendor)



Housed within Marshall & Sterling's iNavigator HR Portal there is an integrated ACA tracking & reporting tool.

The iNavigator ACA Dashboard generates, prints and mails 1095-C forms for all your full-time employees and will electronically file 1094-C/1095-Cs with the IRS.



# Questions?



Marshall Sterling
GROUP BENEFITS