



THE  
MELTZER  
GROUP



## Compliance Corner

March 10, 2015

### HEALTH CARE REFORM

#### IRS Requests Comments on Cadillac Tax in IRS Notice 2015-16

On Feb. 23, 2015, the IRS published IRS Notice 2015-16 which is the first movement by the agency on the so-called “Cadillac Tax,” an excise tax on high-cost employer-sponsored health coverage for taxable years beginning Jan. 1, 2018. While the notice includes only a request for comments, this is the precursor to a highly anticipated proposed rule on the Cadillac tax.

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### ANNOUNCEMENTS

#### Recordings of February Webinar Series Now Available

Recordings of all three webinars in the NFP Benefits Compliance February series are now available in the NFP Client Learning Portal.

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#### *King v. Burwell:* Implications for the Marketplace, Podcast Coming Soon

On March 4, 2015, the U.S. Supreme Court heard ninety minutes of oral arguments in *King v. Burwell* No. 14–

## Emergency Services Volunteers are Not Employees for Purposes of the Employer Mandate

On Feb. 28, 2015, President Obama signed H.R. 33 into law, creating Public Law 114-3. This law amends the IRC to ensure that emergency services volunteers are not considered employees under PPACA's employer mandate. In final regulations issued last year, the IRS indicated it will generally not count hours of volunteer firefighters and emergency responders when determining full-time employees for purposes of the employer mandate.

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## IRS Issues IRS Publication 974 Related to Premium Tax Credits

The IRS recently published revised Publication 974, Premium Tax Credit (PTC). This publication provides information, including a flowchart, to help individuals determine whether they are eligible for the PTC. The publication also addresses whether an individual's health care coverage is considered MEC (coverage necessary to avoid an individual mandate

challenging the availability of premium tax credits for individuals who purchase health insurance through the federally facilitated marketplace (FFM).

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## DOL Webcast Series: Know Your Fiduciary Responsibilities for Retirement and Health Plan Sponsors

To help increase awareness and understanding of fiduciary responsibilities when it comes to operating a retirement or health benefit plan, the DOL is presenting the webcast series "Getting it Right – Know Your Fiduciary Responsibilities."

[Read more »](#)

## Upcoming IRS Phone Forum: Retirement Plan Loans to Participants

On March 26, 2015 at 2 p.m. ET, the IRS will offer a phone forum on retirement plan loans to participants.

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penalty under PPACA), as well as the interaction between PTC eligibility and MEC.

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## OPM Finalizes Changes to Multi-state Plan Program

On Feb. 24, 2015, the Office of Personnel Management (OPM) published final regulations regarding establishment of the multi-state plan (MSP) program for the state health insurance exchanges. Previously, OPM re-proposed the entire MSP rule issued in 2013. We reported on the most recent version of the proposed regulations regarding the MSP program in the Dec. 2, 2014 edition of *Compliance Corner*.

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### FEDERAL UPDATES

## DOL Publishes Final Rules Regarding Same-sex Spouses and FMLA

On Feb. 25, 2015, the DOL published final rules regarding the eligibility of same-sex spouses under FMLA. Effective March 27, 2015, eligibility for same-sex spouses will be based on the “place of celebration” standard. This means same-sex spouses

### FAQ

Some carriers are offering groups an early renewal opportunity, which could benefit employers by transitioning the policy renewal to another date range and delaying some market reforms, including modified community rating and employer mandate compliance date. Is this strategy permitted?

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### STATE UPDATES

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will be eligible for leave under FMLA based on the fact that their marriage was legal where the marriage was performed.

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## DOL Extends Expiration Date on FMLA Forms

On Feb. 28, 2015, the series of forms used to administer FMLA expired. The DOL has extended the expiration date to March 31, 2015 and the forms have been revised to reflect the new date. Employers may continue to use the revised forms until further notice.

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## IRS Releases Three Publications for Small Business Retirement Options

The IRS recently released Publications 3988, 4334, and 4587, which describe retirement plan options available for small businesses. In addition to information about the retirement plan options, each publication includes a list of DOL and IRS resources a small business owner can use to evaluate their retirement plan offerings.

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## REFERENCE

[Commonly Used Acronyms Glossary »](#)

## IRS Employee Plans News 2015-2

On Feb. 27, 2015, the IRS published "Employee Plans News" Issue 2015-2. In this edition, the IRS discussed the voluntary compliance process for IRC Section 457(b) plans, announced two March webinars and highlighted the updated PBGC forms and premiums.

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