



HR News Alert

Brought to you by Arizona Benefits Authority

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ACA Information Reporting Reminder: First Employee Statements Due by End of March

As a reminder, employers subject to the new Affordable Care Act (ACA) information reporting requirements must **furnish the first statements for the 2015 calendar year to employees on or before March 31, 2016.**

Information Reporting Requirements

The ACA requires **applicable large employers (ALEs)**--generally those with 50 or more full-time employees, including full-time equivalents--to report information to the IRS and to their employees about their compliance with the "pay or play" provisions and the health care coverage they have offered, using Forms [1094-C](#) and [1095-C](#).



Self-insuring employers that are not considered ALEs, and other parties that provide minimum essential health coverage, also must report information on this coverage to the IRS and to covered individuals, using Forms [1094-B](#) and [1095-B](#).

Compliance Deadlines

The deadlines for calendar year 2015 are as follows:

- **ALEs must furnish employee statements (Form 1095-C) to employees no later than March 31, 2016.** The first IRS information returns (Forms 1094-C and 1095-C) must be filed no later than May 31, 2016 (or June 30, 2016 if filing electronically).
 - **ALEs with fully insured plans** must furnish the Form 1095-C to each employee who was a full-time employee for any month of the calendar year (and who was not in a limited non-penalty period).
 - **ALEs with self-insured plans** must furnish the Form 1095-C to any employee who enrolls in the health coverage, whether or not the employee was a full-time employee for any month of the calendar year.
- **Small self-insuring employers that are not considered ALEs must furnish statements (Form 1095-B) to covered individuals no later than March 31, 2016.** The first IRS information returns (Forms 1094-B and 1095-B) must be filed no later than May 31, 2016 (or June 30, 2016 if filing electronically).

Charges of Discrimination Based on Disability Increase

Retaliation, race discrimination, and disability discrimination were the most commonly filed complaints with the [U.S. Equal Employment Opportunity Commission](#) (EEOC) during fiscal year 2015. While retaliation remains at the top of the list, disability charges increased by 6% from last year. In total, the agency received 89,385 private sector workplace discrimination complaints.



The [laws enforced by the EEOC](#) make it illegal for covered employers to discriminate against a job applicant or employee because of the person's race, color, religion, sex (including sexual orientation and gender identity), national origin, age, disability, or genetic information.

New Employment Discrimination Guidance

The EEOC has issued two new sets of guidance concerning discrimination in the workplace. The [first set of guidance](#) explains responsibilities concerning the employment of individuals who are (or are perceived to be) Muslim or Middle Eastern, including information on background checks, hiring and other employment decisions, harassment, and religious accommodations.

A [separate set of guidance](#) addresses the rights of employees with HIV/AIDS when it comes to several workplace situations, including whether an employee is allowed to keep his or her condition private, the right to a reasonable accommodation if an employee's condition could affect his or her job performance, and whether an employee could get fired if the employer knows that he or she has HIV/AIDS.

More information about the EEOC laws is featured in our section on [Discrimination](#).

Updated Model CHIP Notice Available for Employers

An [updated model notice](#) is now available for all employers that **provide group health coverage in states with premium assistance through Medicaid, or the Children's Health Insurance Program (CHIP)**, to inform employees of potential opportunities for assistance in obtaining coverage.

The employer CHIP notice **must be furnished to all employees annually before the start of each plan year**. An employer may provide the notice concurrent with the furnishing of:

- Materials notifying the employee of health plan eligibility;
- Materials provided to the employee in connection with an open season or election process conducted under the plan; or
- The summary plan description.



The updated model notice includes information on how employees can contact their state for additional information and how to apply for premium assistance, with information current as of January 31, 2016.

Check out our [Benefits Notices Calendar](#) to learn about other federal notice requirements and to download additional model notices available for employers and group health plans.

Interviewing Do's and Don'ts

best qualified candidate for the job. As a general rule, information requested and obtained through the interview process should be limited to that which is essential for determining whether an applicant is qualified for the job. The do's and don'ts below can help you make the most of your interviews and stay in compliance with the law:



- **DO create a comfortable environment.** Whether you conduct the interview in an office or conference room, make sure the area is neat and quiet. Offering the candidate something to drink--water or coffee--is a small courtesy that demonstrates consideration and thoughtfulness.
- **DON'T ask personal questions.** Be especially careful of this at the beginning of the interview. A friendly demeanor may help put the candidate at ease, but engaging in too much small talk can inadvertently lead to questions bordering on areas that could be considered discriminatory (such as questions relating to the applicant's marital status or political beliefs).
- **DON'T ask discriminatory questions.** Any questions regarding race, religion, age, ethnicity, national origin or ancestry, political affiliations, military service, disability or other sensitive topics may be discriminatory and should be avoided. Also be careful not to ask any questions that could elicit such information (for example, questioning an applicant about the origin of an unusual surname). If an applicant volunteers irrelevant or inappropriate information during an interview, disregard the information and do not write it down.
- **DO keep the conversation focused on job-related information.** In reviewing your interview questions, ask yourself if the information you are seeking is really needed to evaluate the candidate's qualifications, skills, and ability to meet the challenges of the job. Ask only for information you intend to use in making a hiring decision, and know how you will use the information to make that decision. Avoid asking questions that are not relevant to the performance of the essential functions and responsibilities of the position.
- **DO provide the candidate with information regarding next steps.** Be sure to give the candidate an opportunity to ask any final questions and provide a general timeframe for getting back in touch regarding any next steps and decisions. Thank the candidate for his or her interest in the job and your company.

If you have specific questions regarding illegal interview questions or how to conduct a lawful interview, please consult with a knowledgeable employment law attorney. Additional tips and guidelines related to the interview process can be found in our section on [How to Interview](#).

Online Tax Tools and Resources for Small Businesses

With tax season underway, now is a great time to check out the [IRS Small Business and Self-Employed Tax Center](#), a convenient way for small employers to find answers to tax questions, educational materials, and other tools to help run their businesses.

Among the information and resources available on the website are:

- Small business forms and publications;
- Online applications for an employer identification number (EIN);
- Employment tax information--including federal income tax, Social Security and Medicare taxes, FUTA, and self-employment tax;
- Tax-related news that could affect small businesses;
- Small business educational events;
- IRS videos for small businesses; and



Other resources available on the IRS website include a virtual small business tax workshop for learning about federal tax obligations, and a [12-month tax calendar for small business taxpayers](#) with information on general business taxes, electronic filing and paying options, retirement plans, business publications and forms, and common tax filing dates.

Our section on [Employer Tax Laws](#) provides additional information on an employer's tax responsibilities.

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