

ERISA COMPLIANCE CALENDAR

50+ SELF-FUNDED PLAN

PLAN YEAR: JUNE 1, 2016

DEADLINE	TOPIC / DOCUMENT	EXPLANATION	DETAILS
Upon Hire	Notice of Coverage Options	Employers subject to the Fair Labor Standards Act (FLSA) must provide a written notice informing the employee of the existence of the Marketplace, the potential availability of a tax credit and that an employee may lose the employer contribution if the employee purchases a qualified health plan.	Distribute this notice about Health Insurance Marketplace options to all new employees on the date of hire.
When first eligible	SBCs for all coverage options	A template that describes the benefits and coverage under the plan and a uniform glossary defining statutorily and NAIC recommended terms. The SBC must include an internet address where an individual can review the Uniform Glossary as well as contact information for obtaining a paper copy.	When an employee is first eligible for coverage, employer must provide a copy of an SBC for each plan option.
When first eligible	Enrollment Notices	Federal law requires health plans to send a variety of notices to participating employees and dependents, usually concerning their rights under the health plan.	Provide notices to all new employees who are eligible to enroll in the health plan.
Upon Enrollment	COBRA Initial Notice	Notice of the right to purchase temporary extension of group health coverage when coverage is lost due to a qualifying event.	Provide to any employee within 90 days after enrollment in a plan subject to COBRA - medical, dental, vision, health FSA. NOTE: spouse must receive the notice within 90 days - delivery to employee does not satisfy delivery to spouse.
Upon Enrollment	Summary Plan Descriptions	Primary vehicle for informing participants and beneficiaries about their plan and how it operates. Must be written for average participant and be sufficiently comprehensive to apprise covered persons of their benefits, rights, and obligations under the plan. Must accurately reflect the plan's contents as of the date not earlier than 120 days prior to the date the SPD is disclosed.	Provide an SPD for each benefit in which the employee enrolled and/or a wrap summary plan description. The SPD must be provided within 90 days of enrollment.



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Upon Enrollment	Notice of Privacy Practices	Notice that a group health plan may use and disclose an individual's protected health information (PHI) and the individual's rights and the plan's legal duties with respect to that information.	Provide notice at enrollment of plan.
During plan year	Nondiscrimination Testing	Tests are required to be completed by qualified plans and ERISA-403(b) accounts to ensure that plan benefits/contributions do not discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees.	Perform nondiscrimination testing to ensure that all plans pass - should be done prior to the end of the plan year so that adjustments can be made if necessary.
1/1/2016	Employee Tracking	Apply measurement periods for the purpose of measuring variable hour and seasonal employees to determine if they must be offered coverage based on hours worked. As defined by the statute, a full-time employee is an individual employed on average at least 30 hours of service per week (average 130/month).	Continue tracking employee offer of coverage, enrollment and affordability to prepare for reporting requirements in 2017.
1/15/2016	1st 2015 Transitional Reinsurance Fee payment due	Annual fee on insured and self-funded health plans from 2014-2016. The purpose is to fund the reinsurance program to help lessen the impact of adverse selection in the individual market. If the fee is paid in two installments, then the first installment is due January 15th.	Payment will be taken from employer's account automatically on date specified in 2015 filing - but no later than 1/15/16.
1/31/2016	W-2 Reporting of Health Coverage	Employers filing 250 or more W-2s for the previous calendar year are required to include the total cost of employer sponsored health benefits on Form W-2.	For employers issuing 250 or more W-2s, include health coverage costs.



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2/29/2016	Summary Annual Report	Narrative summary of the Form 5500	Distribute a Summary Annual Report to participants in the group plan if a Form 5500 was filed.
3/15/2016	Review plans offered	Review and analyze that at least one plan meets minimum value and affordable status per ACA guidelines.	On or near this date, confirm that at least one plan option for new plan year is minimum value and affordable to all full-time employees (single contribution is less than 9.66% of income).
3/31/2016	Health Insurance Offer and Coverage Reports for employees	Form 1094-C is the transmittal form that must be filed with the Form 1095-Cs. Form 1095-C is filed and furnished to any employee of an ALE member who is a full-time employee for one or more months of the calendar. ALE members must report that information for all twelve months of the calendar year for each employee.	Issue Form 1095-C to each employee who was full-time during 2015 and each former employee who was enrolled in the plan.
3/31/2016	1095-C Reporting	Last day for forms to be mailed to employees.	Last day to mail 1095-C reports to full-time employees (this deadline includes the extension that was described in IRS Notice 2016-4).
4/1/2016	Determine which employees are considered full-time under the ACA		On or near this date, determine eligibility using the look-back measurement method (or other method); document and retain calculations.



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4/15/2016	Open Enrollment		On or near this date, provide open enrollment notices to eligible employees working 30 or more hours per week. Also distribute the SBC to each participant for the plan in which he/she is enrolled.
5/1/2016	Plan Documents (wrap and cafeteria plan)	The plan administrator must furnish copies of certain documents upon written request and must have copies available for examination. The documents include the latest updated SPD, latest Form 5500, trust agreement, and other instruments under which the plan is established or operated.	On or near this date, begin to update documents to reflect any changes made for 2016.
5/31/2016	Filing of Health Insurance Offer and Coverage Reports	Last day for forms to be mailed to IRS.	Submit Form 1094-C along with all 1095-Cs that were issued to the IRS in paper format or in electronic format (required if filing over 250 1095-Cs by 6/30).
7/1/2016	PCORI Fee covered life calculations		On or near the deadline, begin to calculate the number of covered lives in preparation of Form 720 and fee transmittal.
7/31/2016	Notice to CMS of Creditable Coverage status of prescription drug plan	Entities that provide prescription drug coverage to Medicare Part D eligible individuals must disclose to CMS whether the coverage is "creditable prescription drug coverage". This disclosure is required whether the entity's coverage is primary or secondary to Medicare. Status must be disclosed using the online form.	Disclosure to CMS Form ¹



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7/31/2016	Summary of Material Modifications	Describes material modifications to a plan and changes in the information required to be in the SPD. Distribution of updated SPD satisfies this requirement.	If plan changes are a material reduction in coverage, SMM must be distributed within 60 days of the start of the plan year; otherwise distribution is not required until 210 days after the end of the plan year.
7/31/2016	PCORI Fee Filing - \$2.17/covered life for plan years beginning in Nov, Dec, and Jan; all other plans pay \$2.08/covered life.	The Patient-Centered Outcomes Research Trust Fund fee is a fee on issuers of specified health insurance policies and plan sponsors of applicable self-insured health plans that helps to fund the Patient-Centered Outcomes Research Institute (PCORI).	Use Form 720 to submit the fee owed ² and pay at EFTPS ³
10/14/2016	Notice of Creditable or Noncreditable Prescription Drug coverage	Notice to Medicare-eligible individuals identifying whether the plan's prescription drug coverage is creditable coverage, meaning the coverage is expected to pay, on average, as much as the standard Medicare prescription drug coverage. The notice also explains the penalties (increased cost for coverage and delayed effective date) applied to certain individuals who delay Part D enrollment if they have a gap in creditable coverage of 63 days or more.	Distribute 2016 notice to employees and dependents who are eligible for Medicare, unless this notice has already been distributed.
11/15/2016	Transitional Reinsurance Fee registration for 2016	Due date to submit the form and schedule payment.	File annual enrollment contributions ⁴



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11/15/2016	2nd 2015 Transitional Reinsurance Fee payment due	Annual fee on insured and self-funded health plans from 2014-2016. The purpose is to fund the reinsurance program to help lessen the impact of adverse selection in the individual market. If the fee is paid in two installments, then the second installment is due November 15th.	Payments will be taken from employer's account automatically on date specified in 2015 filing - but no later than 11/15/16.
12/31/2016	Form 5500 Filing	An Annual Return/Report of Employee Benefit Plan is the form used to file an employee benefit plan's annual information return with the Department of Labor (DOL).	File Form 5500 for welfare plan if 100 or more participants on the first day of the plan year for prior year.

Links:

1. Disclosure to CMS: <https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html>
2. Form 720: <http://www.irs.gov/pub/irs-pdf/f720.pdf>
3. PCORI Fee Payment: <https://www.eftps.gov/eftps/>
4. Transitional Reinsurance Contributions: <https://www.pay.gov/public/form/start/64510311>

NOTE: This Compliance Calendar is not intended to be an all inclusive list of all compliance requirements for the employer's group health plan. Instead, it is a general calendar of specific requirements with deadlines to assist the employer in complying with the laws that apply to its group health plan. Call your Account Manager with any questions.

