

Archived News from R.W. Miller Jr. & Associates

Temporary Extension Act (TEA) for COBRA

The American Recovery and Reinvestment Act of 2009 (ARRA), as amended by the Department of Defense Appropriations Act (2010 DOD Act) on December 19, 2009 and the Temporary Extension Act of 2010 (TEA) on March 2, 2010, provides for premium reductions for health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly called COBRA. Eligible individuals pay only 35 percent of their COBRA premiums; the remaining 65 percent is reimbursed to the coverage provider through a tax credit. The premium reduction applies to periods of health coverage that began on or after February 17, 2009 and lasts for up to 15 months.

To qualify, individuals must experience a COBRA qualifying event that is the involuntary termination of a covered employee's employment. The involuntary termination must generally occur during the period that began September 1, 2008 and ends on March 31, 2010. However, TEA also provides that an involuntary termination of employment is a qualifying event for purposes of ARRA if the involuntary termination: occurs on or after March 2, 2010 and no later than March 31, 2010; and follows a qualifying event that was a reduction of hours that occurred at any time from September 1, 2008 through March 31, 2010.

To find out more about the above information visit:

<http://www.dol.gov/ebsa/newsroom/fsCOBRAPremiumReduction.html>

COBRA Subsidy Extension to 15 months

On December 19, 2009 the American Recovery and Reinvestment Act of 2009 (ARRA) was amended by the Department of Defense Appropriations Act, 2010 (DOD Act) which provides for premium reductions of health benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Eligible individuals pay 35% of their COBRA premiums and the remaining 65% is reimbursed to the coverage provider through a tax credit. Originally, The ARRA stated that an individual needs to have been involuntarily terminated between Sept. 1, 2008 and Dec. 31, 2009 to receive the 9 months of subsidy help.

As of December 19, 2009 the subsidy will be extended for another 6 months for a total of 15 months and eligible individual can receive the subsidy. The dates have also been extended, now to receive the subsidy an involuntary termination must occur during the period that began Sept. 1, 2008 and ends on February 28, 2010.

To read more on this topic visit:

<http://www.dol.gov/ebsa/newsroom/fscobrapremiumreduction.html>

Requirements Regarding Employee's Personal Information

With the enactment of Section 203-d of the Labor Law, which was effective on January 3, 2009, New York continues to strengthen its protection of employees' personal identifying information.

This section of Labor Law prohibits an employer, unless otherwise required by law from:

- Publicly posting or displaying an employee's social security number;
- Visibly printing a social security number on any identification badge or card, including any time card;
- Placing a social security number in files with unrestricted access;
- Communicating an employee's "personal identifying information" (including social security number, home address or telephone number, personal email address, Internet identification name or password, parent's surname prior to marriage, or driver's license number) to the general public; or
- Using an employee's social security number as an identification number for purposes of any occupational licensing.

An employer faces a fine of up to \$500 for any knowing violation.

GINA Rules Released, Proposed

The federal Department of Labor, Internal Revenue Service, and Department of Health and Human Services released interim final rules on Oct. 7 that implement the federal Genetic Information Nondiscrimination Act of 2008 for group health plans and health insurance companies.

Under GINA, group health plans and health insurance companies are prohibited from using genetic information as a basis for raising premiums or contribution amounts for groups enrolled in health care plans or policies. HHS also released a proposed rule to implement GINA regarding the privacy and confidentiality of genetic information and to make other changes to the HIPAA Privacy Rule. This law will go into effect Nov. 21st 2009.

N.Y. Law Requires Employers to Obtain Written Acknowledgment on Pay Information

New York Gov. David Patterson signed into law a bill requiring employers to obtain from all new employees a written acknowledgment that their employer provided them with information about their pay day, pay rate and if they are nonexempt, their overtime rate. This new law takes effect for employees hired on or after Oct. 26, 2009.

The acknowledgment form templates can be found on the NYSDOL website at <http://www.labor.state.ny.us/workerprotection/laborstandards/workprot/lshmpg.shtm>

You are not required to use these specific notices.

Does your business have an absenteeism plan?

By now, everyone has heard of the Swine Flu, more correctly known as H1N1. As an employer, you will certainly want to do what you can to minimize the impact any illness may have on your business and limit its transmission in your workplace. Much has been written, and hopefully communicated to your employees, about prevention like hand washing or sanitizing, staying home if you have flu symptoms, coughing into your elbow, etc.

Business should have an idea of what normal absenteeism is for their workplace and be aware of any abnormal increase in absenteeism. Be prepared to take aggressive action if your absentee rate escalates to where your function and productivity are threatened.

The complete text of their Guidance Plan can be found at <http://www.cdc.gov/h1n1flu/business/guidance/>.

"Age 29" Dependent Coverage Extension

On July 29, 2009, Governor David A. Paterson signed into law Chapter 240 of the Laws of 2009, which extends the availability of health insurance coverage to young adults through the age of 29. This expansion will assist young adults who do not have access to employer-sponsored health insurance. This law is sometimes referred to as the "Age 29" law, because it permits young adults to continue or obtain coverage under a parent's policy through the age of 29.

For more information click on the link below:
http://www.ins.state.ny.us/health/S6030_Age29.htm

Continuation Coverage Extension to 36 months

On July 29, 2009, Governor Paterson signed into law Chapter 236 of the Laws of 2009, which improves access to health insurance for New Yorkers by making state continuation coverage ("mini-COBRA") available for a total of 36 months. Under the law, people eligible for federal COBRA or state continuation coverage may receive a total of 36 months of coverage.

For more information and FAQ's click on the link below:
http://www.ins.state.ny.us/cobra/cobra_prem.htm

Minimum Wage

Effective July 24th 2009 minimum wage raised to \$7.25.

To obtain more information on minimum wage visit: www.labor.state.ny.us

For the new poster click on this link:

http://www.labor.state.ny.us/formsdocs/wp/LS207_2009.pdf

CDC Releases Guidance on Flu Preparedness, Response

The federal Department of Health and Human Services' Centers for Disease Control and Prevention, on Aug. 19, 2009, releases employer guidance on dealing with current flu outbreaks in the workplace and preparing for upcoming fall and winter flu seasons. At any time, a pandemic flu can occur when an influenza virus emerges for which people have little or no immunity and is easily able to spread from person to person. As pandemic flu can cause significant problems for employers, such as increased absenteeism and interruption of production of goods, employers should be prepared for responding to pandemic flu by establishing appropriate workplace pandemic flu policies and procedures. If a pandemic flu does occur, employers can help reduce employees' chances of becoming ill with the flu by keeping workplaces sanitary, reducing face-to-face exposure of employees, and limiting or banning business travel to regions.

For more information click on the link below:

<http://www.flu.gov/plan/workplaceplanning/guidance.html>