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NEW HEALTH CARE NOTICE DUE TO EMPLOYEES BY OCTOBER 1ST

The federal Patient Protection and Affordable Care Act (ACA), also known as Obamacare, requires all employers to provide a health care notice to their employees by October 1, 2013. This notice is required whether or not you provide health coverage to your employees, and the notice must be provided to all employees, both full-time and part-time. Every new employee hired on or after October 1, 2013, must be given the notice within 14 days of starting work.

The purpose of the notice is to inform employees that they can get health insurance through their state's Health Insurance Marketplace, as well as providing contact information and a description of the services offered by the Marketplace. The notice also informs employees that they may be eligible for a premium tax credit if they purchase a qualified health plan through the Marketplace. The notice explains that if the employee purchases a qualified health plan through the Marketplace, the employee may lose his/her employer's contribution (if any) to any health benefit plan currently offered by the employer, and all or a portion of such contribution may be excluded for federal income tax purposes.

The federal government has published 2 versions of the form: one for employers currently providing health coverage to employees and one for those employers who do not. Unfortunately, both versions have the same number [OMB No. 1210-0149] and the front page of both versions look very similar, so you need to look carefully to make sure you use the right version.

Both versions of the notices are available from our website, **FUBA.org**, under the Small Business Alert tab on the left-hand side. You

can create your own version of the form as long as it contains all of the information in the government-approved forms.

Employers that currently offer a health plan for employees: Your version of the notice is 3 pages and has a blank towards the bottom of the first page that you need to fill in with the name of the person your employees can contact about their health insurance. This can be someone in your office, like the person in charge of Human Resources, it can be the contact person at your health insurance company.

Before giving the notice to your employees, you need to fill in the information requested in Part B of the form (questions 3 through 12), which is basic information about your company. You will also need to answer the questions in Part B regarding your current health plan. Please note: The information requested on page 3 of the notice is optional. You do not have to fill out questions 13 through 16.

Employers that currently do not offer a health plan for employees: Your version of the notice is only 2 pages and contains a statement on page 2 telling the employee "You are not eligible for health insurance coverage through this employer. You and your family may be able to obtain health coverage through the Marketplace, with a new kind of tax credit that lowers your monthly premiums and with assistance of out-of-pocket costs."

Before giving the notice to your employees, you will need to fill in the information requested in Part B of the form (questions 3 through 12), which is basic information about your company.

If you have any questions about this new notice requirement, please call the FUBA offices at 800-262-4483 and ask for Karen or Lance.

POSTER UPDATE

Your business may have recently received some official-looking mail, advising you of some changes to the federal posting requirements. The envelope may have the words "Compliance Update" on the front, and the notice inside talks about mandatory labor law posters and that if you do not have the latest version, your business can be fined thousands of dollars. The notice makes you think you must purchase an expensive "compliance package" in order to be protected. In particular, the notice mentions that there have been updates to both the Occupational Safety & Health Administration (OSHA) poster, as well as the Employee Polygraph Protection Act poster.

Don't be fooled. If you look closely, you will see that this notice is probably from a private company that is in the business of selling posters to businesses. Every time the government changes the wording on one of the required posters, these companies send out mail that looks like it is from the government, trying to scare small business owners into spending hundreds of dollars on posters.

As long as you keep your FUBA membership active, you can throw these notices into the trash. FUBA stays informed about all required employment-related posters and updates, and as a benefit of your continued FUBA membership, we will always alert you when there is a mandatory poster change or new posters are required. Often, we will provide you with updated panels at no charge.

There have indeed been some very minor changes to the OSHA poster and the Employee Polygraph Protection Act poster. However, these changes are not mandatory and old versions of the poster are still valid and acceptable. As long as your OSHA poster is dated from 2006 or later and your Polygraph poster is dated from 2003 or later, your posters are current.

Here is a list of the general employment posters and their latest revision dates required by federal government and the state of Florida:

U.S. posters:

- Federal minimum wage/Fair Labor Standards Act. Current version is July 2009.

- OSHA. Current version is June 2012 but 2006 version is acceptable.
- Uniformed Services Employment and Reemployment Rights Act (USERRA). Current version is October 2008.
- Equal Employment Opportunity is the Law. Current version is November 2009.
- Employee Polygraph Protection Act. Current version is January 2012 but June 2003 version is acceptable.

State of Florida posters:

- Florida Law Prohibits Discrimination. There is no version date on this poster, but it has not been changed in over 10 years.
- Workers' Comp Works for You (also known as the "broken arm" poster). Current version is March 2010.
- "To Employee" Reemployment Assistance (formerly known as unemployment compensation). Current version is September 2012, due to the name change from unemployment compensation to reemployment assistance. If your version of this panel is dated October 2005, you can download the latest version of this panel from our website at **www.FUBA.org** under the Small Business Alert screen.
- Florida Minimum Wage. Current version is January 2013.

Please note that other posters may be required, depending on your size or type of business. For example, if you employ teenagers under 18, you are required to post a Child Labor law poster. If you have 50 or more employees, a Family and Medical Leave Act poster is required. FUBA can provide these posters to you free of charge. Our All-in-One poster contains only those posters generally required of most businesses.

All new FUBA members receive one free All-in-One poster that contains the latest versions of all required posters. [We also provide you with a Florida-specific minimum wage poster that is separate from the All-in-One.] If you would like a new All-in-One poster, we can provide another one to you at no charge. Please email us at **FUBA@fuba.org** and provide us with your FUBA member number, business name and mailing address.