



March 2015 Issue

***In This Issue:***

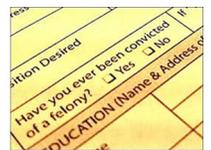
**New Law on Employee Background Checks**

**Keeping Track On Compliance Updates**

**Filing to CMS for Prescription Plans**

**Effective March 1: New Law on Employee Background Checks**

NJBIA reminds you that on March 1, a new law takes effect that may impact how you conduct criminal history checks on job applicants. The "Opportunity to Compete Act" (P.L. 2014, c. 32) prohibits employers with 15 or more employees from asking candidates about their criminal history until after the first interview. This includes having a check box on your job application (the law is called colloquially "Ban the Box").



**What You Need to Know**

1. Businesses with fewer than 15 employees are exempt. The law impacts only businesses with 15 or more employees.
2. Covered employers cannot make oral or written inquiry into an applicant's criminal record until after the initial employment application process "ending when an employer has conducted a first interview." The first interview can be in person or "by any other means," which gives employers flexibility.
3. Covered employers can no longer require applicants to complete initial job applications that ask about criminal history until after the first interview. Following the first interview, employers can provide applications which inquire about criminal history, but not before that time.
4. The law includes exemptions for law enforcement, corrections, the judiciary, homeland security or emergency management jobs, or where the employer is seeking to employ those who have criminal records.
5. Exemptions also apply when:
  - a. a criminal history record background check is required by law, rule or regulation;
  - b. an arrest or conviction by the applicant for one or more crimes or

**Quote of the month**

*Permanence, perseverance and persistence in spite of all obstacles, discouragements, and impossibilities: It is this, that in all things distinguishes the strong soul from the weak.*

~Thomas Carlyle

**Client Testimonials**

*"Theresa's expertise, responsiveness and knowledge has saved my company time and money. She has helped navigate through an area I know nothing about to obtain the best product at a surprisingly low cost. I'm a very happy customer."*

~ Michael  
President of a small business, NJ

*"I have worked with Theresa from Semple Solutions for over 5 years and she has been very prompt and helpful with everything I needed for my company's health insurance needs. I have seen so many company's providing insurance but Semple Solutions LLC has gone above and beyond on all of my company insurance needs to help where ever I need."*

~Manoj  
NJ Company

*"I have worked with Theresa for many years and can attest to her superior level of customer service and industry knowledge. She is always accessible to address employees' questions and willing to go above and beyond what is expected."*

~Jennifer  
NJ Company

*"For about 15 years, Theresa has been our broker. I cannot thank her enough for her professionalism, expertise and hard work over the years. Her knowledge and guidance has and always will be, respected and appreciated."*

~Susan  
NJ Company

## Do You Need?

### Property Casualty

offenses would or may preclude the person from holding such employment as required by any law, rule or regulation; or

c. any law, rule, or regulation restricts an employer's ability to engage in specified business activities based on the criminal records of its employees.

6. The law takes effect March 1, 2015.

NJBIA was able to get the legislature to make a number of major changes to protect employers between when the measure was introduced and when it was enacted. These included making sure employers do not have to offer conditional employment to ask about criminal history; respond in writing to applicants with criminal histories who are turned down for jobs; defend against lawsuits; and, follow municipal laws with different provisions for the consideration of criminal history. NJBIA was also able to get an exemption for very small employers.

For more information, check out [NJBIA's FastFact compliance brief](#) of the issue.

## Keeping Track On Compliance Updates

It's always been a challenge to keep track of all the compliance requirements that employers sponsoring health and welfare plans face. The increase in requirements as a result of the Patient Protection and Affordable Care Act ("PPACA") has added significantly to the burden.

This article will provide information on deadlines that are coming up in the next three months for a calendar year plan. Key requirements for March, April and May 2015 are listed below.

"Plan year based" follows the date based on the plan year rather than the calendar; employers with non-calendar year plans will need to modify dates as appropriate.

### Deadlines for March, April, and May 2015

- March 1, 2015 (plan year based) - provide information on the creditable/non-creditable status of the employer's prescription drug plan(s) on the CMS website within 60 days after the beginning of the plan year. [Click here](#) to access the applicable page on the CMS site.
- April 15, 2015 - deadline for making employer comparable contributions to employees' HSAs for the prior calendar year.
- May 1, 2015 - ERISA plan sponsors should confirm that they have all Schedule A's needed to file Form 5500 for the 2014 plan year. Carriers are required to provide these schedules with 120 days after the end of the policy year (April 30, 2015 for the 2014 calendar year plan). Request any missing Schedule A forms.

**Many compliance requirements apply every month. Some of the key ongoing requirements are:**

[SPAR Insurance Agency, LLC](#) is a full service property and casualty insurance broker with the ability to procure insurance from over 100 companies not only Guarantees that we will find the carrier best suited for your needs, but also, that you are receiving the most cost-efficient policy as well.

Paul R. Abelow  
Managing Partner

## Do You Need?

### Limousine Service

A.Harrington Limousine Service has been providing quality ground transportation to the tri-state area for over 92 years. 3 generations of family ownership have provided quality service not just here but anywhere you need us to be.

Whether it is a trip to and from the airport, a night out on the town, or even that special occasion that you want to celebrate in style.

Jonathan Wilner  
President

- Marketplace notices - to all newly hired employees within 14 days of hire
- Provide the following materials when an employee becomes eligible for the health plan:
  - Summary of Benefits and Coverage ("SBC")
  - HIPAA Privacy Notice
  - COBRA General (Initial) Notice - to employee (& spouse if married)
  - HIPAA Special Enrollment Rights Notice
  - Part D certificate of creditable/non-creditable drug coverage

In addition to federal requirements, some states have additional requirements such as reporting on the availability of dependent health coverage. Employers should check with their state(s) to determine what requirements and deadlines will apply.

## Filing to CMS for Prescription Plans Must be Done : URGENT

Each year effective in 2014 once you complete your medical renewal you must notify CMS (Center for Medicare/Medicaid Services) of your prescription coverage and whether or not it is credible or not. If you need help verifying whether or not your Prescription is credible or not by Medicare rules let me know and I will assist. Each year this must be done within 60 days of your renewal date. See the note below.

Use this link below to fill out the information or call me and I will walk you through it. Once the link opens up the very bottom of the link where it states "related links" click on Disclosure to CMS form.

<http://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/index.html?redirect=/CreditableCoverage/>

As well as you must make sure that all of your employees whether or not they are 65+ have received their letter/form stating this fact from your company, this is the notice I sent in September/October. If you need the form again for this let me know. All new hires must receive it with their welcome packet.

For prescription drug plans that renewed on January 1, 2015, the deadline for the on-line filing to the Centers for Medicare & Medicaid Services (CMS) is February 28, 2015. This deadline is within 60 days after the beginning date of the plan year.

Group health plan sponsors are required to disclose to CMS whether their prescription drug coverage is creditable or non-creditable. In general, a group health plan's prescription drug coverage is considered creditable if its actuarial value equals or exceeds the actuarial value of the Medicare Part D prescription drug coverage.

The disclosure must be made to CMS on an annual basis, and upon any change that affects whether the coverage is creditable. More

specifically, the Medicare Part D disclosure notice must be provided within the following timeframes:

- Within 60 days after the beginning date of the plan year for which the entity is providing the disclosure to CMS;
- Within 30 days after the termination of a plan's prescription drug coverage; and
- Within 30 days after any change in the plan's creditable coverage status.

Plan sponsors are required to use the online disclosure form for this notification to CMS.

**Semple Solutions LLC**  
91 Deerfield Road  
Sayreville, NJ 08872  
732-238-6734  
[www.semplesolutions.com](http://www.semplesolutions.com)

STAY CONNECTED



[Forward this email](#)



This email was sent to [tsemples@semplesolutionsllc.com](mailto:tsemples@semplesolutionsllc.com) by [tsemples@semplesolutionsllc.com](mailto:tsemples@semplesolutionsllc.com) | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Semple Solutions LLC | 91 Deerfield Road | Sayreville | NJ | 08872