



Legislative Update

Lynchburg Regional SHRM

January 26, 2018

ACA Update

On January 22, 2018, Congress voted to pass [H.R. 195](#), a bill that will continue to fund the government through February 8, 2018. The bill was signed by the President last night and it includes three items specific to the **Affordable Care Act**, two of which will impact employer-sponsored coverage directly:

1. The Cadillac Tax is delayed for an additional two years to 2022.
2. A moratorium of the [Health Insurance Tax](#) (HIT), effective for 2019.
3. A two-year extension on the moratorium on Medical Device Excise Tax.

The delay in the Cadillac Tax is a big win for employer-sponsored coverage as the 2020 effective date was getting closer and many employers were still trying to understand how best to prepare. The Health Insurance Tax came back this year and fully insured companies saw that increase in premium. The moratorium included in this bill should be a positive impact when looking at 2019 renewals.

DOL Reintroduces 17 Opinion Letters

On January 5, 2017, the US Department of Labor reintroduced 17 opinion letters. The letters were introduced by the Wage and Hour Division during the George W. Bush administration in response to specific employer compliance questions. Addressing compliance through questions through opinion letters is a more relaxed approach than the administrative interpretations issued by the Obama administration.

No action is required of employers at this time, but the letters are fact-specific and employers in similar circumstances can review the content and rely on them for guidance on FLSA compliance

Please see the "Compliance Bulletin" included in this post.

OSHA 300-A Posting Period Begins February 1, 2018

Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year. SHRM had an excellent resource for this issue... Visit SHRM's [OSHA 300-A Posting Period](#) Express Request.

IRS Issues New Tables for 2018 Tax Withholding

Starting Feb. 15, 2018, employers must use new tables to determine how much income tax to withhold from their employees' paychecks. The Internal Revenue Service (IRS) issued the required new tables, in [Notice 1036](#), on Jan. 9, 2018. The notice contains early release copies of the "Percentage Method Tables for Income Tax Withholding" that will appear in IRS [Publication 15](#) (Employer's Tax Guide).

According to the IRS, Notice 1036 is the first in a series of steps that the agency will take to help employers improve the accuracy of their tax withholdings under changes made by a new tax reform law, the [Tax Cuts and Jobs Act](#), enacted on Dec. 22, 2017.

Employers should become familiar with the new tables and begin using them as soon as possible, but **no later than Feb. 15, 2018**. Employers should also monitor the IRS's Notice 1036 [website](#) for future guidance regarding income-tax withholding under the Tax Cuts and Jobs Act.

Court Vacates EEOC's Wellness Rules for 2019

On December 20, 2017, the U.S. District Court for the District of Columbia vacated key provisions of the EEOC final rules for employer-sponsored wellness plans. This will take effect on January 1, 2019.

Please see the "Compliance Bulletin" included in this post.

GOP Delivers on Tax Reform Promise

President Trump signed into law the Tax Cuts and Jobs Act on December 22nd. SHRM provides a recap at this link: [Tax Cuts and Jobs Act](#)

Immigration

As we know, Washington is deadlocked on updating immigration policy as of this writing. Deep divisions were exposed last week in the brief shutdown over the DACA extension and this is sure to come up when the continuing resolution expires in March. There are bills being developed in the House and the Trump administration unveiled (leaked) a plan yesterday that shows little signs of support from the right and the left.

SHRM launched a "Take Action" program asking members to urge lawmakers to pass a timely bipartisan DACA solution: [SHRM Asks Members to Act on DACA](#)

The Immigration issue will likely impact employers soon and news should be monitored for impact on DACA, E-verify and a myriad of potential changes.

SHRM 2017 Guide To Public Policy Issues

SHRM provides this excellent resource on their website. Just go to “HR Today” from the Main Page and then go to “Take Action”



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