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Vital Business Solutions Newsletter

Are You Aware of New Employment Laws?

Are you prepared to deal with the changes imposed by new or updated employment laws? You will need to share information and protect your business against liability as you embark on deciphering new laws and how to develop and implement any necessary new policies and procedures.

Below are a few tips to help get you started:

- Learn about the new laws and understand how they might impact hiring, employee relations, and the way you do business in general. Examples of new laws that recently took effect in our region are:
 - ◦ [Civil Marriage Protection Act](#) (also known as *Same-sex Marriage* law) effective January 1, 2013 in Maryland, and
 - ◦ [User Name and Password Privacy Protection Act](#) effective October 1, 2012, also in Maryland.
- Consult with your legal counsel or HR professional to ensure you are up to date on these and other new or updated laws. We are here to assist you, if you would like for us to provide or review employment policies and handbooks.
- Review your existing policies with new laws and regulations in mind. It is good practice to review your Employee Handbook every six months as new laws are sometimes enacted in the middle of the year.
- Consult with your legal counsel and/or HR professional *again* to ensure your policies pass the risk test, meaning that they are written with consideration given to employment law guidelines, which will reduce the risk of legal action by employees.
- Review posting requirements and make sure your posters are the most recent copies for federal and state.
- Review any related reporting requirements and create a timeline to keep track of due dates.
- Remain compliant.

The key is to have the right information to share, be prepared to answer questions from your employees, and remain compliant with any requirements.

Looking Ahead

In addition to recent changes impacting employment, look ahead to 2014 and stay on top of the Affordable Care Act requirements for employers.

Form W-2 Reporting of Employer-Sponsored Health Coverage

According to the IRS Website, the Affordable Care Act of 2010 requires employers to report the cost of coverage under an employer-sponsored group health plan. Beginning with tax year 2012, this information is to be reported on an employee's Form W-2, Wage and Tax Statement, in Box 12, using Code DD.

Read about the requirement, transition relief for certain employers, and the types of coverage that employers must report at:

<http://www.irs.gov/uac/Form-W-2-Reporting-of-Employer-Sponsored-Health-Coverage>

Additional Employer Responsibility

According to the healthcare.gov website, 2014 will bring other new responsibilities for employers, one being the following:

Employer Responsibility:

Under the Affordable Care Act starting in 2014, if an employer with at least 50 full-time equivalent employees doesn't provide affordable health insurance and an employee uses a tax credit to help pay for insurance through an Exchange, the employer must pay a fee to help cover the cost of the tax credits.

The site also provides a timeline of what's changing and when:

<http://www.healthcare.gov/law/timeline/index.html>.

Do You Conduct Background Checks?

As of January 1, 2013, employers must adopt the new FCRA (Fair Credit Reporting Act) forms. The CFPB (Consumer Financial Protection Bureau) recently announced that employers must modify their FCRA forms (authorization forms to perform background checks) to make clear that the CFPB, not the FTC (Federal Trade Commission), is the agency that consumers should contact about their rights under the FCRA. This is one of the many changes in response to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 shifting FCRA rule-making authority from the FTC to the new CFPB. Also, the Pre-Adverse and Adverse Action letters must be changed to reflect the new Summary of Rights.

Please don't forget to adjust your forms.

Posting Compliance

The beginning of the year is a good time to ensure you are meeting employer posting requirements. Please click on the links below to be directed to a list of the required posters and instructions to download or request them.

[United States Department of Labor Posters](#)

[District of Columbia Required Posters](#)

[Maryland Required Posters](#)

[Virginia Required Posters](#)

Important Reminders

OSHA Compliance

Please don't forget to post your 300A form on February 1, 2013 and keep it up until April 30, 2013.

OSHA 300, 300A, and 301 Forms are now available in PDF fill-able format.

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