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TO: Certifying Officers, All Local Employers participating in the State Health Benefits Program (SHBP) and School Employees' Health Benefits Program (SEHBP)

FROM: New Jersey Division of Pensions and Benefits

SUBJECT: Employer Responsibility: Affordable Care Act (ACA)

Employer Shared Responsibility Provisions in the ACA

According to the Employer Shared Responsibility Provisions in the Affordable Care Act (ACA), effective January 1, 2015, applicable large employers (defined as those with at least 50 "full-time" or "full-time equivalent" employees) may face a penalty if they do not offer their full-time employees the opportunity to enroll in health care coverage that meets a standard of "affordability" and provides the employee with "minimum value."

To determine whether employers are in compliance with the Employer Shared Responsibility Provisions, and to calculate and assess Employer Shared Responsibility Payments for employers who are not in compliance, the Internal Revenue Service (IRS) will require employers to file yearly returns under sections 6055 and 6056 of the Internal Revenue Code. These returns will require employers to provide information on their full-time employees as well as the standards and conditions of any health coverage offered by the employer.

Liability for Employer Shared Responsibility Payments

Applicable large employers may be assessed an Employer Shared Responsibility Payment, under section 4980H of the Internal Revenue Code by the IRS, if:

- a) The employer does not offer health coverage to substantially all (70% in 2015 and 95% thereafter) of its full-time employees (those averaging 30 hours of work per week or more) and their children, and at least one of the employer's full-time employees receives a premium tax credit to help pay for coverage on a Health Insurance Marketplace.
 - The monthly penalty is equal to the total number of full-time employees employed by the employer (minus the first 30) multiplied by 1/12 of \$2,000.
- b) The employer does offer health coverage to substantially all of its full-time employees and their children, but the coverage is unaffordable or does not provide minimum value to at least one full-time employee who receives a premium tax credit to help pay for coverage on a Health Insurance Marketplace.

- The penalty is calculated separately each month and is equal to the number of full-time employees who get coverage through a Health Insurance Marketplace and receive a premium tax credit to pay for their coverage multiplied by 1/12 of \$3,000. The payment owed in this scenario cannot exceed the amount that the employer would have paid had it not offered coverage at all.

Your Organization as an Applicable Large Employer

For the purposes of determining whether an employer qualifies as an applicable large employer subject to the Employer Shared Responsibility Provisions in the ACA, employers must add the total number of their “full-time employees” to the total number of their “full-time equivalent employees.” The IRS defines a “full-time employee” as those who average 30 or more hours of work per week. This determination is generally made during a look-back period that the employer chooses to use. IRS regulations require all applicable employers to report any employee who meets their definition of “full-time.”

In addition to reporting on employment status, the IRS will also require reporting on the health coverage offered to “full-time” employees. To assist with reporting, the Division of Pensions and Benefits has provided employers with a data file in EPIC containing Plan Year 2015 information on employees who had coverage under the SHBP/SEHBP, along with all covered dependents. The test data file is currently available for all SHBP/SEHBP participating employers to view (**Please see below for instructions to access data file**). In the event that a covered employee experiences a coverage level or dependent status change (death, divorce, addition/deletion of a dependent) before the end of the year, the Division will release a second data file containing the updated employee information. It is the responsibility of the employer to note any status changes and to utilize the updated information when it is provided. The updated file will be made available in early January.

Please Note: It is the obligation of each employer to ensure the accuracy and timely submission of the appropriate forms to the IRS. Any liability that is assessed due to improper, delayed, or incorrect reporting is the sole responsibility of the employer. The Division of Pensions and Benefits will assume no responsibility if a participating employer is penalized by the IRS. This document should not be used as a substitute for professional advice on ACA requirements or IRS reporting.

To Access The Data File:

- The ACA data file is located under the “SHBP/SEHBP” link on your EPIC Home Page. On the SHBP/SEHBP page, select “Year-End Reports”. Once you access your year-end reports, select the appropriate bureau number (if applicable), select ACA Dependent(s) Report, and “2015” as the year, then click “Submit”.

Location: [REDACTED]

SHBP/SEHBP Year-End

Subscriber/Dependent Search

Employer ID: [REDACTED] 00

SHBP/SEHBP Year-End Reports

Select the report type and the year of your choice and then click Submit.

Total Cost Report

HSA Matching Share Report

NJ WELL Year-End Report

ACA Dependent(s) Report

NJ WELL Points Report

2015

Submit

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- The next page will state the name and year of the file that you have selected. If it is the correct file, click on “CSV Report”.

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Location: [REDACTED]

ACA Dependent(s) Report

ACA Dependent(s) Report

2015

CSV Report

Click on button above to view and download the detailed report.

Back

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- The next page will provide you with a disclaimer from the Division of Pensions and Benefits. Please ensure that you read this information carefully. To access the data file, you must click on "Agree", which confirms your agreement with the information provided in the disclaimer.

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Location: [REDACTED]

SHBP/SEHBP Year-End Reports

Disclaimer

The information included in this data file is intended to provide assistance to authorized users to ensure that your location is compliant with the Affordable Care Act (ACA) and Internal Revenue Service reporting guidelines. This file will provide Plan Year 2015 data on employees who had coverage under the SHBP/SEHBP, along with all covered dependents.

PLEASE NOTE: In the event that a covered employee experiences a coverage level or dependent status change (death, divorce, addition/deletion of a dependent), the Division of Pensions and Benefits will release a second data file containing the updated employee information. It is the responsibility of the employer to note any status changes and to utilize the updated information when it is provided. The updated file will be made available to employers in early January.

The proper fact-checking and timely submission of the appropriate forms to the Internal Revenue Service is the sole responsibility of the employer. The Division of Pensions and Benefits will assume no liability for penalties levied on your location for improper or delayed reporting to the Internal Revenue Service.

By clicking "Agree", you are confirming your acknowledgment and agreement to the information listed above.

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Please send any questions regarding the information provided to: ACANJ@treas.nj.gov