



North Country Human Resources Association, Inc.

Society for Human Resource Management (SHRM) Affiliated Professional Chapter #0559
Serving North Country HR Managers since 1998

Website: <http://northcountryhra.org>



Newsletter – February 2010

2009–2010 Board of Directors

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February Member's Meeting

DATE:	Tuesday, February 23, 2010
SITE:	Best Western, Watertown
TIME:	11:30 AM - Networking 11:45 AM - Buffet lunch 12:00 Noon - Meeting Topic
TOPIC:	Wellness Programs – Part II The What, Why and How!
SPEAKER:	Lisa Storey, PHR Samaritan Medical Center
MENU:	Lunch Buffet
COST:	\$15.00 Paid Members \$17.00 Potential Members & Guests \$5.00 Non-Dining Members
RSVP:	Cherie Moore – Treasurer cherie.moore@na.manpower.com by 4 PM Tuesday, February 16, 2010

February's Topic... Using Welcoa's seven benchmarks of success as the framework, Lisa will discuss benchmarks and ideas for various wellness program activities that you can implement in your company as well as provide an overview of what is needed to make a wellness program a success.

Cancellations:

We will make every effort to cancel the RSVP if given reasonable notice of cancellation. If NCHRA is charged for the meal, then you are responsible to pay for the meal.

Name tags will be provided at the door to help every one get to know their fellow members. Please remember to return them before leaving.

Remember...

- Bring your business cards with you to the monthly meetings to share and network with other members.
- At each meeting NCHRA Members can enter their business card in the door prize drawing for a free meal at the next meeting.
- The "*Sally Kafka Memorial Membership Drawing*" held in June 2010 awards a one year paid membership to the winner. Those members with perfect attendance at the monthly meetings (Sept-June) will be eligible for the drawing.

Message From The President

I'd like to start out this month by congratulating the members who recently became certified as Professional in Human Resources (PHR) and Senior Professional in Human Resources (SPHR). **Congratulations to Melissa (Missy) Clark**, PHR from Otis Technology; **Danyel O'Farrell**, PHR from Stream; **Deborah Hurley**, PHR from ADP; **Beth Erickson**, PHR from Covidien; **Helen Kulesza**, PHR from Stature Electric and **Trisha Seymour**, SPHR from Car Freshner for taking on that challenge, learning new things and seeing it through. As I have said in past newsletters, it's important for HR to set the tone for your employees by learning new things, broadening your skill set and enhancing your education. These ladies have done just that...and at the same time they are contributing to the growth of the North Country! Way to go ladies! A special THANK YOU to MaryLu Moriarty for taking the time to teach the certification course at JCC. Her dedication and effort enable our members to be successful in this endeavor. If you are interested in a future certification course or just want to know more about it, please don't hesitate to contact MaryLu or myself.

We had a great turn out for last month's meeting! The topic was very informative and very well received. It's so great to be able to draw on local resources to share their knowledge and expertise with us. Once again, we learned something new that will ultimately help our employees.

This month we have our own Lisa Storey, PHR who will share her knowledge and experience on Wellness. In October of 2007 we had an introduction to Wellness by Mike Sciotti. It was a great overview of what a Wellness Program involves. Lisa will be taking it to the next level by giving us direction on how to implement a Wellness Program. This will be a great tool for those who are considering a Wellness Program as well as for those who currently have one in place and may be looking for enhancements. Too many employers are working with fewer staff and less resources which contribute to stress and illness. To help your employees through these tough times you may want to consider some level of a Wellness Program. There are some low cost steps you can take to create a basic program if you're looking to get started with something small. It's even possible that over time you could see an improvement in your employees' health which can have an impact on future health plan premiums. It ultimately would be something you both would benefit from! I hope to see you there.

Please do not forget to send your RSVP to Cherie Moore no later than Tuesday, February 16, 2010 by 4 PM (cherie.moore@na.manpower.com).



Kathleen Scheible, PHR
President, North Country Human Resources Association

Remaining 2010 Meeting Dates

March – June 2010 meeting dates for your calendar. The specific meeting times and topics will be announced soon. All meetings will be held at the Watertown Best Western.

Tentative Topics

Tuesday, March 23, 2010

Update on National Health Plan*
(* this topic is subject to change due to recent events)

Tuesday, April 20, 2010

Background Checks/ Article 23,
and E-Verify

Tuesday, May 18, 2010

Employee Assistance Program
and SHRM Overview

Tuesday, June 8, 2010

4th Annual NCHRA Conference**
(**The conference location will be the
State Office Building in Watertown)

Info from January Meeting

Here is a web site and some contact info from last month's meeting that are great local resources:

www.mybenefits.ny.gov

Community Action Planning Council (CAPC) – 782-4900

Child Health Plus – 800-698-4543

Women's Way to Wellness – 493-3100 (Carthage)

Jefferson County Public Health – 786-3710

North Country Prenatal/Perinatal Council – 788-8533

North Country Children's Clinic – 782-9450

****** June Conference 2010******

Save the Date

**North Country Human Resource
Association Conference**

June 8, 2010

“Tough Times – Strong HR Leaders 2010”

The NCHRA Conference committee is busy planning this years June conference and have made some changes to our venue this year. Our event will be held at the State Office Building and RJ's Catering has prepared a wonderful continental breakfast and lunch menu. Businesses sponsors will have a reserved table in the same location as conference participants and speakers. This change will providing an excellent networking opportunity for sponsors and participates. The following is tentative schedule of events. Mark your calendars and save the date!

Tentative Schedule of events

7:15-8:00 am (45 min)	Registration/ Continental Breakfast
8:00-8:15 am (15 min)	Welcome/ Introductions/ Sponsor Recognition
8:15-9:45 am (90 min)	Hancock and Estabrook Topic TBD Michael J. Sciotti, Esq.
9:45-10:05 am (20 min)	Break/ Networking
10:05-11:35 am (90 min)	Stop! Drop & Roll “Putting Out the Fire of Conflict” – Cope Consulting
11:35-12:35 pm (60 min)	Lunch
12:35-12:50 pm (15 min)	Break/ Networking
12:50-2:20 pm (90 min)	HR's Leadership Role: Facilitating the Tough Conversations - Vital Works
2:20-2:30 pm (10 min)	Closing Remarks, Awards, Door Prizes, comment sheet turn-in



HARNESSING YOUR HUMAN ASSETS
2010 NYS SHRM ANNUAL CONFERENCE & SOLUTION CENTER
SARATOGA SPRINGS, NY

SAVE THE DATE

September 12-14, 2010
Saratoga Hilton/City Center

Keynote Speaker:



***Renowned entrepreneur, speaker, author and
winner of the first season of "The Apprentice".***

***All full conference attendees receive a free copy of Bill Rancic's book, "You're Hired: How to
Succeed in Business and Life".***

New conference attraction: Golf outing on Sunday Sept 12th.

Please go to www.nysshrm.org to submit speaker proposals and check out the exhibitor & sponsorship opportunities. A pre-registration page for attendees is also available. Fill it in and we'll email you when on-line registration is open.



Free SHRM Membership Available

Unemployment doesn't have to keep active members of the Society for Human Resource Management (SHRM) from being able to take advantage of the organization's many resources when membership renewal time rolls around. The global HR organization offers one-time free "transitioning membership" for up to one year as a way to help its members stay current on HR issues and provide them with the resources they need in their job search.

Transitioning membership is open to active SHRM members who are unemployed at the date that their membership expires and for those who become unemployed up to 90 days after their membership lapses. It does not extend to students, and there is no refund if a member loses his or her job after renewing SHRM membership, according to SHRM's web site.

A member's first step in applying for transitioning membership is to contact SHRM—by e-mail, fax or mail—to inform SHRM of his or her unemployment status. The application must be requested and approved before the active SHRM member makes a renewal payment. Members will receive notification when their transitioning membership has been approved and reactivated.

To apply for transitional membership, please fill out this form and send it in:

<http://sapphire.shrm.org/www/members/transitioning/application.asp>

For those who have found employment during the transitional period and need to reinstate their regular membership, go to:

<http://www.shrm.org/about/membership/transitioning/Pages/renew.aspx>

2009-2010 Membership and Renewal

IMPORTANT NOTE ON MEMBERSHIP AND RENEWAL: Membership and membership renewals will be accepted any time. You can find the membership application on line at www.northcountryhra.org The membership year runs from September to August.

Annual membership dues are payable to NCHRA and mailed to:

Cherie Moore
NCHRA
PO Box 8302
Watertown NY 13601

A one-year professional membership is \$35 and two-years is \$60.

A one-year associate membership is \$20 and two-years is \$35.

BSK, PLLC Labor & Employment Law Information Memo



Electronic Dispatch

Employee Benefits Law Information Memo

December 2009

[Go to BSK Employee Benefits Law Home Page](#)

PROCEDURES SHOULD BE IMPLEMENTED TO COMPLY WITH NEW SELF-REPORTING AND EXCISE TAX PAYMENT REQUIREMENTS FOR CERTAIN HEALTH PLAN VIOLATIONS

Starting January 1, 2010, employers and certain other entities that administer group health plans will be required, for the first time, to report on an Internal Revenue Service ("IRS") form certain types of group health plan violations and pay the applicable excise taxes. Violations that must be reported include a failure to satisfy health coverage continuation requirements under the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended ("COBRA"), certain requirements under the Health Insurance Portability and Accountability Act ("HIPAA"), certain mental health benefit parity requirements, childbirth hospital stay requirements, and certain health coverage continuation requirements for seriously ill higher education students. Administrators of group health plans currently are not required to self-report such violations when they are discovered, and the lack of such self-reporting often resulted in any applicable excise taxes not being paid. The IRS has issued regulations that will require such violations to be self-reported, and will require any applicable excise taxes to be paid in a timely manner.

Steps that should be implemented by employers to comply with these new requirements include:

- making sure that employees or other persons who are involved in the administration of each applicable group health plan are informed about these new requirements;
- implementing procedures that will help ensure the timely discovery of applicable group health plan violations, the timely submission of the IRS form reporting such violations, and the timely payment of all applicable excise taxes, and
- to the extent an employer's group health plan is administered by another entity (e.g., a third party administrator, an insurance company or a health maintenance organization), reviewing any agreement with such entity to see if any changes are needed to help ensure compliance with these new requirements.

Taxpayers Required To Comply With These New Requirements

The new self-reporting and excise tax payment requirements for certain group health plan violations generally apply to: (1) employers who sponsor a group health plan that is subject to the requirements described in the following paragraph ("Covered Health Plan"); (2) unions and other employee organizations who sponsor a Covered Health Plan; (3) third party administrators of Covered Health Plans (e.g., a third party administrator of a self-insured Covered Health Plan); and (4) certain other third parties who are responsible for providing benefits under a Covered Health Plan (e.g., insurance companies or health maintenance organizations).

Types of Violations That Are Covered By These New Requirements

Violations that must be reported include a failure to comply with the following requirements:

- [COBRA Health Coverage Continuation Requirements](#) – Group health plans that are subject to COBRA are required to comply with certain coverage continuation requirements.
- [HIPAA Preexisting Condition, Creditable Coverage and Special Enrollment Requirements](#) – Group health plans that are subject to HIPAA are required to, among other things, comply with limitations on preexisting exclusions, certification of creditable coverage requirements, and special enrollment requirements.
- [HIPAA Nondiscrimination Requirements Based on Health Status Factors](#) – Group health plans that are subject to HIPAA are not allowed to discriminate based on a health status factor.
- [Genetic Information Nondiscrimination Requirement](#) – The Genetic Information Nondiscrimination Act ("GINA") prohibits, among other things, discrimination based on genetic information.

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The hiring of a lawyer is an important decision that should not be based solely upon advertisements.



- Mental Health Parity Requirements – The Mental Health Parity and Addiction Equity Act imposes certain parity requirements between mental health benefits and medical/surgical benefits.
- Childbirth Hospital Stay Requirements – The Newborns' and Mothers' Health Protection Act imposes requirements regarding minimum hospital lengths of stay in connection with childbirth.
- Health Coverage Continuation Requirements for Seriously Ill Higher Education Students – Michelle's Law imposes certain health coverage continuation requirements for dependent university and college students with serious medical conditions.
- Comparable Contribution Requirements for Health Savings Accounts and Medical Savings Accounts – Health savings accounts ("HSAs") and Archer medical savings accounts ("MSAs") are subject to requirements that help ensure that comparable contributions are made for nonhighly compensated employees.

Excise Taxes That Apply To Such Violations

The applicable excise taxes vary depending upon the type of violation involved. An excise tax of \$100 a day per affected beneficiary generally applies to a violation of the COBRA health coverage continuation requirements. An excise tax of \$100 a day per affected individual generally applies to violations of: (1) HIPAA's preexisting condition, creditable coverage, and special enrollment requirements; (2) HIPAA's nondiscrimination requirements based on health status factors; (3) GINA's genetic information nondiscrimination requirement; (4) the mental health parity requirements; (5) the childbirth hospital stay requirements; and (6) the health coverage continuation requirements for seriously ill higher education students. A violation of the comparable contribution requirements for HSAs and MSAs generally will be subject to an excise tax of 35 percent of the aggregate amount contributed to the HSAs or MSAs for all employees within the applicable calendar year.

IRS Form That Must be Filed If a Violation Occurs

If a violation of one of the requirements described above occurs, the applicable employer generally will be required to report that violation on IRS Form 8928 and will be required to pay the applicable excise taxes. If a COBRA health coverage continuation requirement is involved, the applicable third party administrator or insurer could be responsible for filing Form 8928 and paying the applicable excise taxes. If a violation occurs with respect to a multiemployer plan, the plan will be responsible for filing Form 8928 and paying the applicable excise taxes.

Deadline For Filing the Required IRS Form and Paying the Applicable Excise Taxes

For all violations described above other than a violation of the comparable contribution requirements for HSAs and MSAs, a Form 8928 generally must be filed and the applicable excise tax generally must be paid by the due date for filing the federal income tax return for the applicable taxpayer. If a violation of the comparable contribution requirements for HSAs and MSAs occurs, a Form 8928 generally must be filed and the applicable excise tax generally must be paid by April 15th of the calendar year that follows the calendar year in which the violation occurred. Special requirements apply with respect to extensions, multiemployer plans, and multiple employer plans.

Exceptions To the Excise Tax Requirements

With respect to all violations described above other than a violation of the comparable contribution requirements for HSAs and MSAs, exceptions to the excise taxes apply:

- if the responsible party did not know, and would not have known even if reasonable diligence had been exercised, that the violation existed; or
- if the violation was due to reasonable cause and not willful neglect, and was corrected within 30 days after the first day the responsible party knew, or exercising due diligence, would have known that the violation had occurred (the violation will be considered corrected if the violation is retroactively undone to the extent reasonably possible and the affected individual is put in a financial position as beneficial as the individual would have been in had the violation not occurred).

If a violation of the comparable contribution requirements for HSAs and MSAs occurs, the IRS can waive the excise tax if it is excessive and the failure is due to reasonable cause and not willful neglect.

Penalties That Apply If These Filing and Excise Tax Requirements Are Not Satisfied

A failure to satisfy these filing and excise tax requirements could result in late penalties of up to 50 percent, and interest charges.

Effective Date of These New Filing and Excise Tax Requirements

These new filing and excise tax requirements apply to any Form 8928 that is due on or after January 1, 2010.

If you have any questions about this memorandum, please contact Ted Lewkowicz in our Syracuse office (315-218-8131, tlewkowicz@bsk.com) or any of the other members of our Employee Benefits and Executive Compensation Practice Group listed below.

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