

SEPTEMBER 2014

WEBINAR: EEO Basics Reducing the Risk of Discrimination Claims

Thursday, October 16, 2014
2:00 p.m. - 3:00 p.m. EDT

[Click to learn more and register](#)

If your firm has 15 or more employees at least some of the Federal anti-discrimination / anti-harassment laws apply. Even smaller employers may be covered by state or local EEO regulations. Although simple in concept, fully complying with EEO requirements can be challenging for even the most sophisticated employer. Our webinar will cover the basic regulatory requirements as well as strategies an employer may use to limit the risk of discrimination and harassment claims.

This educational webinar has been submitted to the HR Certification Institute (HRCI) for 1 general hour of continuing education credit towards PHR, SPHR and GPHR certifications.

If you are interested in participating in this webinar, please go to the following link:

<https://www2.gotomeeting.com/register/233597738>

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Proposed Rule Requires Certain Federal Contractors to Submit Equal Pay Report

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has issued a [proposed rule](#) to require certain federal contractors and subcontractors with more than 100 employees to submit an annual Equal Pay Report. The proposed rule generally requires [covered entities](#) to electronically submit the following information:

- The total number of workers within a specific [EEO-1 job category](#) by race, ethnicity and sex;
- Total W-2 wages, defined as the total individual W-2 wages for all workers in the job category by race, ethnicity and sex; and
- Total hours worked, defined as the number of hours worked by all employees in the job category by race, ethnicity and sex.

OFCCP is proposing a reporting window of January 1 to March 31st. The data in this report would be based on W-2 earnings for the prior calendar year for all employees included in the contractor's [EEO-1 report](#) for that year. Subject to certain hardship exemptions, each contractor would be required to submit the Equal Pay Report electronically through a web-based filing system.

Our [Compliance Assistance for Federal Contractors](#) page features the latest news updates affecting federal contractors and subcontractors.



[Click here](#) to read the **proposed rule** in its entirety. [FAQs](#) are also available.



Marshall & Sterling is your Technology Resource

Marshall and Sterling is able to assist our clients with their technology needs. We have taken initiatives and solutions to our clients to assist with vendor information for Payroll, HRIS, Benefits, Time and Labor, Recruitment, Onboarding and Compliance needs. We work with several partners to provide a comprehensive review of your needs and outline various solutions that work best for your company. If you are interested, please contact your Account Manager or Regina Murdock at 914-962-1188 x2487 or rmurdock@marshallsterling.com.

Social Security Requirements for Employee Name Changes

It is critical for each employee's name and Social Security Number (SSN)--as shown on his or her Social Security card--to match employers' payroll records and year-end Forms W-2, as the earnings information from the Form W-2 is the basis for determining an employee's future eligibility and benefit amount for certain Social Security programs. But what should employers and employees do when an employee changes his or her name?

Employers

If an employee legally changes his or her name because of marriage, divorce, court order or any other reason, **employers should continue to use the old name and tell the employee to contact Social Security to obtain an updated card.**

Employers should change their payroll records **only after** the employee obtains an updated Social Security card with the new name. Using a new name before the employee updates Social Security's records may prevent the posting of earnings to the employee's earnings history.

Employers can use Social Security's free [Social Security Number Verification Service \(SSNVS\)](#) to match employees' names and SSNs at the time they are hired, or before the employer prepares and submits employees' Forms W-2.

Employees

Employees must take the following three steps in order to obtain a corrected Social Security card:

1. Show the required documents, including proof of identity. See [Learn What Documents You Need](#) for more information. (Under the heading "Type of Card," select "Corrected" for a list of the documents needed);
2. Fill out and print an [Application for a Social Security Card](#); and
3. Take or mail the application and documents to a [local Social Security office](#).

An employee cannot apply for a card online. There is no charge for a Social Security card--this service is free. For complete instructions, please [click here](#).

Our section on [Social Security](#) features helpful information regarding benefits and other issues.



Visit our section on [Social Security](#) for more information regarding benefits and other issues.



Proposed Rules to Expand ACA's Contraceptive Mandate Accommodation

Federal agencies have [proposed rules](#) soliciting comments on how to extend--to certain closely held for-profit entities--the same [accommodation](#) to the Affordable Care Act's (ACA) "contraceptive mandate" that is currently available to non-profit religious organizations. The contraceptive mandate generally requires non-grandfathered group health plans to provide coverage for contraceptive services without cost-sharing.

Guidance Issued in Response to Supreme Court Case

The rules come as a response to the June 2014 [U.S. Supreme Court decision](#), which held that the contraceptive mandate violates the Religious Freedom Restoration Act as applied to closely held for-profit corporations with sincerely held religious beliefs against certain contraceptives.

Two Alternative Approaches Proposed

The [proposed rules](#) describe two alternative approaches for defining closely held for-profit entities:

- Under one approach, the entity could not be publicly traded, and ownership of the entity would be limited to a certain number of owners.
- Under an alternative approach, the entity could not be publicly traded, and a minimum percentage of ownership would be concentrated among a certain number of owners.

Under the proposal, these entities would not have to contract, arrange, pay or refer for contraceptive coverage to which they object on religious grounds. The rules solicit public comment on, among other things, how to define a qualifying entity.

Additional Notification Option for Non-Profit Religious Organizations

[Interim final rules](#) were also released, which establish another option for certain non-profit religious organizations to avail themselves of the accommodation to the contraceptive mandate. The interim final rules are effective as of August 27, 2014.

A [Fact Sheet](#), which includes information on the contraceptive mandate, the proposed rules, and the interim final rules, is also available.

Be sure to visit our section on [Preventive Services](#) for additional information.



Marshall & Sterling Insurance will continue to provide you with updates and information regarding important issues. Should you have specific questions or need more information, please contact us.

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