



Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

November 2015

The Affordable Care Act: What's Ahead?

By Penny C. Wofford of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.. Reprinted with permission

More than five years after its enactment, the Affordable Care Act (ACA) continues to be one of the top concerns for employers, and rightly so: the ACA is one of the most comprehensive laws impacting employee benefits since the Employee Retirement Income Security Act of 1974.

Phased implementation of the ACA requirements has kept employers consistently busy over the last few years, but there is still more to come. Throughout the end of 2015 and into the first half of 2016, employers will continue to focus on the employer shared responsibility provisions of the ACA, tackle the new reporting requirements (not an easy feat, to say the least), and begin planning for the "Cadillac" plan tax.

Here is your "simplified" cheat sheet and some tips for what's ahead.

Employer Shared Responsibility

Employers with 100 full-time equivalent employees or more are subject to employer shared responsibility provisions in 2015. The employer shared responsibility provisions are the employer penalty provisions under the ACA. Penalties apply if an employer fails to offer minimum essential coverage that is affordable and provides minimum value to full-time employees.

Employers with between 50 and 99 full-time equivalent employees ("mid-size employers") are subject to employer shared responsibility in 2016. To prepare for employer shared responsibility, mid-size employers should:

- Identify full-time employees based on the ACA definition of full-time (those who average 30 hours of work per week in one month), considering special

Inside this issue:

Affordable Care Act	1
Tech Tip: Lexis Advance Tips	2
Free CLE	3
Subscriber Fees	5
You and the Legal System: Employment Law	6
Employment Law Resources	7

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Open Monday-Friday 8 - 4

<http://lawlibrary.hamilton-co.org>

(Continued on page 4)

Tech Tip: Lexis Advance Quick Tips

By Julie Koehne, Assistant Law Librarian, Systems

All searches begin within the red box!

The diagram illustrates the Lexis Advance search interface. At the top, the Lexis Advance logo is centered. Below it is a search bar with a red border and a search button. The search bar contains the placeholder text "Enter terms, sources, a citation, or shep: to Shepardize®" and a dropdown menu set to "Search: Everything".

Five callouts provide search examples:

- Search by citation, e.g., ENTER 1990 Ohio App. LEXIS 5224 and select Search: Everything.**
- You can now search for West-law numbers with in Lexis, e.g., ENTER 1990 WL 187711 and select Search.**
- Search by case name, e.g. ENTER name (Lewis and Casey) and select Search.**
- Search using terms, e.g. ENTER dog bites and select Search: Everything.**
- To Shepardize an authority, e.g. ENTER shep: 1990 Ohio App. LEXIS 5224 and select Search: Everything.**
- Search for a specific publication, e.g. ENTER Ohio Rules and select Search to obtain the Civil Procedure Rules.**

Below the search bar, the Lexis Advance logo is repeated. Underneath, a search results snippet is shown for the query "ohio rules". The snippet includes a table with three rows of results, each with a "Table of Contents" and "Get documents" link. The first row is "Anderson's Ohio Civil Rules Practice with Forms". The second row is "Forms from Anderson's Ohio Civil Rules Practice with Forms". The third row is "OH - Ohio Local, State & Federal Court Rules", which is highlighted with a yellow box. A "Tips" link is visible in the bottom right corner of the results area.

Upcoming CLE

Free to subscribers; \$50 for non-subscribers
To register, call 513.946.5300, email
reference@cms.hamilton-co.org, or
register via the website

[http://lawlibrary.hamiltoncountyohio.gov/
classes/cle/](http://lawlibrary.hamiltoncountyohio.gov/classes/cle/)

Ohio Child Custody Law Update

Presenter: Cathy Cook

Wednesday, November 4, 2015

Noon-1pm

Approved for 1.0 hour of general CLE in
Ohio and Kentucky.

Finding People Online

Presenter: Mary Jenkins

Wednesday, December 2, 2015

Approved for 1.0 hour of general CLE in
Ohio and Kentucky.

**Note: this seminar was previously pre-
sented on May 13, 2015.**

Portraits in the Library

Have you wondered who is pictured in the portrait collection in the Law Library? Lauren Morrison, our outreach librarian, researched the portraits when she interned here and posted images and descriptive text to our [Instagram](#) account. In some quiet moment in your day, take a stroll through Cincinnati area legal history. You'll also see an 1871 Law School of Cincinnati ticket to use the Cincinnati Law Library and an image of the library after the 1884 riot that resulted in the destruction of the courthouse and the library.

We Are Your Librarians

We say this often to new subscribers and local government officials: "We are your librarians." In the case of large law firms, we are an extension of your library, offering an array of additional resources and access to materials that your firm may no longer retain. Our librarians can assist you with legal research by providing guidance, running searches, and sending you the cases, forms, chapters, and articles that you need. We offer CLEs, support uses of technology, and explain legal information systems. We find information online and from other libraries. We save our users time and money. Need help? Ask a librarian!

Videoconferencing

Thanks to a grant from the Consortium of Ohio County Law Libraries, supplemented with law library funding, we will upgrade the library's videoconferencing system in early November to a newer model Polycom system with related peripherals. The library's videoconferencing system and conference room is used for court proceedings, educational programming, SCO Judicial College, training, and meetings, sessions with incarcerated clients, nationwide work groups, and more. The system we've been using is over ten years old, several generations behind current systems, and heavily used. If you haven't used videoconferencing and are wondering how it would help your office, court, or practice, please contact systems librarian [Julie Koehne](#).

(Continued from page 1)

- classifications such as staffing employees, independent contractors, temporary or short-term employees and even interns.
- Assess whether the monthly measurement method or look-back measurement method to determine full-time status is best based on the nature of the company's workforce.
- Update plan documents and summary plan descriptions (SPDs) if necessary for the measurement method selected.
- Determine the appropriate safe harbor the company will use for the affordability calculation: W-2, rate of pay, or federal poverty line.

Large employers subject to the ACA's employer shared responsibility provisions this year should closely monitor their processes to ensure accurate implementation of the ACA's measurement method and affordability calculation and document offers and waivers of coverage. Penalties will not be assessed until after employer reporting and individual tax filings in 2016, but once a penalty is assessed, there is no retroactive correction. If an employer finds a gap in its processes or a mistake, it should take steps to correct immediately to reduce the amount of potential penalties.

Reporting Requirements

The ACA's reporting requirements apply to all employers with over 50 full-time equivalent employees for calendar year 2015. There is no extra year for reporting for mid-size employers, as there is under the employer shared responsibility provisions. With the exception of small employ-

ers, we can find solidarity (and probably empathy, too) with our fellow employers because we are all tackling this requirement together on the same schedule.

It is easy to get lost in the confusing numeric labels given to the ACA's reporting requirements. There is Section 6055 reporting and Section 6056 reporting—and each of these reporting requirements are accomplished on either Internal Revenue Service (IRS) Tax Form 1094-C, 1095-C, 1094-B, or 1095-B. To simplify, here is what is generally required for employers:

- Regardless of whether sponsoring or participating in a fully-insured or self-funded plan, employers will complete the "C" reporting. The "B" reporting is for insurance carriers (with some exceptions).
- Employers will complete Form 1095-C for each full-time employee and distribute to full-time employees (very similar to Form W-2 requirements and actually on the same distribution schedule) by January 31 of each year).
- Employers will "transmit" all these individual 1095-Cs to the IRS along with Form 1094-C. (Think of 1094-C as a "cover sheet.")

The forms themselves are not easy to complete. There is a system of codes that an employer must use on various lines of the forms to tell the story of the employee's employment and health coverage with the employer during the 2015 calendar year.

Cadillac Plan Tax

What has become known as the "Cadillac" plan tax is a 40 percent excise tax charged to employers on the cost of health coverage that exceeds certain annual limits. The Cadil-

lac plan tax does not begin until 2018, but it is one of the more controversial provisions of the law since it in essence penalizes employers that offer benefit-rich plans to employees.

There is a lot of talk and some significant support for the repeal of this part of the law, but the IRS is proceeding with regulations that define how the tax will work. Employers will want to stay tuned to the debate on this provision and consider what alterations they may need to make to plans to avoid the potential tax.

For more information, contact [Penny C. Wofford](#).

Go Green and Get the News First

Are you currently receiving the HCLL newsletter in print? Would you prefer an online version? HCLL subscribers who opt for the online version receive it before the print copy is mailed, plus the links for email and websites are active. We send out a summary via email each month with a link to the full text. To switch from print to online, just email reference@cms.hamilton-co.org with a request to switch formats.



2016 Subscriber Fees

After a decade without a subscriber fee increase, the Hamilton County Law Library Resources Board recently approved modest increases for the 2016 fee schedule, in consideration of library expenses and the value of a law library subscription. Inflation calculators shows that an item purchased for \$100 in 1995 would cost \$156 this year. By comparison, the approved fee increase here is minimal. The standard \$100 subscriber fee for bundled services for solo and individuals will increase to \$110. The standard firm fee for 100% subscribing firms will increase by \$5 per attorney with a cap of \$6,000 for a full firm. There will be no fee for attorneys in their first year of practice after passing the bar exam.

We will mail invoices in December, along with a statement regarding your 2015 use of library services. The library board and staff believe that the value of law library services and resources far exceeds the annual fee. We hope that reflects accurately your own experience.

At The Podium

At an October conference of the Ohio Regional Association of Law Libraries, Hamilton County Law Library reference librarian Laura Dixon Caldwell co-presented on [LibGuides](#), the online research guides that we offer for public use. Laura serves on the ORALL executive board. Library director Mary Jenkins offered a session on national [standards for county law libraries](#) and also presented tips for using [LinkedIn](#) well.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', Westlaw, IntelliConnect, Hein Online Law Journals and Federal Register, and over 70 Aspen /LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive topics

Bi-weekly news updates in various practice areas

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises, HeinOnline and IntelliConnect.

You and the Legal System: Employment Law Basics

Attorney Jonathon Allison is our next speaker in the *You and the Legal System* series for the public. Mr. Allison will discuss Employment Law on Friday, November 20 at noon in the Law Library.

The program is free to the public. To register, call 513.946.5300 or register via our website at <http://lawlibrary.hamiltoncountyohio.gov/classes/you-and-the-legal-system/>

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact [Laura Dixon-Caldwell](#).

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. The series will take a hiatus in December and January.



Employment Law Resources

Law Library subscribers have access to a variety of resources on Employment Law. If you have questions about accessing these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300

50 employment laws in 50 states
KF3320.Z99 E56 2015

Advanced employment law [in Ohio]
KFO331.Z9 A37 2015

Covenants not to compete : a state-by-state
KF3463 .M347 2013

Discipline and discharge in arbitration
KF3424 .D57 2015

Discipline, documentation, and discharge of
problem employees
KFO334.5 .E55 D57 2012

The employer's legal handbook
KF3455.Z9 S74 2015

Employment discrimination law [in Ohio]
KFO334.5.D5 E47 2014

Employment forms and policies
KF3455.A65 M66 2012

Employment law : 2015 comprehensive
guide [in Ohio]
KFO331. E475 2015

Human resources law from start to finish [in
Ohio]
KFO331.A25 H86 2015

Online Resources-Remote Access*

CCH IntelliConnect-Contains arbitration decisions, cases, federal and state laws and regulations, newsletters and titles such as:
Disabilities Management Guide
COBRA Handbook
EEOC Compliance Guide
Employment Law Answer Book
Employment Practices Guide
HR Compliance Library
Labor Law Journal
NLRB Case Handling Manual
OFCCP Compliance Manual
Payroll Management Guide
State by State Guide to Employment Law
Wages-Hours Library

Aspen/Loislaw

Employment Discrimination Law Library:
Employment Discrimination Law & Practice
Representing Plaintiffs in Title VII Actions
Americans With Disabilities Act Handbook
Sexual Harassment in the Workplace: Law and Practice
Civil Rights In the Workplace
Employee Relations Law Journal
Also includes articles and forms and check-lists.

Employment Law Library

Employment Relationships: Law and Practice
Employee Dismissal Law & Practice
Covenants Not To Compete
Employment Law Answer Book
Immigration Law In the Workplace
Also includes articles and forms and check-lists.

*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

Upcoming Events:

November 4: Ohio Child Custody Update CLE

November 20: You and the Legal System: Employment Law

December 2: CLE: Finding People Online

Law Library Holidays:

The Law Library will be closed on Wednesday, November 11, 2015 in observance of Veterans' Day and Thursday, November 26 and Friday, November 27th in observance of Thanksgiving.



November 2015 Law Library Newsletter

INSIDE THIS MONTH

- Affordable Care Act
- Tech Tip: Lexis Advance Search Tips
- Free CLE
- Videoconferencing
- You and the Legal System: Employment Law Basics

ADDRESS CORRECTION REQUESTED

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