



EMPLOYEE BENEFITS NEWSLETTER

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Dobbs v. Jackson - Reimbursement for Travel and Lodging Expenses in 2023

The recent decision by the Supreme Court in *Dobbs v. Jackson* to overturn *Roe v. Wade* now gives individual states the power to regulate any aspect of abortion not preempted by law. As a result of this decision, the New York Department of Financial Services (DFS) has issued optional reimbursement travel and lodging coverage that may be applied to some Small and Large Group products.

If the carrier decides to include the optional reimbursement, the coverage allows a member to be reimbursed for travel and lodging expenses to travel to another state to obtain covered services not available in the state where they live.

There is a limit on the reimbursement amount. Please see the additional attachment for details about each insurance carrier's policy. We recommend you reach out to your Employee Benefits Consultant to discuss specific questions you may have.

2023 FSA Limits

Effective January 1, 2023 the annual healthcare FSA limit will increase from \$2,850 to \$3,050. The maximum carryover amount will increase from \$570 to \$610. In addition to the healthcare FSA limits changing, the monthly qualified transportation fringe benefit will increase to \$300 and the annual adoption assistance maximum will increase to \$15,950. Dependent Care FSA will remain the same at \$5,000 (\$2,500 if married and filing taxes separately).

Compliance Reminders

Sexual Harassment Training

A reminder that Sexual Harassment training is an annual requirement. Employees must be trained at least once per year.

The 2022 training is available in the HRWS portal. Please reach out to Cheryl Clary at Cheryl.Clary@bbrown.com or Kristin Clark at Kristin.Clark@bbrown.com for more information

Sexual Harassment Training for 2023 should be available mid-January.

Open Enrollment and COBRA Participants

Just a reminder, Under ERISA, those on COBRA insurance must have the same open enrollment rights as active employees.

That means if employer offers active employees new Medical, Dental, FSA, Vision, and the HRA plans they must also offer the same plan options to COBRA-eligible individuals.

The same applies to dropping plans or changing carriers. During Open Enrollment, premiums and employee costs may change. This means COBRA premiums will change as well.

Reminder: COBRA premium is 100% of the monthly premium plus 2%.

New York State Election Laws

With elections coming up we thought it would be a good time to remind employers of the New York State Election Laws regarding time given to employees to vote.

1. A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable him or her to vote at any election.
2. The employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.
3. If the employee requires working time off to vote the employee shall notify his or her employer not less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.
4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

ACA Marketplace - Access to Premium Subsidies for Spouses and Dependents Expands in 2023

A new rule was issued by the IRS to make it less expensive for many spouses and dependents now covered under an employer-sponsored family health plan to purchase coverage through the Affordable Care Act (ACA) marketplace. In addition to those spouses and dependents enrolled in family coverage it also offers families who are uninsured if family premiums are too expensive to access the Affordable Care Act Marketplace as well.

Starting in 2023, under the new rule, if coverage for the whole family costs more than 9.12% of household income under the lowest-cost employer-sponsored option, then the non-employee family members will be eligible for financial assistance in the ACA Marketplace. It is important to note, this does not affect employers. Employers ACA obligations and affordability will remain the same (based on single rate). Due to this change employers may see a decrease in enrollments under family coverage.