

Federal labor and employment laws

Law	Overview
One or more employees continued	
Employee Polygraph Protection Act of 1988	Prevents employers engaged in interstate commerce from using lie detector tests either for pre-employment screening or during the course of employment subject to certain exemptions.
Employee Retirement Income Security Act of 1974 (ERISA)	Creates comprehensive regulations for establishment and administration of most private-sector employee benefit plans (pension and welfare plans). Plans are voluntarily established and maintained by an employer, or an employee organization or jointly.
Equal Pay Act of 1963	Requires men and women to be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal.
Fair Credit Reporting Act of 1963 (FCRA)	Allows employer to obtain an applicant's or employee's consumer report for employment related purposes if it (1) gives a clear and conspicuous written disclosure notifying them that a consumer report may be obtained, (2) obtains written authorization from the applicant or employee, and (3) notifies of adverse action.
Hiring Incentives to Restore Employment Act of 2010 (HIRE)	Provides qualified employers with temporary payroll tax forgiveness of the employer's 6.2% share of Social Security payroll taxes on wages paid to new hires who had been previously unemployed.
Immigration Reform and Control Act of 1986 (IRCA)	Protects employees from discrimination based on national origin or citizenship status when hiring, discharging, or recruiting. Compliance is demonstrated through verification with the Form I-9 requirements.
Lilly Ledbetter Fair Pay Act of 2007	Deters discriminatory pay practices in the workplace and ensures that when discrimination does occur, wronged employees can receive fair compensation.
Fifteen or more employees	
Title VII of the Civil Rights Act of 1964	Protects individuals against employment discrimination on the basis of race and color, as well as national origin, sex, and religion.
Americans with Disabilities Act as Amended (ADAAA)	Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
Age Discrimination in Employment Act (ADEA)	Protects individuals who are 40 years of age or older from employment discrimination based on age as employees and job applicants.
Genetic Information Nondiscrimination Act (GINA)	Prohibits the use of genetic information in employment decision making, restricts employers from requesting, requiring, or purchasing genetic information, requires that genetic information be maintained as a confidential medical record, and places strict limits on the disclosure of genetic information.
Pregnancy Discrimination Act (PDA)	Prohibits discrimination because of or on the basis of pregnancy, childbirth or related medical conditions.
Twenty or more employees	
Consolidated Omnibus Budget Reconciliation Act (COBRA)	Provides continuation coverage rights in employer-provided group health coverage when coverage is lost under certain circumstances.
Medicare Secondary Payer Rules (MSP)	Requires employer-provided medical/Rx plans to pay primary to Medicare for plan participants covered due to current employment and generally prohibits attempts to shift participation or costs to Medicare.
Fifty or more employees	
Family and Medical Leave Act (FMLA)	Requires employers to allow up to 12 weeks of unpaid, job-protected leave to eligible employees for the birth or adoption of a child, the serious illness of the employee or a spouse, child or parent, or a qualifying exigency if the employee's spouse, child, or parent is a covered military member.

Annual benefit plan limits

Benefits and Contributions	2022 Limit	2021 Limit
Elective deferrals to 401(k), 403(b) and 457(b) plans	\$20,500	\$19,500
Catch-up contributions to: 401(k), 403(b) and 457(b) plans and simple retirement accounts	\$6,500 & \$3,000	\$6,500 & \$3,000
Maximum annual contribution to SIMPLE retirement accounts and defined contribution plans	\$14,000 & \$61,000	\$13,500 & \$58,000
Maximum annual benefit from defined benefit pension plans	\$245,000	\$230,000
Maximum annual compensation taken into account	\$305,000	\$290,000
Compensation threshold for "highly compensated employees"	\$135,000	\$130,000
Dollar limit for "key employees" for top-heavy purposes	\$200,000	\$185,000
Maximum ESOP account balance subject to five-year distribution period and the dollar amount used to determine the lengthening of the five-year distribution period	\$1,230,000 & \$245,000	\$1,165,000 & \$230,000
Social security taxable wage base	\$147,000	\$142,800
Flexible Spending Accounts (FSA)		
Health FSA (on annual salary reduction contributions)	\$2,850	\$2,750
Health FSA maximum carryover	\$570	\$550 (optional unlimited)
Dependent care FSA	\$5,000 per household	\$5,000 per household (optional \$10,500)
Health Savings Accounts (HSA)*		
<i>High deductible plan minimum deductible:</i>		
Single coverage	\$1,400	\$1,400
Family coverage	\$2,800	\$2,800
<i>High deductible plan IRS maximum out-of-pocket:</i>		
Single coverage (in-network)	\$7,050	\$7,000
Family coverage (in-network)	\$14,100	\$14,000
<i>Annual contribution maximum:</i>		
Single coverage	\$3,650	\$3,600
Family coverage	\$7,300	\$7,200
Catch-up contributions (age 55 and older)	\$1,000	\$1,000

*HSA - All HSAs must be operated in conjunction with a High Deductible Health Plan (HDHP). Any funds withdrawn for non-qualified medical expenses will be taxed at your income rate and a probable 20% tax penalty.

This document is intended for reference purposes only and should not be taken as legal or tax advice. All information is subject to change on an annual basis, if not earlier. Each plan is unique and should be addressed on an individual basis. Please contact your broker with questions related to your plan's specific needs.

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 Marsh McLennan Agency

2022 Compliance Snapshot

Updated December 1, 2021

2022 Participant welfare plan notice deadlines

Requirement	Deadline
W-2 reporting of health plan values (exception for some small employers)	31-JAN
Form 1095-C (employers with 50+ full-time/ equivalent employees)	30 days after 31-JAN (due to employees)
Form 1095-B (self-funded plan sponsor with fewer than 50 full-time/ equivalent employees)	
Medicare Part D creditable and/or non-creditable coverage notice to Part D eligible individuals	14-OCT (Also due upon request and material change in Rx coverage)
Notice of coverage options	Upon hire within 14 days of designated start date
Summary of benefits and coverage	Initial eligibility and open enrollment (or 30 days before plan year if automatic enrollment with no option to change coverage)
Notice of grandfathered status (if applicable)	Initial eligibility, open enrollment and with any other materials describing benefits
HIPAA special enrollment notice	
Women's health and cancer rights act notice	
Notice of premium assistance under Medicaid or CHIP	Initial eligibility or open enrollment
Wellness program disclosure (for contingent wellness programs)	
EEOC wellness program disclosure (for wellness programs collecting health information)	
Summary plan description (SPD)	90 days after coverage begins or 120 days from plan start date for a new plan
Summary annual report	2 months after the 5500 due date
Written request for copies of plan documents	Within 30 days of receipt of request
COBRA general (initial) notice	90 days after coverage begins
HIPAA notice of privacy practices (NPP)	Enrollment and within 60 days after material change to HIPAA Privacy change
Notice of availability of NPP	Every 3 years
Summary of material reduction in health benefits	60 days after change is adopted (or 60 days prior to any change that modifies information in the summary of benefits and coverage)
Notice of retroactive coverage cancellation	30 days prior to coverage cancellation

2022 Government welfare plan filing deadlines

Requirement	Deadline
Medicare Part D creditable and/ or non-creditable coverage notice due to Centers for Medicare and Medicaid services via www.cms.gov.	60 days after plan year begins
Form 1094-C and copies of Forms 1095-C (employers with 50+ full-time/ equivalent employees)	28 - FEB (paper filing)
Form 1094-B and copies of Forms 1095-B (self-funded plan sponsor with fewer than 50 full-time/ equivalent employees)	31-MARCH (electronic filing)
PCORI fee (for self-funded plan sponsors)—paid via IRS Form 720	31-JULY
Form 5500	7 months after the close of plan year

Retirement plan deadlines for 2022

Requirement	Deadline
Distribution of excess deferrals (following the year to which the excess contribution relates)	15-APR
Qualified default investment alternative	30 days prior to eligibility or first investment
401(k) safe harbor notice	30-90 days before plan year
ADP/ACP corrective distribution notice to avoid 10% excise tax	2.5 months after close of plan year or 12 months after close of plan year
Form 5500	7 months after the close of plan year
Quarterly DC benefit statements for account-based plans	9 months after the close of the plan year
Summary annual report. may also be due two months after extended form 5500 deadline	
Quarterly DC benefit statements for participant-directed plans	45 days after close of the quarter
Blackout period notice	30 days prior to eligibility or first investment
Distribute notice of right to divest employer securities	30 days prior to the date right arises
Special tax notice	
Qualified joint & survivor annuity notice	Distribute 30 -180 days prior to distribution
Failure to defer receipt notice to individuals requesting distribution	
Form 200 with PBGC	File 10 days after deadline for missed contribution

Federal labor and employment laws*

Law	Overview
Unions	
Labor-Management Reporting and Disclosure Act (LMRDA or Landrum-Griffin Act)	Protects union funds and requires labor organizations to file annual financial reports, establishes standards for officer election and requires filing of reports regarding certain labor relations practices.
Labor Management Relations Act of 1947 (Taft-Hartley Act)	Regulates the activities of labor unions to prevent unfair union practices.
National Labor Relations Act of 1935 (Wagner Act)	Guarantees basic rights of private sector employees to create trade unions, collectively bargain and strike.
Federal Labor Relations Act 1978	Establishes collective bargaining rights for most employees of the federal government.
One or more employees	
Title VII of the Civil Rights Act of 1964	Protects employees of labor organizations and employment agencies from employment discrimination on the basis of race and color, as well as national origin, sex, and religion.
Fair Labor Standards Act of 1938 (FLSA)	Establishes minimum wage, overtime pay, exempt and non-exempt pay requirements, record keeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.
National Labor Relations Act of 1947 (NLRA)	Extends rights to many private-sector employees including the right to organize and bargain with their employer collectively. Employees covered by the Act are allowed concerted activity talks about work environment, and protected from certain types of employer and union misconduct and have the right to attempt to form a union where none currently exists.
Occupational Safety and Health Act of 1970 (OSHA)	Oversees two regulatory workplace safety functions: setting standards and conducting inspections to ensure that employers are providing safe and healthful workplaces.
Consumer Credit Protection Act of 1968	Limits the amount of an employee's earnings that may be garnished in any one week and protects employees from discharge because their wages have been garnished for any one debt.
Federal Insurance Contributions Act of 1935 (FICA)	Provides for a federal assistance system for old-age, survivors, disability, and hospital insurance. Employers are required to withhold social security and Medicare taxes from employees' wages and must also pay a matching amount of those taxes.
Uniformed Guidelines on Employee Selection Procedures of 1978	Provides standards for the proper use of pre and post employment testing, including the definition of discrimination in testing, appropriate means of validating selection procedures which may be discriminatory, acceptable methods of establishing and implementing cutoff scores (or pass points) on selection procedures, and the documentation of validity for selection procedures.
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)	Protects civilian job rights and benefits for veterans and members of Reserve components.

*Federal employment laws: State and local laws may also apply.