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## Summer 2013 Benefits Spotlight

Evidently the "lazy days of summer" don't apply to those who are responsible for managing employer-provided healthcare and retirement plans. There has been plenty to keep us all busy! The two "biggies," of course, are the Supreme Court's decision on the Defense of Marriage Act (DOMA) and the surprise announcement from the Obama administration delaying ACA's employer mandate until 2015. There has been a lot written, tweeted and webcast about both of these issues. Here are a couple of sources that we've found helpful in clarifying their impact on employers.

### **DOMA**

As the Supreme Court's majority opinion in the Windsor case pointed out, DOMA touches over 1,000 federal statutes and regulations, many of which have direct bearing on employee benefits. Law firm Alston & Bird LLP issued a [12-page advisory](#) that provides background as well as convenient tables listing specific healthcare and retirement benefits and how they are or may be affected by the ruling. It's important to keep in mind the decision is limited to same-sex marriages and doesn't address civil unions or domestic partnerships. Still, same-sex couples in states that recognize such marriages are eligible for marriage-based federal rights and benefits. It all gets a lot more complicated for same-sex spouses who reside in states that do not recognize same-sex marriage. It seems we will have to wait for the regulators to provide guidance.

UCS is sponsoring a complimentary webinar on August 15 by attorney Kate Saracene of Nixon Peabody LLP on the DOMA decision. Kate will also conduct a workshop on the topic at our **Las Vegas Mid-Sized Retirement & Healthcare Plan Management Conference** in September.

### **DELAY OF ACA's EMPLOYER MANDATE**

Companies have gotten a reprieve from the Affordable Care Act's employer mandate, which has been pushed back from January 1, 2014, to January 1, 2015. But employers shouldn't get complacent; there are other ACA-related rules that are still on track. The delay appears to apply only to reporting requirements and the employer shared responsibility penalty, providing employers with some breathing room to determine how they will track and report variable hours for employees.

Still in play are exchange notices to employees, the 90-day waiting period limit on enrollment, new wellness program rules, reinsurance and PCORI taxes and non-denial of coverage for pre-existing conditions. In fact, all of the "insurance reforms" are still in effect, as is the individual mandate. This [Special Alert](#) by Trucker Huss attorney Mary Powell highlights what has and has NOT been delayed.

**COMMENT PERIOD EXTENDED ON LIFETIME INCOME ILLUSTRATIONS FOR DC PLAN PARTICIPANTS**

EBSA has extended the comment period on its advance notice of proposed rulemaking on lifetime income illustrations for defined contribution plan participants from July 8 to August 7, 2013. Comments submitted thus far as well as links to a Fact Sheet and the DOL's Lifetime Income Calculator are available [here](#).

**Have a great summer!**