

The Baldwin Regulatory Compliance Collaborative

ACA Information Reporting Overview of Requirements, Deadlines & Extensions



ACA Information Reporting Standard Filing Procedures



Annual ACA Information Reporting: Overview of Requirements, Deadlines, and Extensions

Part One: Introduction to ACA Information Reporting Filing Procedures

The Patient Protection and Affordable Care Act (the “ACA”) added Sections 6055 and 6056 to the Internal Revenue Code (the “IRC”). Sections 6055 and 6056, along with their implementing agency regulations, were developed to guide applicable large employers in development, dissemination, transmittal, and filing of their annual employer information reporting obligations arising under the ACA’s employer shared responsibility provisions (also referred to as the “employer mandate”). The required reporting detailed under Sections 6055 and 6056 requires disclosure of a wide range of employer information; however, there are two specific goals underlying the reporting requirements:

- 1) The first goal is to enable the IRS to gauge the employer’s performance of its ACA-related “pay or play” obligations through the making of timely and appropriate offers of enrollment in ACA-qualifying minimum essential coverage (“MEC”) which satisfies the ACA’s affordability and minimum value standards.***
- 2) The second goal is to provide the IRS and covered participants with specific information relative to individual enrollment and annual monthly participation by the employer’s eligible employees, as well as participation of their eligible spouses and dependents.***

The remaining sections of this employer resource guide detail the administrative steps underlying the employer information reporting process and incorporate a summarized table of important annual reporting related deadlines. Additionally, the following sections identify and explain different types of reporting related deadline extensions that are available to reporting employers through various IRS approved deadline extension programs.

ACA Information Reporting Standard Filing Procedures



Part Two: Administration of the Annual Information Reporting Requirements

Utilizing this information, the employer prepares its IRS Forms 1095-C. These forms are informational statements which reflect the individual offers of coverage made by the employer, as well as the enrollment and participation months respecting the individuals covered by the plan during the year. Upon completion, these informational statements are disseminated to the employees who participated in the employer's plan.

Then, the employer prepares its Form 1094-C, which operates as a transmittal coversheet and an informational worksheet for the IRS. Upon completion, the employer attaches copies of its Form 1095-Cs to the Form 1094-C and transmits the combined package of forms to the IRS for review and processing. Depending upon the size of the underlying participant population, and individual employer preferences (respecting plans with fewer than 250 participants), the employer either electronically transmits its combined forms to the IRS, or, in the alternative, mails paper copies of its forms to the IRS for processing.

Part Three: Annual Information Reporting Related Deadlines

On the following page, please review Table One. This table provides a summary of important annual information reporting related deadlines that are imposed by the IRS. Then, the subsequent sections of this employer resource guide offer an overview of the information reporting related annual deadline extension programs that are available to reporting employers, to the extent they are unable to substantially comply with the standard deadlines imposed by the IRS.

ACA Information Reporting Standard Filing Procedures



**TABLE ONE:
Summary Of Annual Information Reporting Deadlines**

Event	Due Date*
Deadline for delivery of Forms 1094-C and 1095-C to the IRS (respecting employers filing fewer than 250 Forms 1095-C in printed/non-electronic submissions):	February 28, 2023
Deadline to provide informational statements (Forms 1095-C) to employees (<i>no extensions available</i>):	March 2, 2023
Deadline for <i>electronic</i> transmittal of Forms 1094-C and 1095-C to the IRS:	March 31, 2023

**To the extent an applicable due date falls on a weekend or on a legal holiday, the applicable due date is the next subsequent business day. A business day is any day of the week that is not a Saturday, a Sunday, or a legal holiday.*

Part Four: Employer Information Reporting Deadline Extensions

To the extent a reporting employer is unable to substantially comply with the annual employer information reporting deadlines that are mandated by the IRS, the agency offers two different types of employer information reporting deadline extension opportunities. Referred to as “automatic extensions” and “hardship extensions,” these two IRS-authorized information reporting deadline extension opportunities are the only extensions available to reporting employers and both types of extensions require the requesting employer to submit an extension request to the IRS, as accomplished via the preparation and filing of an IRS Form 8809, Application for Extension of Time to File Information Returns.

ACA Information Reporting Filing of Extensions



As mentioned, the two types of available employer deadline extensions authorized by the IRS are referred to as “automatic extensions” and “hardship extensions.” Program particulars respecting each type of available deadline extension are as follows:

- **Type One: Automatic Extension.**
 - A reporting employer (or “filer”) is eligible to request an extension of the information reporting filing deadline imposed by the IRS by preparing and filing Form 8809, Application for Extension to File Information Returns. The automatic extension provides the requesting employer with an automatic thirty (30) day deadline extension. Although a request for the extension requires filing of Form 8809, all timely requests are approved, as the filing is deemed merely informational. Form 8809 must be delivered to the IRS on or before the filing deadline for which the reporting employer is seeking the extension.

- **Type Two: Hardship Extension.**
 - Also referred to as the “second extension request,” the hardship extension is available to all reporting employers and offers the opportunity to request an additional thirty (30) day extension of the applicable annual information reporting deadline, compounded on top of the initial thirty (30) day extension requested by the reporting employer via the automatic extension. Unlike the automatic extension discussed above, IRS approval is not automatic and will only be granted depending upon the specific circumstances surrounding the request. The reporting employer must again prepare and file another Form 8809 with IRS in order to apply for the extension. In addition, details for the reason for the request will need to be submitted with the Form 8809 and it must be received by the IRS on or before the expiration of the extended filing deadline authorized in connection with the employer’s initial automatic extension request.

IRS Form 8809 is prepared and filed either as an electronic transmittal to the agency (uploaded via the FIRE system, which is available in a fill-in document format or as an electronic file format document).

ACA Information Reporting Additional Employer Resources



An employer requesting a deadline extension may also file with the IRS via preparation and filing of a paper copy of the completed Form 8809 to the agency via U.S. Mail (***note that preparation and filing of a paper copy of the completed Form 8809 by U.S. Mail is mandated in all instances with respect to any reporting employer requesting a hardship extension***).

Part Five: Additional Information Reporting Resources for Employers

In closing, please note that a variety of public and private informational resources are readily available to assist employers in the performance of their ACA reporting-related obligations arising under Sections 6055 and 6056. To that end, following please find several internet links which navigate to resources that are published and maintained by the IRS, offering guidance to direct an employer's performance of ACA related obligations arising under the employer mandate, including the employer's annual information reporting requirements.

**TABLE TWO:
Employer Information Reporting Resources**

Resource Topic:	Internet Address:
2022 IRS Instructions for Forms 1094-C and Form 1095-C:	https://www.irs.gov/pub/irs-dft/i109495c--dft.pdf
IRS Form 8809 (Application for Extension of Time to File Information Returns):	https://www.irs.gov/pub/irs-pdf/f8809.pdf
IRS Guide to Employer Information Reporting:	https://www.irs.gov/affordable-care-act/employers/information-reporting-by-applicable-large-employers
Published Treasury Department Final Regulations (Information Reporting of Health Insurance Coverage):	https://www.govinfo.gov/content/pkg/FR-2022-12-15/pdf/2022-27212.pdf

Performance Notes and Summary of Administration



MEET THE BALDWIN REGULATORY COMPLIANCE COLLABORATIVE



Nicole L. Fender

Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Nicole.fender@capgroupfinancial.com
LinkedIn:
<https://www.linkedin.com/in/Nicole-Fender-3b2341231>



Stephanie Hall

Associate Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Stephanie.hall@rbabenefits.com
LinkedIn:
<https://www.linkedin.com/in/stephanie-hall-75a99a178/>



Caitlin M. Hillenbrand

Associate Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Caitlin.Hillenbrand@ahtins.com
LinkedIn:
<https://www.linkedin.com/in/caitlin-m-hillenbrand-9532ba3b/>



Paul Van Brunt

Associate Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Paul.vanbrunt@bks-partners.com
LinkedIn:
<https://www.linkedin.com/in/paul-van-brunt-a1297326/>



Bill Freeman

Associate Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
bill.freeman@ahtins.com
LinkedIn:
<https://www.linkedin.com/in/bill-freeman-cebs-a1ab625/>



Jason N. Sheffield

National Director of Compliance

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Jason.Sheffield@baldwinriskpartners.com
LinkedIn:
<https://www.linkedin.com/in/jason-sheffield-j-d-47691080/>



Richard Asensio

Director

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
richard.asensio@burnhambenefits.com
LinkedIn:
<https://www.linkedin.com/in/richard-asensio-183ab112/>



Natasha Wright

Compliance & Technology Integration Manager

The Baldwin Regulatory Compliance Collaborative
Baldwin Risk Partners
Natasha.wright@insgroup.net
LinkedIn:
<https://www.linkedin.com/in/natasha-goudeau-wright-822a4923/>

QUESTIONS, COMMENTS & ADDITIONAL INFORMATION



Nicole Negvesky, GBDS

National Managing Director

Employee Benefits Group | Baldwin Risk Partners

Telephone: 813.515.0954 | Mobile: 571.264.6050

Nicole.Negvesky@baldwinriskpartners.com

<https://www.linkedin.com/in/nicole-negvesky-357bb2a/>



Jason N. Sheffield, J.D.

National Director of Compliance

The Baldwin Regulatory Compliance Collaborative

Baldwin Risk Partners

Telephone: 404.662.7247

Jason.Sheffield@baldwinriskpartners.com;

<https://www.linkedin.com/in/jason-sheffield-j-d-47691080/>

About BRP

BRP is an award-winning, entrepreneur-led, and inspired insurance distribution holding company delivering solutions that give our clients the peace of mind to pursue their purpose, passion, and dreams. Our family of firms' best-in-class resources and diverse portfolio of services are innovating the industry by taking a holistic and tailored approach to insurance and risk management.

Our vision and purpose currently reach 3,300+ colleagues and 1.2+ million clients throughout the nation. Our growth path includes geographic representation across the U.S., expanded value propositions, and new lines of insurance to meet the needs of evolving lifestyles and business risks.

