



The
ERISA
Industry
Committee

December 17, 2015

Mr. Mark Iwry
Senior Advisor to the Secretary
Deputy Assistant Secretary for Retirement and Health Policy
U.S. Treasury Department
Room 3064MT
1500 Pennsylvania Ave., NW
Washington, DC 20220-0001

RE: Delay in Furnishing Deadline for Form 1095-C

Dear Mr. Iwry:

The ERISA Industry Committee (“ERIC”) is writing to formally request at least a 60-day delay in the furnishing deadline for the Form 1095-C, which is due to individuals by February 1, 2016.

ERIC is a nonprofit association committed to the advancement of the employee retirement, health, and other welfare benefits of America’s largest employers, which sponsor some of the largest private group health plans in the country. ERIC supports the ability of its large employer members to provide comprehensive health benefits as well as to tailor health, retirement and compensation benefits for millions of employees, retirees and their families.

The IRS has developed forms and instructions that are used to report health plan coverage information to employees and to the government pursuant to the Affordable Care Act (ACA) rules under sections 6055 and 6056 of the Internal Revenue Code. Employers with self-funded plans generally will use Forms 1095-C and 1094-C.

For most, if not all large employers, the reporting requirements under sections 6055 and 6056 of the Code are the most onerous they have ever encountered. The reasons for this are numerous; perhaps most importantly, amassing the specific and immensely complicated information necessary to complete the forms is a long and arduous process and one that employers have never before attempted.

Companies generally have needed to develop systems that enable them to identify which employees are full-time employees as defined by the ACA. Many employers need to extract data from their internal payroll and benefits systems to provide to external vendors to correctly categorize their workers, and others have needed to extract the relevant information from the data provided by external vendors. These are not tasks that employers previously have performed, and many have needed to develop sophisticated models to make the necessary determinations and to interface with the other relevant systems. Opportunities for errors abound in the face of such

overwhelming demands, and delays are inevitable when such a monumental effort is required and no clear guide path to the finished product is available.

In addition to the challenges of creating the infrastructure necessary to track and report the required information for tens of thousands, if not millions of individuals, many companies have faced further obstacles:

- Companies have had difficulty identifying vendors who could assist them with the reporting;
- Many companies found that the “simplification” methods created by the final regulations were not available to them; and
- The forms and instructions were not finalized until quite late in the year, and many basic questions concerning completion of the form have yet to be clarified.

Given the delay in issuing the forms and instructions and the other obstacles facing almost all large employers, the IRS and Treasury should extend the deadline for furnishing the Form 1095-C for 2015 for at least 60 days. They should also continue their stated intention to broadly implement a good faith standard for employer reporting efforts for the 2015 coverage year.

Please feel free to contact us if you wish to further pursue any of these issues.

Sincerely,



Annette Guarisco Fildes
President & CEO



Gretchen K. Young
Senior Vice President, Health Policy