



ERISA COMPLIANCE



Is your business at risk for an ERISA audit? If you don't have the necessary documents in place, you could face steep fines and penalties.

Let Kushner & Company help you manage the cost and confusion that comes along with compliance.

- ✓ Applies to most employers who offer employee benefit plans regardless of company size once.
- ✓ Creates fiduciary responsibility as employers must act in their employees' best interests when managing benefit plans.
- ✓ Requires proper reporting and disclosures regarding mandatory notices, filings, and documentation.
- ✓ Noncompliance violations may result in significant federal fines, penalties, and intensive corrective actions.

In order to avoid (or survive) a DOL or IRS audit, there are 11 areas of concern that employers must address regarding ERISA. Kushner & Company has the expertise to assist small businesses in ensuring their plans are in compliance with the Internal Revenue Code, ERISA, and the ACA and all of their related regulations, and that it has fully documented all of those compliance efforts.

Paid Compliance Consulting Services

Kushner & Company, will review all of your documents to ensure your company meets ERISA and ACA requirements for health plans.

There are three essential parts within the consulting services available to members.

Part I:

- Complete review of all applicable plan documents and Summary Plan Description (SPD)
- Review of current Summary of Benefits and Coverage (SBC)

Part II:

- Determination of the Affordable Care Act's Applicable Large Employer status
- Review existing health plan for Minimum Essential Coverage, Minimum Value, and Affordability parameters
- If applicable, determine potential for employer mandate penalties under IRC Sections 4980H(a) and/or (b)
- Review and/or establishment of proper Measurement, Administrative, and Stability periods, both for current as well as new and variable hour employees
- Establish procedure to distribute all required health and welfare plan notices, including pre-ACA as well as ACA-required notices, and provide such model notices where needed
- Determine if a "wraparound" document would reduce compliance burden and IRS Form 5500 filing requirements
- Review need for annual Patient-Centered Outcomes Research Trust Fund Fee (PCORI) filing, and if necessary, assist with developing the process to file.
- Determine if any additional nondiscrimination testing must be performed on any of the underlying health and welfare plans.
- Determine applicable IRC Section 6055/6056 compliance reporting requirements. If necessary, assist in preparing processes to comply with that reporting requirement.

Part III:

- Access, via email or telephone, to Kushner & Company's nationally recognized ERISA and ACA experts for Q&A to answer specific questions as they arise.

Packages & Cost

DO IT YOURSELF WORKBOOK

Includes all Part I and Part II materials and one hour Q&A, via email or telephone, with Kushner & Company during the year (Part III).

First year subscription: \$1,000

Second and subsequent years: \$300

FULL CONSULTING PACKAGE

Includes all Part I and Part II materials, with consulting on each item by Kushner & Company and unlimited Q&A, via email or telephone, with Kushner & Company during the year on any of the Part I or II items (Part III).

First year subscription: \$2,500

Second and subsequent years: \$1,500

IRS FORM 5500

IRS Form 5500 Preparation of one 5500 by Kushner & Company.

One-time fee: \$550

MEASUREMENT, ADMINISTRATIVE, AND STABILITY PERIODS

Review and/or establishment of proper periods, for both current as well as new and variable hour employees.

One-time fee: \$1,000

Free ERISA Guide & Checklist

SBAM VIP and Elite level members receive a free download of Kushner & Company's ERISA Guide and Checklist which outlines employer responsibilities for maintaining compliance across health and welfare benefit plans and highlights core compliance risks.

Employers can use this as a reference to confirm they have all the required documents, notices, filings, and testing are in place.

* Review of Control Group Status or other issues that may require the time of an ERISA attorney. If it is suspected, via conversation during consulting services review, that there may be a Control Group situation, Kushner & Company has established a relationship with the legal firm, Warner, Norcross & Judd who will also be available for consultation. If engaged, WNJ will also offer a discounted hourly rate for SBAM members—not included in the above packages.