

## CUT AND PASTE POST JUNE, 2018

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#### 2019 Health Savings Account Limits

On May 10, 2018, the Internal Revenue Service released [Revenue Procedure 2018-30](#) announcing the annual inflation-adjusted limits for health savings accounts (HSAs) for calendar year 2019. To be eligible for an HSA, an employee:

- Must be covered by a qualified high deductible health plan (HDHP);
- Must not have any disqualifying health coverage (called “impermissible non-HDHP coverage”);
- Must not be enrolled in Medicare; and
- May not be claimed as a dependent on someone else’s tax return.

The limits vary based on whether an individual has self-only or family coverage under an HDHP. The limits are as follows:

- 2019 HSA contribution limit:
  - Single: \$3,500 (an increase of \$50 from 2018)
  - Family: \$7,000 (an increase of \$100 from 2018)
  - Catch-up contributions for those age 55 and older remains at \$1,000
- 2019 HDHP minimum deductible (not applicable to preventive services):
  - Single: \$1,350 (no change from 2018)
  - Family: \$2,700 (no change from 2018)
- 2019 HDHP maximum out-of-pocket limit:
  - Single: \$6,750 (an increase of \$100 from 2018)
  - Family: \$13,500\* (an increase of \$200 from 2018)

\*If the HDHP is a nongrandfathered plan, a per-person limit of \$7,900 also will apply due to the Affordable Care Act’s cost-sharing provision for essential health benefits.



#### FMLA Forms Expire

The Department of Labor’s (DOL’s) [Family and Medical Leave Act \(FMLA\) forms](#) expired at midnight on June 1<sup>st</sup>. The DOL is required to submit forms to the Office of Management and Budget for approval every three years. The DOL has filed an extension request with OMB without any changes to the forms. Until the forms are approved, the expiration date will automatically be extended one month at a time. When they are approved, they will likely be unchanged from the current versions that were approved in 2015.

Keep in mind the use of these forms is optional.

##### *Inside:*

- 2019 HSA Limits
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- OSHA 300 Log Basics
- U.S. Supreme Court Decision on Class Action Waivers
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## OSHA 300 Log Basics

Employers with more than ten employees at any time during the last calendar year are generally required to prepare and maintain records of serious occupational injuries and illnesses using the OSHA 300 Log. OSHA provides a partial exemption from the recordkeeping requirements for employers who had ten or fewer employees at all times during the previous calendar year and employers in certain low-hazard industries.

To learn whether your company is exempt from OSHA recordkeeping requirements, go [here](#).

## U.S. SUPREME COURT: Employers Can Enforce Class Action Waivers in Arbitration Agreements

On May 21, 2018, the U.S. Supreme Court held that employers may enforce class action waivers in arbitration agreements rather than being obligated to allow employees to unite in a class action suit. According to the court in *Epic Systems Corp. v. Lewis*, an employer-required arbitration clause that bars employees from bringing class actions and requires individualized proceedings is permitted and enforceable.

Download the case [here](#).

## Are your Paid Background Checks Legal?

MCA 31-3-112 reads as follows:

**31-3-112. Obsolete information.** No consumer reporting agency may make any consumer report containing any of the following items of information:

- (1) bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than 14 years;
- (2) suits and judgments which, from date of entry, antedate the report by more than 7 years or until the governing statute of limitations has expired, whichever is the longer period;
- (3) paid tax liens which, from date of payment, antedate the report by more than 7 years;
- (4) accounts placed for collection or charged to profit and loss which antedate the report by more than 7 years;
- (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years;
- (6) any other adverse item of information which antedates the report by more than 7 years.

On 2 occasions, Nissa Ascencio applied for a job and in both cases the employer hired Orion International, a consumer reporting agency in Montana, to conduct a background check. In both cases, the background check included prohibited obsolete information. Ascencio called Orion to ask why it would be releasing illegal background checks to a prospective employer in violation of § 31-3-112, MCA. On June 9, 2015, Orion issued a corrected background check of Ascencio that included a disclaimer reflecting 31-3-112.

**Professional Pointer:** Even though this case was about an attempt to certify a class for a class action suit against Orion, the case provides an important reminder about what background check companies may and may not report. It is also a good reminder to make sure that, if you use one of these companies for your background screens, they comply with the law.



Read the case: [Ascencio v Orion Intl. 2018 MT 121](#)