Your Chance to Be Heard on ACA Reporting: 
IRS Releases Reporting Readiness Survey

The IRS wants to know how ready employers are to accomplish Affordable Care Act (ACA) reporting, and has released a survey to that effect. The survey might suggest the Administration is willing to consider delaying the reporting process. Please click to access the survey. **Lockton encourages you to complete the survey and to tell the IRS how you view your level of preparedness to handle the ACA's complex reporting obligation.** While the IRS has not indicated when it will close the survey, we encourage you to respond as soon as possible so as to have your voice heard on this important matter.

**Lockton comment:** The survey is like Major League Baseball All-Star voting...it's anonymous, and you can apparently vote as many times as you like. So if you're struggling with ACA reporting, you might want to underscore your answer by submitting it multiple times.

The survey seems primarily interested in your view about the extent to which you find the IRS's Affordable Care Act Information Returns (AIR) Program helpful in assisting you with the ACA reporting process. The AIR Program is the process by which employers or their vendors will submit reporting forms to the IRS electronically. (Unless they obtain a waiver, employers submitting at least 250 ACA reporting forms are required to submit them electronically).

The survey begins with three questions about the AIR Program, which we find peculiar because most employers are not the least bit familiar with the program or its webpage. Most employers are relying upon third-party vendors to prepare or at least submit their ACA reporting forms to the IRS.

Not until the fourth question does the IRS ask what type of organization you are...most of you will check the first or second box indicating you are a non-governmental or governmental (or tribal) "applicable large employer," that is, an employer subject to ACA employer mandate obligations, such as the reporting obligation.
Once you identify your organization, additional questions are displayed. These questions address your preparation for ACA reporting. Question 4.27 is the most relevant, inquiring "...please rate how ready your organization is to fulfill the requirements for transmitting information returns (Forms 1094-C, 1095-C) to the IRS," and offering a drop-down menu of answers that include "Not at all ready," "partially ready," "completely ready" and "don't know."

This additional series of questions concludes with, "What could the IRS do to help you satisfy the ACA information reporting requirements?"

**Lockton comment:** "Make it go away" comes to mind as the appropriate answer here, but the IRS won't be open to that. However, if you and your vendor (if you've engaged one) are concerned that you need additional time, we might suggest a response such as, "We need additional time, as our third-party vendor and our information systems are struggling to come to grips with these complex requirements, and we do not have the staff to complete all the necessary forms ourselves."

It's intriguing that the IRS has offered up this survey, and we encourage all employers subject to the ACA's reporting obligation for 2015 to complete it.

*Ed Fensholt, J.D.*

**Director, Compliance Services**

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