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MOORE PRESENTS FINDINGS FROM DUA HEARING, RECOMMENDATIONS

BOSTON – Senator Michael O. Moore (D-Millbury) and State Representative Linda Dorcena Forry (D-Boston) have announced the results of a collaborative effort to address concerns that small business owners throughout the Commonwealth have expressed with the Division of Unemployment Assistance’s (DUA) Fair Share Contribution program. Sen. Moore and Rep. Forry have worked alongside Joanne F. Goldstein, Secretary of the Executive Office of Labor and Workforce Development, to address the concerns that were brought before the Joint Committee on Community Development and Small Business during its statewide listening tours. Sen. Moore and Rep. Forry are the chairs of the committee.

“I am pleased to report that tangible progress has been made on this issue,” said Sen. Moore. “Many small business owners have contacted me to request assistance and explain some of the actions taken by DUA. We have brought this issue out into the open, and are taking steps towards improving the situation. I want to thank Secretary Goldstein for her cooperation and her dedication.”

“The Fair Share Contribution program was enacted to provide fairness and equity in the distribution of health care costs across the Commonwealth – to have employers make a fair and reasonable contribution to the cost of health insurance if they did not meet the criteria for providing group health care for their employees,” said Secretary Goldstein. “The implementation of this program required a multi-agency effort. Senator Moore and other key stakeholders brought some concerns to our attention and we are well on our way to addressing the issues that have impacted our business community – especially the Commonwealth’s small business owners.”

Secretary Goldstein reiterated Governor Patrick’s commitment to assisting small businesses in the Commonwealth and thanked Senator Moore and Representative Forry for their efforts on behalf small businesses on this important issue.

“Since Secretary Goldstein took office she has instituted important reforms that Chairman Moore and I have consistently advocated for on behalf of small businesses. Secretary Goldstein, under the direction of Governor Patrick, has proven herself an able partner as we seek to perfect our health care reform laws in the Commonwealth,” said State Representative Linda Dorcena Forry.

The Committee held an oversight hearing to address some serious concerns which had been brought to its attention during the listening tour. These included difficulty in using and accessing information on the DUA website, the lack of a standard audit procedure, and the timeliness of appeal hearings.

The hearing took place on March 4, 2010. Although she had only been in her position for approximately a month, Secretary Goldstein and her staff attended the hearings and quickly began to address these issues.

Sen. Moore and Rep. Forry had sent the agency a list of recommended changes to make their system more user-friendly and to ease some of the frustration being felt by the small number of businesses who must file under the Fair Share Contribution program. In just a few months Secretary Goldstein has implemented most of the requested changes and continues to assess other concerns brought to her attention. Some of these changes included the following:

- Companies may now change information on their filing up until they certify. This change allows a business to correct information without having to call the help line or being required to submit affidavits if the changes were made prior to certifying the information.
- A DUA number is no longer needed to view the on-line filing forms. Previously these forms were not accessible unless you had a DUA number. In addition to being able to review these forms they are now printable.
- The agency has assured that the Fair Share Contribution Manager will review all notes and communications to ensure that any auditor being assigned to a case has had no prior contact with the company subject to the audit.
- The agency has adopted a 30 day notice for appeal hearings and has begun to dedicate 5 hearing officers to hearing pending FSC appeals. As a result of dedicated hearing officers the appeals process is moving at a much faster rate.
- Other items that the agency is looking to implement include highlighting any regulatory changes on the website and forms so that they are easily identifiable by business doing a filing and the issuance of a statement of compliance or non-compliance upon completion of the audit. This statement should help a business to easily identify any violations and be given a recommendation for how to rectify a violation wherever possible.

Senator Moore, Representative Forry and Secretary Goldstein are pleased that they have been able to work together to bring clarity to the Fair Share program and address many of the issues raised with respect to the enforcement of the program. They will continue to work together to insure the success of the Fair Share program and that businesses are served properly by the process.

What is the Fair Share Contribution?

Massachusetts state health insurance legislation enacted in April of 2006 contained the requirement for certain employers to make a "Fair Share Contribution" (FSC) to the Commonwealth Care Trust Fund if they do not make a "fair and reasonable" contribution to the health insurance costs for their employees at levels specified by regulation. The Massachusetts Division of Health Care Finance and Policy, an agency within the Executive Office of Health and Human Services, promulgates the regulations related to the determination of an employer's liability for FSC, which determine whether a fair and reasonable contribution has been made. The Division of Unemployment Assistance is responsible for collection of the Fair Share Contribution. Massachusetts employers who employ eleven or more full-time equivalent employees must file an annual Fair Share Contribution report as well as the Employer Health Insurance Responsibility Disclosure report.

For more information, please visit, www.mass.gov/fairshare

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