

Federal: IRS Announces 2023 PCORI Fee

On November 14, 2022, the IRS released [Notice 2022-59](#) with the 2023 adjusted applicable dollar amount—\$3 per enrollee—for the Patient-Centered Outcomes Research Institute (PCORI) Trust Fund fee for plan years that end on or after October 1, 2022, and before October 1, 2023. The fee will continue through 2029. Of note, in 2022 it was \$2.79.

The PCORI was established under the Affordable Care Act (ACA), which imposes a fee on [specific health insurance policy issuers and applicable self-insured health plan sponsors](#) to help fund the institute. The fee, required to be reported only once a year on the second quarter [Form 720, Quarterly Federal Excise Tax Return](#) and paid by its due date, July 31, is based on the average number of lives covered under the policy or plan.

Read more about the ACA and PCORI fees on the following pages:

- [Affordable Care Tax Provisions for Employers](#)
- [Patient-Centered Outcomes Research Institute Fee](#)
- [Patient-Centered Outcomes Research Trust Fund Fee \(IRC 4375, 4376, and 4377\): Questions and Answers](#)
- [ACA: PCORI Fee](#)

Federal: Workplace Discrimination Poster Updated by EEOC

In October 2022, the U.S. Equal Employment Opportunity Commission updated its mandatory workplace poster from *EEO is the Law* to [*Know Your Rights: Workplace Discrimination is Illegal*](#). Employers should update their poster with the new version (dated 10/20/22) and display it in the workplace.

The poster should be placed in a conspicuous location in the workplace where notices to applicants and employees are customarily posted. In addition to physically posting, covered employers are encouraged by the EEOC to post the notice digitally on their websites in a conspicuous location. In most cases, electronic posting supplements the physical posting requirement. In some situations (for example, for employers without a physical location or for employees who telework or work remotely and do not visit the employer's workplace on a regular basis), it may be the only posting.

Federal Voting Leave Compliance

Election Day is almost here, so as an employer, now is a good time to brush up on voting leave laws.

Most states require that employers provide at least a few hours off to vote, and many of those require at least some of that time off to be paid. The advance notice that may be required from employees is often minimal, so employers should be prepared to grant last-minute requests to leave work to vote.

California, DC, and New York also require that a notice about employees' voting rights be posted in a conspicuous location in the workplace. Employees who work from home or don't report to the workplace regularly should be provided with these notices electronically.

California

California requires the notice to be posted at least 10 days before the November 8 election—which is October 29, a Saturday. If you're closed on Saturdays, we recommend posting or sending this notice by Friday the 28th. California's notice can be found in English [here](#) and in other languages [here](#).

The District of Columbia

DC requires that employers post a voting leave notice created by the DC Board of Elections (DCBOE). The law doesn't set a deadline, so we recommend posting it immediately if you haven't yet. This election's notice can be found in English [here](#) and in other languages under the Time Off to Vote link on the DCBOE's [webpage](#).

New York

New York requires the notice to be posted at least 10 working days before the November 8 election (this would be October 25 in a Monday-through-Friday workplace). New York's notice is available [here](#).

Voting Leave Logistics

Employers in states with early voting may want to encourage employees to take advantage of that option—by offering the same time-off benefit—to reduce the number of absences on Election Day. The availability of early voting and absentee ballots, however, doesn't change an employee's right to vote on Election Day if that's their preference.

We encourage employers to visit the laws pages on the platform to learn about the voting leave law in their state. We also have a guide, [Managing Political Conversations and Supporting Employee Voting Rights](#), available on the platform.