Employer Shared Responsibility (ESR)

Informational Session
Medical School Post Award Advisory Committee
April 20th, 2016

Agenda

- ACA Overview
- Eligibility
- ESR Health Plan Rates
- Enrollment
- Additional ESR Highlights
- Common Questions
- Customer Service / Resources
- Questions

Kent Seckinger
Assistant Director System Support
Benefits Office

Donna Gee
ESR Compliance Specialist
Benefits Office
Affordable Care Act

2010
- Affordable Care Act enacted

2011
- Dependent children covered through age 26

2012-13
- No out-of-pocket cost for preventive services

2014
- Individuals must have health coverage or pay penalty
- Health insurance exchanges open
- Limits on out-of-pocket maximums

2015
- Employers required to track and report offers of health coverage

2016
- Large employers must offer coverage to 95% of full time workers or pay penalty
- New tax reporting (Forms 1094 and 1095)

EMPLOYER SHARED RESPONSIBILITY

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Key ESR Definitions

- **Full time** – 30 hours per week on average to meet health benefits eligibility under ESR as defined by the Affordable Care Act
  - Does not change 50% appointment requirement to be eligible for benefits as a part-time regular employee and does not impact other definitions of full time at U-M
  - Does not distinguish between regular and temporary employees
  - Includes usage of paid time off for those who qualify

- **Measurement or Tracking Period** – A 12-month period in which employee hours will be tracked to determine eligibility for health benefits
  - Initial Tracking Period – 12 months starting at service date (new hires)
  - Standard U-M Tracking Period – October 15 to October 14 (ongoing employees)

- **Stability or Coverage Period** – A 12-month period of eligibility for health benefits following the tracking period for employees who qualify, regardless of hours worked
  - Initial Coverage Period – 12 months following initial measurement period
  - Standard U-M Coverage Period – January 1 to December 31
**New Eligibility Under ESR**

**Full-time temporary employee**
- Consistent 30+ hours per week
- Position lasts more than 3 months and is not seasonal

Unit must complete ESR Eligibility Certification within 60 days

**Variable hours (temp or regular)**
- Average of 30+ hours per week over 12 months
- Hours vary by week or include significant overtime

No action needed from units

**Multiple part-time jobs (temp or regular)**
- Average of 30+ hours per week over 12 months
- Hours counted across all positions

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**Extended Eligibility Under ESR**

**Reduction in hours or loss of eligibility**
- Reduction in hours or change in position
- New position or schedule is not eligible for benefits
- Eligibility may be extended through calendar year*

**Break in service**
- Break in service is less than 26 weeks and shorter than previous employment
- New position is not eligible for benefits
- Eligibility may be extended through calendar year*

No action needed from units

* Depending upon timing, health plan coverage may also continue into the following calendar year
ESR Broadens Health Plan Eligibility

U-M Eligibility

ESR Eligibility

Health Plan Eligibility

= regular employee  = temporary employee  = mix of job types

Not Eligible

Based on appointment duration or hours worked

Special Note on Retiree Temps

- Retirees who come back as temps are treated the same as other employees under ESR
- They may become eligible for health benefits under ESR, particularly if they return to employment within 26 weeks of retirement
- Depending on the timing of the retirement date, eligibility under ESR could be in effect for the remainder of the current calendar year as well as the following year

A retiree may not continue retiree health benefits while he or she is eligible under ESR.

- May pay a higher or lower premium under ESR, depending on age, years of service and date of retirement
- Retiree benefits will resume when employee is no longer eligible under ESR
ESR Health Plan Rates

- There is one salary band for ESR health plan rates, which vary by plan and coverage level
- All health plans for which an employee could otherwise become eligible are available under ESR
- All coverage levels are available
- Employees who become eligible under ESR will be able to view individual rates in Wolverine Access under Employee Self-Service > Benefits
- Individuals who move from regular benefits eligibility to eligibility under ESR (for example, after a break in service) may pay a different rate under ESR than they did previously

Enrollment

- ESR eligible employees will receive offers of coverage at their University of Michigan email address. A postcard is mailed to their address on file
- ESR eligible employees will follow the standard process to enroll in benefits in Employee Self-Service > Benefits in Wolverine Access
- If an individual maintains eligibility for the health plan, the next time they will be permitted to make a change is the next Open Enrollment period unless they experience a qualifying life event

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<tr>
<th>WHEN</th>
<th>MEASUREMENT</th>
<th>AFTER</th>
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<tr>
<td>Unit completes ESR Eligibility Certification form to report full time temporary hire and eligibility is verified</td>
<td>Data identifies employee as eligible during the tracking period or after a break in service or change in status</td>
<td>Employee receives email notice from eBenefits to make elections in Wolverine Access within 30 days</td>
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Additional ESR Highlights

Benefit Charge Allocation
- The employing unit(s) during the coverage period will pay the university contribution, with charges proportional to earnings from each shortcode if there are multiple funding sources.
- For 2016, the estimated annual charges for an eligible, enrolled individual eligible is $7,200.
- Employee charges that go to arrears because of lack of a paycheck or earnings that do not cover deductions will be:
  1. Charged per the distribution percentage in the last month of adequate pay.
  2. Set up for billing if there is no additional paycheck.
  3. Finally charged to the shortcode(s) associated with the last paycheck of record if there is failure to collect (usually after 3 months of arrears).

Available Reporting
- New ESR tab for monthly eNotification reports (includes all positions for ESR eligible employees).
- Business Objects Fringe Benefit Report (Payroll Universe)
  - 01 Pay Fringe Benefit Register by Fund, Department, Program
  - 01 Pay Fringe Benefit Register by Project Grant

ACA Federal Reporting Requirements
- Form 1095 new tax form for the 2015 tax year.
- Documents health coverage enrollment information.
- New requirement to make 3 attempts to collect dependent SSNs, for those enrolled in a health plan.

Common Questions
- Can you clarify what is meant by “facts and circumstances” of the position?
  - Job posting language.
  - New position or temporary replacement (e.g., coverage during a leave of absence).
  - Any other documentation/expectations communicated to the individual.
- Can you clarify what is meant by the “Duration of Appointment” must be more than 3 months?
  - Examples:
    - 3 months full time, takes a 2 month break, returns for 6 months – same appointment.
    - Hour per week expectations change - increase or decrease hours.
- Does my position fit the definition of a seasonal employee?
- I am hiring a temporary employee that has another temporary appointment, should I complete the certification form?
  - When utilizing the Health Benefits Eligibility Form for Temporary Employees flowchart, base your answers to the questions using your department appointment only, to determine if certification for eligibility is required.
- I have a faculty member who received notification they are eligible for benefits for ESR, is this correct?
  - Yes, it is possible that a faculty member is eligible under ESR eligibility rules when they are not eligible under U-M eligibility rules.
  - The most likely scenario is an individual's appointment fraction drops to less than 50% when they were full time previously.
Common Questions

- Why am I required to complete an ESR Certification form for a new temporary employee (hired after 1/1/2016) but do not have to for a temporary employee hired in 2015?
  - Eligibility rules, due to ESR, changed effective 1/1/2016
  - Variation on this question:
    - New to the University vs. new to our school/college/unit

- How does an individual who is eligible for the health plan get notified of their eligibility?
  - They will receive an email to the University email address
  - A post card is also sent to their home address on file

- I waived my health plan election when I was notified of ESR eligibility. I have recently been hired as a regular employee and the health plan election did not open but all of the other benefit plans did, why?
  - The individual was newly eligible for the other benefit plans (e.g. dental, vision, legal, etc...) so these plans opened for the individual to make an election
  - The individual was not newly eligible based on their job change

- What happens if a temporary employee who is eligible and enrolled in the health plan coverage and their appointment terminates?
  - If all of the individuals appointments are terminated the coverage is also terminated and COBRA coverage is extended for the health plan

Common Questions

- I have an individual with multiple appointments, how can I determine if they are eligible for the health under ESR?
  - New ESR tab for monthly eNotification reports (includes all positions for ESR eligible employees)
  - Monthly Temporary Employee Report

- I had an employee contact me that they received a request to provide their dependent social security numbers, is this a phishing attempt?
  - Under the ACA regulations, we are required to make 3 attempts to collect social security numbers for any dependents enrolled on a health plan.
  - Employees are currently directed to a form to complete and submit to the Shared Services Center
  - If the individual does not provide this information nothing happens to their health plan enrollment
Customer Service Support

- Unit/Department Human Resources Representative
  - Full time temporary hire certification
  - Eligibility questions
  - Job posting language

Frequently Asked Questions
hr.umich.edu/esr-faqs

- SSC Contact Center
  - Enrollment questions
  - Eligibility verification
  - Tax forms

Benefits Office/HRRIS
  - Data analysis and reporting
  - Escalation of questions and complex cases

Information Resources

- hr.umich.edu/esr
  - Overview
  - ESR Guidelines for Administrators
    - ESR Eligibility Certification form
    - Quick reference guides
    - Sample ESR Eligibility Scenarios
  - ESR Guidelines for Employees
    - ESR health plan rates
  - Frequently Asked Questions

- Handouts
  - Quick reference eligibility slide
  - Flow charts
  - Flyers
  - Certification Form
QUESTIONS?

APPENDIX
New Eligibility Under ESR

Variable Hour Employee - Example

- Carl is hired as a temporary research associate in February 2016, works through August, and starts again in October.
- His hours vary significantly by week.
- Data shows that he works 1,750 hours during his initial tracking period of February 2016 to January 2017, for an average of 33.7 hours per week.
- If he remains employed, Carl is eligible for health benefits under ESR for an initial 12-month period from March 2017 through February 2018, regardless of hours worked.

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New Eligibility Under ESR

Variable Hour Employee - Example (cont’d)

- If Carl continues working at U-M beyond February 2018, his next period of eligibility under ESR will be based on hours worked during the standard U-M tracking period of October 15, 2016 to October 14, 2017.
- If he is still eligible based on the standard tracking period, he will move into the standard U-M calendar year coverage period when his initial coverage period ends on February 28.
- His benefits under ESR will continue through the end of December 2018.

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Carlo's initial coverage period ends
Extended Eligibility Under ESR

Reduction in Hours or Loss of Eligibility – Example

- For several years, Donna has worked 40 hours per week in a regular position supporting an academic research center
- She is enrolled in Health Alliance Plan and covers her spouse on her health plan
- In April, Donna reduces her hours to 15 hours per week at the center and continues at this schedule
- Although she no longer meets the 50% appointment requirement for benefits eligibility as a regular staff member, under ESR Donna is eligible to continue her enrollment in HAP with a university contribution through the end of December

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40 hours/week 15 hours/week

Extended Eligibility Under ESR

Break in Service Less Than 26 Weeks – Example

- Dan has worked in a regular position at University Hospital for 32 hours per week for two years
- He is enrolled in UMPC with single coverage
- His appointment ends in May and he does not work during the summer
- In September, he is hired in a temporary position in ITS working 12 hours per week
- Dan is eligible to re-enroll in health benefits with a university contribution under ESR and continue through the end of December (the end of the standard coverage period) because his break in service was less than 26 weeks
- The university contribution to these benefits would come from ITS

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# NEW EMPLOYEE ELIGIBILITY FOR HEALTH BENEFITS

**EMPLOYER SHARED RESPONSIBILITY UNDER THE AFFORDABLE CARE ACT**

**EFFECTIVE JANUARY 1, 2016**

<table>
<thead>
<tr>
<th>Full-time temporary employee</th>
<th>Variable hour temporary employee</th>
<th>Employee with multiple part-time U-M jobs</th>
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<tbody>
<tr>
<td>30+ hours every week for more than 3 months and position is not seasonal</td>
<td>Average of 30+ hours per week over 12 months (measurement period)</td>
<td>Average of 30+ hours per week total over 12 months (measurement period)</td>
</tr>
<tr>
<td>Eligible for health benefits as of first of the month following receipt of ESR eligibility certification form</td>
<td>Eligible for health benefits as of 30 days after the end of the measurement period for the next 12 months (stability period)</td>
<td>Eligible for health benefits as of 30 days after the end of the measurement period for the next 12 months (stability period)</td>
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<tr>
<td>Employing unit submits eligibility certification to HRRIS, employee receives eligibility notification</td>
<td>Employee receives eligibility notification</td>
<td>Employee receives eligibility notification</td>
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<tr>
<td>Employing unit pays university contribution to health benefits</td>
<td>Employing unit pays university contribution to health benefits</td>
<td>Employing units split university contribution to health benefits proportional to earnings from each unit</td>
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Notes: Hours worked in a work-study position are not counted during a measurement period per federal guidelines. "Health benefits" refers to medical and prescription drug coverage. This information is intended as illustration only. Additional circumstances may result in eligibility under ESR. Contact (734) 615-2000 (option 1) with specific questions or visit hr.umich.edu/esr. (Revised 02/18/16)
EXTENDED EMPLOYEE ELIGIBILITY FOR HEALTH BENEFITS
EMPLOYER SHARED RESPONSIBILITY UNDER THE AFFORDABLE CARE ACT
EFFECTIVE JANUARY 1, 2016

Break in service less than 26 weeks

- Benefits-eligible employee has a break in service (no hours worked) before returning to a benefits-ineligible job
- Break in service is equal to or shorter than length of previous university employment, up to 26 weeks
- Upon re-employment, employee may resume eligibility for health benefits through end of 12-month period (stability period), typically calendar year, regardless of scheduled hours
- Employee receives eligibility notification
- New employing unit pays university contribution to health benefits

Reduction in hours or loss of benefits eligibility

- Benefits-eligible employee reduces schedule or moves to a benefits-ineligible job
- Employee may continue eligibility for health benefits through end of 12-month period (stability period), typically calendar year
- Employee receives eligibility notification
- Employing unit pays university contribution to health benefits

Notes: Hours worked in a work-study position are not counted during a measurement period per federal guidelines. "Health benefits" refers to medical and prescription drug coverage. This information is intended as illustration only. Additional circumstances may result in eligibility under ESR. Contact (734) 615-2000 (option 1) with specific questions or visit hr.umich.edu/esr. (Revised 02/18/16)
HEALTH BENEFITS ELIGIBILITY FOR TEMPORARY EMPLOYEES

Employer Shared Responsibility (ESR) • Affordable Care Act • Effective January 1, 2016

Is the employee expected to work at least 30 hours per week for the duration of his/her appointment?

YES

Is the position expected to last more than 3 months?

YES

Is the position seasonal (lasting 6 months or less and beginning in the same part of each calendar year)?

NO

NO – Employee works variable hours or less than 30 hours per week in this position.

The Benefits Office will track the employee's actual hours over a 12-month measurement period.

Did the employee average at least 30 hours per week over 12 months?

YES

The Benefits Office will offer the employee health benefits for the next 12 months, effective 30 days after the end of the measurement period.

NO

NO

ELIGIBLE UNDER ESR

The hiring department must complete the Employer Shared Responsibility Eligibility Certification form (hr.umich.edu/esr-form) and return it to HRRIS no later than 60 days following the date of hire or eligibility.

ELIGIBLE UNDER ESR

INELIGIBLE

The Benefits Office will offer the employee health benefits effective the first of the month following receipt of the certification form.

Notes: Hours worked in a work-study position are not counted during a measurement period per federal guidelines. "Health benefits" refers to medical and prescription drug coverage. This information is intended as illustration only. Additional circumstances may result in eligibility under ESR. Contact (734) 615-2000 (option 1) with specific questions or visit hr.umich.edu/esr. (Revised 02/18/16)
HEALTH BENEFITS ELIGIBILITY AFTER A REDUCTION IN HOURS OR BREAK IN SERVICE

Employer Shared Responsibility (ESR) • Affordable Care Act • Effective January 1, 2016

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Employee is eligible for benefits

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Break in service (no hours worked)

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Re-employed at the university in an otherwise benefits-ineligible position

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Was the break in service longer than the employee’s previous employment at U-M?

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YES

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Was the break in service longer than 26 weeks?

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YES

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INELIGIBLE

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The Benefits Office will track the employee’s actual hours over a 12-month measurement period to determine future eligibility based on hours worked.

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NO

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The Benefits Office will notify the employee of eligibility for health benefits for the remainder of a 12-month period (typically the calendar year), regardless of scheduled hours.

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NO

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The university contribution to health benefits will be paid by the current employing unit(s).

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do not hallucinate.

Notes: Hours worked in a work-study position are not counted during a measurement period per federal guidelines. "Health benefits" refers to medical and prescription drug coverage. This information is intended as illustration only. Additional circumstances may result in eligibility under ESR. Contact (734) 615-2000 (option 1) with specific questions or visit hr.umich.edu/esr. (Revised 11/30/15)
WORKING AFTER RETIREMENT: ELIGIBILITY FOR HEALTH BENEFITS UNDER ESR
Employer Shared Responsibility (ESR) • Affordable Care Act • Effective January 1, 2016

Employee retires from U-M

Re-employed at the university

Is the new position a full time temporary position (30+ hours per week for three or more months, and is not seasonal)?

NO

YES

Was the break in service after retirement longer than 26 weeks?

NO

YES

Did the employee average at least 30 hours per week at the time of retirement?

YES

NO

ELIGIBLE UNDER ESR THROUGH THE END OF THE CURRENT CALENDAR YEAR

ELIGIBLE UNDER ESR FOR THE DURATION OF THE NEW APPOINTMENT

The hiring department must complete the Employer Shared Responsibility Eligibility Certification form (hr.umich.edu/esr-form) and return it to HRRIS within 60 days.

The Benefits Office will track the employee's actual hours over a 12-month tracking period to determine future eligibility based on hours worked.

Did the employee average at least 30 hours per week over 12 months?

NO

YES

MAINTAIN OR RESUME RETIREE HEALTH COVERAGE

ELIGIBLE UNDER ESR FOR THE NEXT 12 MONTHS

The Benefits Office will convert the retiree health plan to ESR coverage (hr.umich.edu/esr-rates) effective the date of service or eligibility and mail the employee a confirmation statement. Retiree health benefits will be reinstated when ESR eligibility or the appointment ends.

Notes: A retiree may not elect to continue retiree health benefits during a period of eligibility under ESR. "Health benefits" refers to medical and prescription drug coverage. This information is intended as illustration only. Additional circumstances may result in eligibility under ESR. Contact (734) 615-2000 (option 1) with specific questions or visit hr.umich.edu/esr. (Revised 11/30/15)
BENEFITS ELIGIBILITY FOR TEMPORARY EMPLOYEES

Retirement Savings
As a temporary employee, you can save for retirement by opening a 403(b) Supplemental Retirement Account with TIAA or Fidelity Investments, or both. The enrollment form is available on the Human Resources website, or you can contact the SSC Contact Center.

Medical Benefits
Certain temporary employees are also eligible for medical and prescription drug coverage as of January 1, 2016. You and your dependents may be eligible for medical benefits if any of the following apply to you:

- If you work in a full-time temporary position (30 or more hours each week) for three months or more and the position is not seasonal, you may be eligible as of the first month following certification by your department.
- If your hours vary but you work 30 or more hours per week on average over the course of a year, you may be eligible in the future.
- If you have more than one university job, and you work a total of 30 or more hours per week on average over the course of a year, you may be eligible in the future.

If you become eligible to enroll in medical benefits, the Benefits Office will let you know by email at your University of Michigan email address. Let your department or human resources representative know if you have questions about eligibility.

For more information, visit hr.umich.edu/esr.

Questions?
Visit hr.umich.edu or call the SSC Contact Center at 5-2000 (option 1) from the Ann Arbor campus, (734) 615-2000 (option 1) locally, or (866) 647-7657 (option 1) toll free, Monday through Friday from 8 a.m. to 5 p.m.
THINKING ABOUT WORKING AS A TEMP IN RETIREMENT?

Important information about your health care coverage

As of January 1, 2016, if you come back to work after retiring from U-M, you may become eligible for health coverage under the Employer Shared Responsibility (ESR) provision of the Affordable Care Act. ESR expands health coverage to certain temporary employees and other groups.

IMPORTANT

You may not maintain your retiree health plan during any period of time that you are eligible for health coverage under ESR as an employee.

If you become eligible, the university will convert your retiree health plan to ESR coverage and send you a confirmation statement at your current address on file. View monthly health plan rates under ESR at hr.umich.edu/esr-rates.

Eligibility

You may become eligible for benefits under ESR after retirement if . . .

- You return to work as a temporary or regular employee within 26 weeks of retirement.
- You return to work in a temporary position for at least 30 hours per week.
- You return to work and you average more than 30 hours per week over 12 months in one or more positions.

Resuming Retiree Health Coverage

The university will reinstate your retiree health coverage when your period of ESR eligibility or your appointment ends.

Questions?

Let your department or human resources representative know if you have questions about eligibility or the implications of coming back to work after retirement. You may also visit hr.umich.edu/esr or call the SSC Contact Center at 5-2000 (option 1) from the Ann Arbor campus, (734) 815-2000 (option 1) locally, or (866) 647-7657 (option 1) toll free, Monday through Friday, 8 a.m. to 5 p.m.
University of Michigan

**Employer Shared Responsibility Eligibility Certification**

Use this form to declare that a temporary employee is eligible for benefits under Employer Shared Responsibility (ESR). The Benefits Office will offer the employee health benefits under ESR effective the first of the month following receipt of this form. Print all information in **black** ink.

1. **Temporary Employee Information**

<table>
<thead>
<tr>
<th>Name (Last, First, Middle Initial)</th>
<th>UMID</th>
<th>Department Name</th>
<th>Department ID</th>
</tr>
</thead>
<tbody>
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</table>

2. **Certification**

☐ By checking this box, the department above certifies that the temporary employee named above is working 30 or more hours per week for a minimum of 3 months (90 days).

3. **Enrollment Information**

   A. Check one: ☐ Student Temp* ☐ Non-Student Temp

   B. Appointment start date: __________________________

   C. Appointment end date (if known): ____________________

   * Work-study hours do not count toward eligibility under Employer Shared Responsibility.

4. **Department Authorized Signature**

<table>
<thead>
<tr>
<th>Print your name</th>
<th>Email or uniqname</th>
<th>Daytime Phone Number</th>
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</thead>
<tbody>
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</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
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</tbody>
</table>

**Questions?**

If you have any questions, visit hr.umich.edu/benefits-wellness, or call the SSC HR Contact Center at 734-615-2000 or 866-647-7657 (toll-free for off-campus long-distance calls within the U.S.), Monday through Friday from 8 a.m. to 5 p.m.

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**HUMAN RESOURCES**

**RECORDS & INFORMATION SERVICES**

**UNIVERSITY OF MICHIGAN**

**How to Return Your Signed and Completed Form**

**By FAX**

Fax it to 734-764-5626.
Keep a copy of the fax transmission report with your form in your records.

**By Mail**

Make a copy for your records and send the original by
Campus Mail or U.S. Mail to:
Human Resources Records & Information Services
4073 Wolverine Tower
3003 South State Street
Ann Arbor, MI 48109-1281

ESR Certification 02172016