

Trump 2.0 Navigating the Next Wave

December 9, 2025

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Agenda

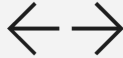
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- 2 Onboarding and I-9/E-Verify Updates
- 3 Affordable Care Act (ACA)
- 4 Work Opportunity Tax Credit (WOTC)
- 5 Unemployment Insurance (UI) Management
- 6 Q&A



What We're Keeping an Eye On

ACA

Extension



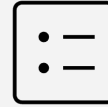
Congress is currently debating the extension of enhanced Affordable Care Act (ACA) subsidies

Vote on ACA Subsidies



It's possible we will see a vote on ACA subsidies by the end of the year

Proposal



House Republicans introduced legislation aimed at extending the enhanced tax credits for ACA coverage¹

I-9/E-VERIFY

Immigration Policy Approach



Congress has led with enforcement-only approaches to immigration policy rather than passing legislation

E-Verify Mandate?



Legislation has recently been introduced to permanently authorize E-Verify and require all employers to use it¹

Virtual Inspection



The administration has given no signals that virtual inspection will end

WOTC Legislative Update: H.R. 6231 and S. 3265

Reps. Smucker and Horsford and Sen. Cassidy and Hassan Have Reintroduced WOTC Legislation - These Bills Call for:

1. Extend WOTC for five years
2. Increase the credit amount from 40% to 50% of qualified wages
3. Index the credit to address inflation
4. Add a second level of credit for employees who work 400 or more hours
5. Make employers of spouses of active-duty military personnel eligible for the credit.¹

Long Term Extension

The reintroduced legislation would extend and enhance WOTC, making the credit more effective in delivering meaningful work opportunities and on-the-job training for eligible veterans and military spouses, SNAP recipients, individuals with disabilities, second chance workers, and the long-term unemployed.

Current Expiration Date: December 31, 2025

WOTC Continued



Advocate for WOTC:

need to hear compelling, real-world "stories from home"

This will show how the WOTC is a valued, essential tool used by:

- their constituents
- businesses within their districts and state
 - to foster local economic growth
 - to create opportunities for Americans facing significant barriers to employment.

WOTC is Apolitical

WOTC has solid support from both Republicans and Democrats

Onboarding and I-9/E-Verify



The 2025 I-9 Landscape



- ✓ Rise in I-9 Audits
- ✓ Enhanced E-Verify Oversight
- ✓ Creative Enforcement Mechanisms
- ✓ Immigration Policy Shifts
- ✓ Document Fraud and Identity Risk

Preparing for 2026: I-9 Strategy for Employers



Anticipate continuing focus on worksite enforcement

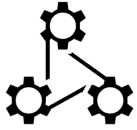


Expect continued or expanded mandates



What HR should be doing right now

Visa Policy & Talent Implications



Major H-1B shifts
employers must
anticipate



Broader visa system
changes affecting
retention



Workforce impact

Practical Employer Takeaways



Affordable Care Act (ACA)



ACA Subsidies



**How are
employers
impacted?**

Employees may start looking for employer paid benefits, cost impact to employers

ICHRA Market is Growing

500K+ employees on ICHRA plans as of 2025

Over **5,000 employers** have an ICHRA offering in 2025, a 34% increase from 2024

Adoption of ICHRA plans from large employers is **up 84% in 2025¹**

Delays in IRS penalty assessments still being seen

Minimal 2023
communication

2022 is still the focus

Is ACA going away?

If so, what happens then?

Changes in 2026 affordability and penalties

Affordability threshold for employer health coverage
increases to 9.96% (up from 9.02% in 2025)

Penalties for Applicable Large Employers (ALEs)

"A" penalty (failure to offer MEC) at **\$3,340** annually
(\$278.33 per month)

"B" penalty (unaffordable/MV coverage) at **\$5,010**
annually (\$417.50 per month) per affected employee¹

Preparing for the 2025 filing season



- ✓ PBRA impact - Electronic delivery? No delivery?
- ✓ State Reporting Readiness
- ✓ Do not expect the shutdown or political landscape to impact the deadlines at the Federal and State level

Work Opportunity Tax Credit



Extended or Hiatus?

Extend

Advocacy is needed more than ever, so Employers can help inform Senators and House members about the benefits of WOTC

S.492 and H.R.1177

as they stand as of 11/21/25 - will probably get renamed and re-numbered

Significant improvements to the WOTC program in the 29 years since it was created.

Hiatus

Congress has renewed WOTC retroactively, so as long as you keep screening, your eligibles should be grandfathered



Typically, nothing to fear; just be aware.

Unemployment Insurance Management

2025 Retrospective & 2026 UI Strategy



Current Landscape:

Primary Focus

Remains on UI integrity and reporting for employers' compliance, driven largely by persistent improper payment rates.¹

Priorities

The Department of Labor's Employment and Training Administration (ETA) is prioritizing fraud risk mitigation and strengthening program integrity.

State-Level Reforms:

- States are actively modernizing outdated systems to address fraud and overpayments.
- Agencies are receiving assistance to improve ID verification using tools like the Integrity Data Hub (IDH) 4.
- Federal loan burdens in specific states are continuing to drive cost changes.

Current Reality:

The national UI improper payment rate holds steady at roughly 14–15% (as of June 2024)¹

Future Goal → The target for FY 2026 is to achieve an improper payment rate of less than 10% across covered UI programs ²

Significant Actions of 2025

The year was defined by a shift toward enhanced data transparency, stricter enforcement, and technological defenses against identity fraud

Federal & Legislative Actions

March Executive Order:

Focused on enhancing data transparency to combat waste; this signals a shift toward holding states accountable for data quality, which impacts the accuracy of employer notices.¹

Dedicated Resolution Specialists

April Secretary of Labor Notice:

Explicitly directed Governors to fulfill legal obligations or risk losing Title III UI Admin Grant Funding, serving as a powerful financial lever to force state modernization.

HR 1156

Quickly passed the House, signaling high significance regarding changes to employer tax structures or benefit eligibility.²

The Fraud Threat:



Increased sophistication, specifically using AI for deep fakes.



There has been a **244% year-over-year increase** in digital document forgeries, making fraudulent claims significantly harder for employers and states to spot.³

Next Steps: 2026 Employer Employee Strategy

Strategic Foundation

2026 strategies must center on proactive, technology-leveraged compliance to help secure trust funds and better manage risk

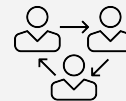
Claim Monitoring & Response



Due to persistent fraud spikes, employers must prioritize prompt and complete responses to all UI Division requests.

Active monitoring for suspicious claims—such as those for actively employed individuals—is currently one of the best defense against improper charges.

System Modernization



Employers should leverage available digital tools, such as NASWA's SIDES and state-specific portals, to help ensure accurate and timely reporting.

Process Review



Employers must review worker classification and separation processes, as agencies are focusing on penalties for employee misclassification.

Ensuring accurate reporting of separations is now considered a core integrity measure



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knowledge.

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