

HEALTH REFORM UPDATE

September 2013

Health Insurance Marketplace/Exchange Notices

All employers who are subject to the Fair Labor Standards Act are supposed to provide a Notice by October 1, 2013 to all employees informing them about health insurance available through the Marketplace/Exchange. The DOL issued two model Notice forms in Technical Release 2013-02 that can be used by employers to satisfy this Notice obligation, one form for employers that offer health coverage to some or all employees and one form for employers that do not offer health coverage to any employees. Both model Notices must be customized to reflect employer-specific information. Use of the model forms is optional. In addition to this initial Notice, a copy of the Notice is supposed to be provided to new employees within 14 days of hire. Also included in the Technical Release is an updated Cobra election notice form revised to include information about coverage available in the Marketplace.

On September 11, 2013, the DOL issued a FAQ clarifying that employers are not subject to a fine or penalty for failing to provide the Notice to employees. The FAQ states that employers still "should" provide the Notice, despite the lack of a fine or penalty for noncompliance.

Link to the FAQ: <http://www.dol.gov/ebsa/faqs/faq-noticeofcoverageoptions.html>

Link to the Technical Release: <http://www.dol.gov/ebsa/newsroom/tr13-02.html>

Link to the model notice where health coverage is offered:
<http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>

Link to the model notice where health coverage is not offered:
<http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf>

Link to the revised model Cobra election notice:
<http://www.dol.gov/ebsa/modelectionnotice.doc>

For more information on this Notice, contact:

[Debra L. Mackey](mailto:dmackey@burr.com) (Birmingham) at 205-458-5484 or a dmackey@burr.com

[C. Logan Hinkle](mailto:lhinkle@burr.com)(Birmingham) at 205-458-5154 or lhinkle@burr.com

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