



September 2013

Affordable Care Act – Notification of Employees *Guidance for Beverage Retailers*

Though many provisions from the Affordable Care Act (ACA) have gone into effect, there remain some important requirements and dates that employers need to be aware of in the coming months and years.

DATE: October 1, 2013

RULE: NOTICE ABOUT HEALTH INSURANCE MARKETPLACE

As of January 1, 2014, individuals and employees of small businesses will have access to health insurance coverage through the Health Insurance Marketplace. Open enrollment via the Marketplace begins October 1, 2013 with new enrollees covered starting January 1, 2014.

Employers are required to notify employees of the Health Insurance Marketplace and potential eligibility for premium credits by October 1, 2013. Notification about statewide Health Insurance Marketplaces must be done IN WRITING.

WHAT IS REQUIRED OF EMPLOYERS

By October 1, 2013, employers must:

- Notify their employees in writing about the existence of the new health insurance exchanges;
- Inform employees they may be eligible for a tax credit if the plan has a certain cost;
- Notify employees they may lose employer contributions to health benefits plan if they decide to purchase from the marketplace.

Should an employee begin employment after the October 1 deadline, the employer must notify the employee within 14 days after his or her start date.

FREQUENTLY ASKED QUESTIONS

Q. I qualify as a small business under ACA standards for the employer mandate (fewer than 50 employees). Am I still required to notify my employees about the Health Insurance Marketplace?

A. YES. All employers are required to notify employees, even businesses with fewer than 50 employees.

Q. Do I have to notify all of my employees – full-time and part-time?

A. YES. You must notify all of your employees regardless of employment status.

Q. Wasn't this requirement delayed for one year?

A. NO. On June 25, the federal government announced the delay of the so-called "employer mandate," but not the Health Insurance Marketplace notification requirement.

Q. What happens if I don't notify my employees?

A. You could open yourself to action by the government and/or litigation from employees who may claim that they missed out on a chance to get affordable coverage on the marketplace because you failed to notify them.

COMPLIANCE: HOW TO PROVIDE NOTICE

The Department of Labor has released two model notices.

- [Model Notice for Employers Offering Health Plans](#) (PDF)
- [Model Notice for Employers Not Offering Health Plans](#) (PDF)

RESOURCES

For more information, see "[Affordable Care Act requirements for employers: although mandate delayed, action still required](#)" by Theodore P. Stein, Whiteford Taylor & Preston LLP. Please consult your attorney with any questions.