

Required Notification to Employees Regarding the Health Insurance Exchange Notice

Under the Patient Protection and Affordable Care Act all employers subject to the Fair Labor Standards Act are required to provide their employees a notice about the state's health insurance exchanges (the Exchange Notice). "Employees" include:

- Current part-time and full-time employees
- Any employee(s), whether or not they have health plan coverage or are eligible for such coverage
- Any employee(s), even if you do not offer health insurance
- Any employees that are hired on or after October 1, 2013 (must be provided the Exchange Notice at the time of hire, whether part-time or full-time).

The Exchange Notice must be provided to employees in writing in a manner estimated to be understood by the average employee. It may be provided by first-class mail. The notice may be provided electronically; however, it must comply with the Department of Labor's electronic disclosure requirements.

In general, this means that it is only feasible to provide notice electronically to employees who use a computer as part of their regular job duties. There is no requirement to obtain an employee's signature; however, an employer may want to track delivery and receipt of the notice.

The Exchange Notice must include the following information:

- Notification of the existence of the Health Insurance Marketplace,
- Services provided by the exchanges,
- Contact information for the Marketplace. Pennsylvania does not have its own Health Insurance Marketplace, therefore employees can use the Federal Health Insurance Marketplace at www.healthcare.gov; 1-800-318-2596. Maryland employees will use www.MDHealthConnection.gov; 1-855-642-8572.
- That the employee may be eligible for a premium tax credit or other cost-sharing reduction if the employer-sponsored plan covers less than 60% of the allowable claims (i.e. does not provide minimum value) and the employee purchases qualifying health coverage through the Marketplace.
- That the employee may lose the tax-free contributions from the employer (if any) toward coverage offered through the employer's plan if the employee purchases health coverage through the Marketplace.