



## Health Care Reform Resource Guide

### Employer Notice of Marketplace Availability

#### **Background**

Employers subject to the Fair Labor Standards Act (FLSA) will be required to provide notice to **all** employees (including part-time employees) of availability of the Health Insurance Marketplace. The Affordable Care Act (ACA) requires this notice to be distributed to all then-current employees no later than October 1, 2013. This notice must also be provided to future employees at the time of hiring. In general, the notice must be provided by first-class mail. Links to the model notice, as well as the government's temporary guidance regarding this requirement, are provided in the Resource Links section below.

#### **Application to WELS VEBA**

First, check to see if your organization, or any of its employees, is subject to the FLSA. If not, your organization may not be required to provide the Notice of Marketplace Availability to some or all of your employees.

The model notice requires each employer to enter information prior to distribution to employees. WELS VEBA qualifies as a health plan that "meets the minimum value standard" as referenced in question #14 on page 3. The remaining questions refer to the benefit and compensation arrangements made each individual sponsoring organization and its workers, and therefore must be completed by the local organization rather than the Benefit Plans Office.

The WELS Benefit Plans Office mailed a letter to all sponsoring organizations in early-September; this letter provided instructions on how to complete and distribute the notice to assist organizations meet their compliance requirements. A link to this letter is provided in the Resource Links section below.

Please note that the Benefit Plans Office will not provide this notice to your employees as our office does not have record of all employees at each organization and our distribution cannot guarantee compliance with this employer responsibility requirement of the ACA.

#### **Resource Links**

- [Benefit Plans Office letter and instructions on how to complete the model notice.](#)
- DOL model notice for employers that offer health coverage to employees:  
<http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>
- DOL regulatory guidance regarding Marketplace notice requirement:  
<http://www.dol.gov/ebsa/newsroom/tr13-02.html>

#### **Contact WELS Benefit Plans**

[bpo@wels.net](mailto:bpo@wels.net) | 414-256-3860 | [www.welsbpo.net](http://www.welsbpo.net)  
N16W23377 Stone Ridge Dr, Waukesha, WI 53188