

Model Notice on Exchanges / Marketplaces Released

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The Patient Protection and Affordable Care Act (the “Affordable Care Act”) amended the Fair Labor Standards Act (the “FLSA”) to require that employers subject to the FLSA provide new and existing employees with a written notice regarding health insurance exchanges, also known as marketplaces. The Affordable Care Act originally required that employers provide such notice to existing employees by March 1, 2013. Earlier this year, however, the **Department of Labor** (the “**DOL**”) postponed that date until further notice.

On May 8, 2013, the DOL issued further guidance stating that employers are required to provide the notice to existing employees by October 1, 2013. On and after October 1, 2013, employers must provide the notice to each new employee within fourteen days of the employee’s hire date. The DOL also issued two model notices for use by employers—one for employers that offer health coverage to some or all employees (available at <http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>) and one for employers that do not offer health coverage (available at <http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf>).

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