TO: CCSNH Employees          Date: September 25, 2013
FROM: Sara A. Sawyer
       Director of Human Resources
RE: Affordable Care Act’s Health Insurance Exchanges

Beginning January 1, 2014, individuals and employees of small businesses will have access to insurance coverage through the Affordable Care Act’s (ACA) health insurance exchanges (Exchanges), which are also known as Health Insurance Marketplaces. Open enrollment under the Exchanges will begin on October 1, 2013. Health Care Reform requires employers to provide all new hires and current employees with a written notice about ACA’s Exchanges. This requirement is found in Section 18B of the Fair Labor Standards Act (FLSA).

On May 8, 2013, the Department of Labor (DOL) released Technical Release 2013-02 to provide temporary guidance on the Exchange notice requirement. This temporary guidance will remain in effect until the DOL issues regulations or other guidance. According to the DOL, future regulations or other guidance will provide employers with adequate time to comply with any additional or modified requirements.

Affected Employers - ACA’s exchange notice requirement applies to employers that are subject to the Fair Labor Standards Act (FLSA). In general the FLSA applies to employers that employ one or more employees who are engaged in, or produce goods for interstate commerce and for entities such hospitals, educational institutions, and federal, state, and local government agencies.

Who must receive the notice – Employers must provide the Exchange notice to each employee, regardless of plan enrollment status or of part-time or full-time status. Employers are not required to provide a separate notice to dependents. Employers must provide the exchange notice as follows:

- **New Hires:** Employers must provide the notice to each new employee at the time of hiring beginning Oct. 1, 2013. For 2014, the DOL will consider a notice to be provided at the time of hiring if the notice is provided within 14 days of an employee’s start date.
- **Current Employees:** With respect to employees who are current employees before Oct. 1, 2013, employers are required to provide the notice no later than Oct. 1, 2013.

**COBRA Election Notice** - Under COBRA, a group health plan must provide qualified beneficiaries with an election notice, which describes their rights to continue coverage and how to make an election. According to the DOL, some qualified beneficiaries may want to consider coverage options available in the Exchanges as an alternative to COBRA continuation coverage. Landmark Benefits, CCSNH’s COBRA Administrator, has updated our COBRA notifications pursuant to the requirements of the DOL.

Attached please find the DOL Model Exchange Notice. Please note that Part B, Page 3 of the Model Notice is not completed as completing this section is optional for employers. To obtain more information regarding the NH Health Insurance Exchange go to www.healthcare.gov.