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Most employers must provide their employees with written notice that includes information regarding the Exchange (now called the Health Insurance Marketplace). The deadline to provide the notice is approaching; the notice must be provided to each employee not later than October 1, 2013. Employers are free to move forward with providing this notice, but may want to wait until closer to the deadline (perhaps early-mid September) in the event additional guidance is issued or the Exchanges are further delayed.

The notice must be provided in writing in a manner calculated to be understood by the average employee. While there is no requirement to provide the notice in Spanish, because the notice must be written in a manner to be understood by the average employee, if an employer has a large Spanish speaking population, it would be wise to also provide the notice in Spanish. The notice may be provided by first-class mail or electronically, as long as the requirements of the DOL's electronic disclosure safe harbor are met.

The DOL has provided two model notices (available in both English and Spanish) to satisfy this requirement. One notice applies to employers who offer a health plan to some or all employees and the other applies to employers who do not offer a health plan. The notices can be found at the following sites:

English Versions:

<http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>

<http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf>

Spanish Versions:

<http://www.dol.gov/ebsa/pdf/FLSAwithplanssp.pdf>

<http://www.dol.gov/ebsa/pdf/FLSAwithoutplanssp.pdf>

For more information on the notice, please click [here](#) for our prior article issued on May 10, 2013.