



89 Main Street, Suite 4
Montpelier, Vermont
05602-2948

Tel.: (802) 229-9111
Fax: (802) 229-2211

e-mail:
info@vlct.org

web:
www.vlct.org

VLCT MEMBER MEMORANDUM

To: All VLCT Members
From: Kelley Avery, Health Benefit Programs Administrator
Date: August 30, 2013
RE: Mandatory Employee Notices: October 1, 2013 Deadline

A provision of the U.S. Affordable Care Act (ACA) mandates that **ALL** employers provide each of their current employees and new hires individually with written notice about the state's new health insurance marketplace, known as The Exchange or Vermont Health Connect (VHC), **by October 1, 2013**. As a reminder, **participation in the health insurance Exchange through VHC is state mandated for all small employer groups (with 50 or fewer employees) with a January 1 renewal who will continue to offer coverage in 2014**. This includes VLCT member groups.

The United States Department of Labor (USDOL) has drafted two model notices for employers to use to meet the mandatory notification requirements. We are posting these files at www.vlct.org/rms/faqs/health-insurance-reform/.

- [USDOL_HealthInsMarketplace_ModelNotice_Offering.pdf](#) is to be used by employers who currently offer health insurance to their employees.
- [USDOL_HealthInsMarketplace_ModelNotice_NotOffering.pdf](#) is to be used by employers who do not currently offer health insurance to their employees.
-

The model notices are forms with fields that you must customize to your workplace. Employers may use their own version of the notice, on the condition that it meets all of the USDOL content requirements listed in [US DOL technical release No. 2013-02](#).

Please note that this mandatory notice must be supplied **individually** to **ALL** existing employees, no matter how many people you employ, whether they are full-time or part-time, whether they are currently enrolled in your health insurance coverage or not, and whether you as an employer will participate in the Exchange (VHC) or not. **In other words, this requirement applies to everybody!** Employers must also supply the notice within 14 days of hire to each employee who is hired after October 1st, 2013. This notice does not need to be supplied to dependents.

You must provide this notice **in writing directly to each employee**. You can make it available either on paper or electronically, but if you provide it electronically, you must meet the requirements of the USDOL's Electronic Disclosure Safe Harbor Act. Under this act, employers may only send electronic notices to:

- Employees with work-related computer access, and
- Other plan participants who consent to receive disclosure electronically.

Employers who choose to deliver the notices electronically must use measures which will **ensure a reasonable level of "actual receipt" of the notice** by the recipients. Note that it is not sufficient to post the notice on a virtual or physical bulletin board.

If you have any questions about this notification requirement, please feel free to contact your Member Relations Representative or Kelley Avery at 800-649-7915.

Sponsor of:

VLCT Health Trust, Inc.

VLCT Municipal Assistance
Center

VLCT Property and Casualty
Intermunicipal Fund, Inc.

VLCT Unemployment
Insurance Trust, Inc.