



September 12, 2013

## BREAKING NEWS: DOL Guidance Clarifies Market Notice Issue - No Fine for Failure to Provide Notice of Coverage Options

In a very brief [Frequently Asked Question \(FAQ\)](#) document issued on September 11, 2013, the U.S. Department of Labor formally clarified that an employer covered by the Fair Labor Standards Act “will not be subject to a fine or penalty under the Patient Protection and Affordable Care Act (“PPACA”) if they fail to provide a written notice to its employees about the Health Insurance Marketplace by October 1, 2013.” The FAQ guidance makes clear that while the requirement is not enforceable through a penalty or fine, employers “should” provide the written notice.

PPACA amended the Fair Labor Standards Act to require applicable employers to provide each employee with a written notice containing information about Marketplaces / Exchanges. For more information on Exchange Notice requirements, please see our update [Employers Still Required to Issue Exchange Notices by October 1st.](#)

Conner Strong & Buckelew has been assisting clients with the Marketplace Notice issue and has crafted tools to help guide employers through the requirements with this aspect of the law. We also held a webinar on Marketplace Notification which may be accessed by clicking [here](#). Conner Strong & Buckelew is still suggesting that clients issue the Notice(s) as required using the various tools and resources we have supplied.

It is unclear if this clarification will be amended at a later date once the “Employer Mandate” takes effect as of January 1, 2015. The fact that there is no fine or penalty related to the issuance of the Notice(s) may alleviate some of the pressure to meet the deadline or concerns over clerical or administrative issues related to the issuance of the Notices.

If you have questions regarding the Marketplace Notification issue, please contact your Conner Strong & Buckelew account representative.



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