

United States Department of Labor

Employee Benefits Security Administration

FAQ on Notice of Coverage Options

Q: Can an employer be fined for failing to provide employees with notice about the Affordable Care Act's new Health Insurance Marketplace?

A: No. If your company is covered by the Fair Labor Standards Act, it should provide a written notice to its employees about the Health Insurance Marketplace by October 1, 2013, but there is no fine or penalty under the law for failing to provide the notice.

The notice should inform employees:

- About the Health Insurance Marketplace;
- That, depending on their income and what coverage may be offered by the employer, they may be able to get lower cost private insurance in the Marketplace; and
- That if they buy insurance through the Marketplace, they may lose the employer contribution (if any) to their health benefits

The U.S. Department of Labor has two model notices to help employers comply. There is one model for employers who do not offer a health plan and another model for employers who offer a health plan or some or all employees:

- [Model Notice for employers who offer a health plan to some or all employees](#)
- [Model Notice for employers who do not offer a health plan](#)

The model notices are also available in Spanish and MS Word format at <http://www.dol.gov/ebsa/healthreform/>.

Employers may use one of these models, as applicable, or a modified version. More compliance assistance information is available in a [Technical Release](#) issued by the US Department of Labor.