

The University of Wisconsin System
UPS OPERATIONAL POLICY: HR 12



SUBJECT: Health Insurance Marketplace Notice
Distribution

Original Issuance Date: July 1, 2015

Last Revision Date:

1. POLICY PURPOSE:

The purpose of this policy is to set forth the guidelines for the distribution of the Federal Health Insurance Marketplace Notice distribution.

2. POLICY BACKGROUND:

Section 18B of the Fair Labor Standards Act (FLSA), as amended by section 1512 of the Affordable Care Act, generally provides that, in accordance with regulations promulgated by the Secretary of Labor, employers must provide each employee notice of coverage options available through the Health Insurance Marketplace.

Per Department of Labor's [Technical Release No. 2013-02](#), effective October 1, 2013, employers are required to provide the notice to each new employee within 14 days of an employee's start date. The notice must be provided free of charge to the employee.

The notice must be provided in writing in a manner calculated to be understood by the average employee. It may be provided by first-class mail, hand-delivered to the employee or delivered to the employee's work mailbox. Alternatively, it may be provided electronically if the requirements of the Department of Labor's electronic disclosure safe harbor at 29 CFR 2520.104b-1(c) are met (as described in Section 4E below).

Every employer who is subject to the Fair Labor Standards Act is required to implement a policy to ensure a notice is provided to all employees.

For employees who were current employees before October 1, 2013, employers were required to provide the notice no later than October 1, 2013. The University centrally distributed this initial notice to all employees from September 20 -23, 2013. The institution was responsible for distributing the notice to any employee hired from September 20 – September 30, 2013, no later than October 1, 2013.

This was issued as an University of Wisconsin System Administrative Policy on September 12, 2013, revised on November 12, 2013. Effective July 1, 2015, the Health Insurance Marketplace Notice Distribution policy will be a UPS Operational Policy.

3. POLICY DEFINITIONS:

“Notice” means the Health Insurance Marketplace Notice (UWS-95)

4. POLICY:

This policy sets forth guidelines for the distribution of the Health Insurance Marketplace Notice (UWS-95) to all active UW System employees.

A. Notification Period for New Hires (hired October 1, 2013 or later)

Effective October 1, 2013, all new hires must receive a Health Insurance Marketplace Notice within 14 days of the employee’s hire date.

If notification of the hire is received by the institution’s Human Resources Office more than 14 days after the employee’s hire date, the Health Insurance Marketplace Notice must be provided to the employee as soon as possible but no later than 5 business days after receiving the hire notification / paperwork.

B. Employees Who Must Receive a Notice

- (1) All employees of all appointment types (e.g. faculty, academic staff, limited, other, classified permanent, classified project, classified LTE, student assistant, employee-in-training, student hourly, rehired annuitants) regardless of appointment percentage or eligibility for employee benefits. This includes employees who are paid through fellowships, stipends and/or lump sum payments.
- (2) All transfers from State of Wisconsin agencies
- (3) All UW employees who have more than a 30-day break in service between appointments (notice should be given within 14 days of the start of the new appointment)
- (4) UW employees who move from one UW institution to another UW institution regardless of whether or not there is a break in employment

C. Employees Who Do not Need to Receive a Notice

- (1) An academic year employee upon return to work for the fall semester provided employment is considered continuous (the employee was on a short work break or worked during the summer, and did not have a valid break in employment)
- (2) An employee who returns to work after a paid or unpaid approved leave of absence
- (3) People who are affiliated with the University but are not compensated (e.g. volunteers, those with honorary titles, anyone who only has non-pay basis appointments).

D. Standardized Process for Notification

Each UW institution is responsible for implementing a process to ensure all new hires receive the notice within 14 days of the employee’s start date.

It is recommended that the notice be provided per one of the following:

- With the appointment letter; or
- When the employee completes or updates an I-9 form; or
- During a benefits orientation ; or
- Through another standardized method identified and documented by the institution.

(1) Documents to be Provided to Employees

Every new hire must receive both a standard cover letter or email and a paper copy of, email attachment or electronic link to, the Health Insurance Marketplace Notice (UWS-95). The standard cover letter must include institutional contact information.

Part B of the Health Insurance Marketplace Notice (UWS-95) should be completed by the employing UW institution. Boxes 3 through 12 of the notice should be completed as follows:

- 3. Employer Name:** University of Wisconsin - Name of Employing Institution
- 4. Employer Identification Number:** 39-6006492
- 5. Employer Address:** Address of Employing Institution's Human Resources Office
- 6. Employer Phone Number:** Phone Number of Employing Institution's Human Resources Office
- 7. City:** City of Employing Institution
- 8. State:** Wisconsin
- 9. Zip Code:** Zip Code of Employing Institution
- 10. Who to contact about health insurance at this job:** The name of person or department that the institution determines is responsible for answering questions about health insurance
- 11. Phone number:** Phone number of the person or department identified in #10
- 12. Email address:** Email address of the person or department identified in #10

(2) Tracking of Notice Distribution

The institution is not required to maintain a tracking spreadsheet of the distribution of the notice on a permanent, ongoing basis for new hires, provided the institution implements a standardized and documented process to distribute the notice. If an institution does not implement a standardized process for distribution, the institution must track that the notice was distributed to individual employees. There is no requirement to obtain the employee's signature or any other proof of receipt by the employee.

Each institution should consider performing periodic reviews to confirm that new employees are receiving the notice as required.

E. Electronic versus Paper Distribution

(1) Electronic Distribution of Notice

The notice may be electronically distributed if the employee has access to a computer on a routine basis as an integral part of his or her job **and** is able to access electronic documents at work. Making a computer kiosk generally available is not adequate.

Electronic delivery of the notice should consist of the standard coverage message in the body of the email and the notice as an attachment or a link to the notice in the body of the email.

(2) Paper Distribution of Notice

For employees who do not meet the above criteria for electronic delivery, or for employees who do not have an email address in HRS or elect to receive a paper earnings statement, a paper notice is required. The institution may use any of the following methods to deliver a paper notice:

- First-class mail to the employee's home address
- Hand delivery to employee at work site
- Delivery to the employee's work mailbox if it can be reliably assumed that the employee will receive the notice

Paper delivery should include a standard cover letter with the full notice. Employees who request a paper copy of the notice must be provided the document free of charge.

5. RELATED DOCUMENTS:

Health Insurance Marketplace Notice (UWS-95) and Cover Letter (available at: <https://www.wisconsin.edu/ohrwd/admin/aca/>)

Department of Labor's [Technical Release No. 2013-02](#): Guidance on the Notice to Employees of Coverage Options under Fair Labor Standards Act §18B and Updated Model Election Notice under the Consolidated Omnibus Budget Reconciliation Act of 1985.

For Additional Information

HealthCare.gov website: www.healthcare.gov

UWSA Health Insurance Marketplace website:

<https://www.wisconsin.edu/ohrwd/benefits/med/marketplace>

Office of State Employment Relations (OSER) website:

<http://oser.state.wi.us/category.asp?linkcatid=696>

6. POLICY HISTORY: