

Benefits Buzz

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Gowrie Group



DID YOU KNOW

Some individuals have been granted relief from the ACA's individual mandate penalty for part of 2014.

The relief applies to individuals (and their family members) who are eligible to enroll in an employer-provided plan with a non-calendar year plan year.

They will not have to pay penalties for certain months in 2014 if they don't enroll for the 2013-2014 plan year (and their employer doesn't permit mid-year enrollment).

The transition relief applies from January 2014 until the month in which the 2013-2014 plan year ends.

DOL Clarifies FMLA Rights for Same-Sex Spouses

On June 26, 2013, the U.S. Supreme Court struck down Section 3 of DOMA. As a result of the [Supreme Court's ruling](#), same-sex couples that are legally married under state law are now entitled to the same benefits and protections under federal law as opposite-sex married couples.

One federal law this is impacted by this ruling is the Family and Medical Leave Act (FMLA), which entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons, with continuation of group health insurance coverage.

On Aug. 9, 2013, the Department of Labor (DOL) issued [Fact Sheet #28F](#) to clarify the scope of an employer's obligation to make FMLA leave available to same-sex spouses.

The DOL confirmed that, for purposes of the FMLA, "spouse" includes a same-sex spouse if the marriage is recognized under the laws of the employee's state of residence.

As a result, legally married same-sex spouses living in a state that recognizes marriage will be entitled to FMLA leave on the same terms as opposite-sex spouses.

However, unless further guidance is issued extending FMLA rights to all legally married same-sex spouses (regardless of residence), employers will not be required to make FMLA leave available to a same-sex spouse who resides in a state that does not recognize same-sex marriage.

For more information on the FMLA, contact Gowrie Group.

Model Exchange Notice Deadline and Requirements

The Affordable Care Act requires employers to provide all new hires and current employees with a written notice about ACA's Exchanges. This requirement is found in Section 18B of the Fair Labor Standards Act (FLSA).

On May 8, 2013, the Department of Labor (DOL) released [Technical Release 2013-02](#) to provide temporary guidance on the requirement to provide employees with a notice about the Exchanges. The name the DOL uses for the Exchange notice is the **"Notice to Employees of Coverage Options."**

The DOL has provided **Model Notices to Employees of Coverage Options** for employers to use to satisfy the notice requirement.

Employers must provide current employees with an Exchange notice by **Oct. 1, 2013**. Employees hired after that date must be given the notice within two weeks of hire. Contact Gowrie Group for a copy of the model notice.