



Tanya Bryant, Director

### Chairs

Randall Snapp, Director

randall.snapp@crowedunlevy.com

Adam Childers, Director

adam.childers@crowedunlevy.com

### Members

Gayle Barrett, Of Counsel

gayle.barrett@crowedunlevy.com

Tanya Bryant, Director

tanya.bryant@crowedunlevy.com

Leonard Court, Director

leonard.court@crowedunlevy.com

Bruce Day, Director

bruce.day@crowedunlevy.com

Arlen Fielden, Director

arlen.fielden@crowedunlevy.com

Michael Gibbens, Director

michael.gibbens@crowedunlevy.com

Linda Greaves, Of Counsel

linda.greaves@crowedunlevy.com

Craig Hoster, Director

craig.hoster@crowedunlevy.com

Allen Hutson, Associate

allen.huston@crowedunlevy.com

Daniel Johnson, Director

daniel.johnson@crowedunlevy.com

Tara LaClair, Director

tara.laclair@crowedunlevy.com

Allison Osborn, Associate

allison.osborn@crowedunlevy.com

Michael Pacewicz, Director

michael.pacewicz@crowedunlevy.com

Mary Snyder, Of Counsel

mary.snyder@crowedunlevy.com

Christina Toon, Associate

christina.toon@crowedunlevy.com

Courtney Warmington, Director

courtney.warmington@crowedunlevy.com

Madalene Witterholt, Director

madalene.witterholt@crowedunlevy.com

## Changes to COBRA Notices Required

Labor & Employment Practice Group

June 19, 2014

The Consolidated Omnibus Budget Reconciliation Act (COBRA) mandates that group health plans provide covered employees and their families with certain notices outlining their COBRA rights. These notices include a general notice and an election notice. The general notice explains COBRA continuation coverage, when it may become available to the employee and their family, and what steps the employee should take to protect their rights to obtain coverage. The general notice must be provided to each covered employee within 90 days of the individual's enrollment date in the group health plan. The election notice explains the employee's rights to continue healthcare coverage in the event the employee's coverage under the plan is ending due to a qualifying event. The election notice must be provided to the employee within 14 days after the plan administrator receives notice that a qualifying event has occurred.

In light of the Affordable Care Act's (ACA) availability of healthcare coverage for employees who are losing job-based health coverage, the United States Department of Labor (DOL) issued revised models for general and election COBRA notices. The revised model notices inform employees that they may choose to purchase medical coverage through the Health Insurance Marketplace, put in place through the ACA, instead of electing to continue medical coverage through COBRA. The model general notice explains that enrollment in coverage through the Marketplace may qualify the employee for lower costs on monthly premiums as well as lower out-of-pocket costs. Additionally, this notice informs the employee that a special enrollment opportunity to elect other plan coverage may be available. The model election notice describes the Marketplace, the potential for tax credits, and cost-sharing reductions. This notice also explains when the employee can enroll in Marketplace coverage and directs the employee to the website, [www.HealthCare.gov](http://www.HealthCare.gov), which contains enrollment information. The model notices are available on the DOL's website at [www.dol.gov/ebsa/cobra.html](http://www.dol.gov/ebsa/cobra.html).

Employers are not required to use the DOL's revised model notices. However, the DOL considers use of these notices to be good faith compliance with COBRA notice requirements. Therefore, employers should either begin using the DOL's revised notices or update their own COBRA notices to reflect the new language approved by the DOL. In addition to ensuring that the employer's notices meet the content requirements, employers should review their COBRA administration procedures to verify the notices are also being provided in a timely manner.

If you have questions about COBRA notice requirements, please contact Tanya Bryant or any other member of Crowe & Dunlevy's Labor & Employment practice group.

Contact:

Tanya Bryant, Director  
405.235.7720

### **About Crowe & Dunlevy**

For more than 110 years, Crowe & Dunlevy has provided innovative and effective legal services to clients in numerous industries. The firm's attorneys are regularly ranked among the top lawyers in the nation by recognized peer-review organizations.

The firm's labor and employment attorneys are involved in a number of networks and professional resource groups, including the Employment Law Alliance, the most comprehensive network of labor and employment attorneys in the world. Our membership provides access to employment, labor, and immigration expertise in more than 135 countries around the globe and throughout the United States.

---

Copyright 2014 Crowe & Dunlevy

This document is provided by Crowe & Dunlevy for educational and/or informational purposes only and does not constitute legal advice. No attorney-client relationship is established by the provision of this document.

---

#### **Oklahoma City**

20 North Broadway  
Suite 1800  
Oklahoma City, OK 73102  
405.235.7700

#### **Tulsa**

500 Kennedy Building  
321 South Boston Avenue  
Tulsa, OK 74103  
918.592.9800

[crowedunlevy.com](http://crowedunlevy.com)