

Client Alert **Employment & Labor**

New COBRA Notices and Election Forms to Be Used Immediately

The Department of Labor recently published proposed regulations regarding new language that should be included in COBRA Notices and Election Forms to be provided to employees, their spouses and eligible dependents upon an event entitling them to COBRA Coverage. Under the proposed regulations, these documents must be revised to include language suggesting that COBRA recipients consider obtaining health insurance from the ACA (“Obamacare”) Marketplace rather than electing COBRA Coverage under a company’s group health plan.

The Department of Labor has provided model [Notices](#) and [Election](#) Forms that include the required language. Of course, these forms should be customized where indicated to include appropriate information about your company and its group health plan. Although the regulations providing these new model forms are currently in the proposed stage, they also state that the use of these model forms will be considered to constitute “good faith” compliance with new statutory requirements that currently are in effect. Thus, best practices would suggest that these forms be used immediately. Of course, we will notify you in the event of any additional changes that must be made to the Notices and Election Forms.

Please do not hesitate to contact your Sills Cummis & Gross employment attorney if you have any questions regarding this or any other employee benefits or executive compensation matter.

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2014

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David I. Rosen, Esq.

Chair, Employment and Labor Practice Group

drosen@sillscummis.com | (973) 643-5558

Galit Kierkut, Esq.

Client Alert Editor

Member, Employment and Labor Practice Group

gkierkut@sillscummis.com | (973) 643-5896

Charles H. Kaplan, Esq.

Member, Employment and Labor Practice Group

ckaplan@sillscummis.com | (212) 500-1563