



# COMPLIANCE ALERT

## DEPARTMENT OF LABOR UPDATES COBRA MODEL NOTICES

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The U.S. Department of Labor has released the first updates to its model COBRA notices since 2014. The models are for the general (or initial) notice and the election notice. The notices inform plan participants and beneficiaries of their rights to health continuation coverage upon a qualifying event.

The changes in the model notices are primarily designed to help Medicare-eligible individuals understand their options for healthcare coverage. The model notices do not, however, include language that addresses DOL guidance issued earlier in the week that provides additional time for individuals to elect and pay for COBRA coverage through the end of the coronavirus pandemic.

As with earlier models, in order to use these model notices properly, the plan administrator must complete them by filling in the blanks with the appropriate plan information.

Although using the DOL's model notices (instead of custom-designed COBRA notices and election forms) is not required, the DOL considers using the model notices, appropriately completed, to be good-faith compliance with COBRA's notice content requirements.

Employers that self-administer COBRA should begin using the updated model notice as soon as possible. Employers that use a third-party COBRA administrator should check with their service provider to ensure they are aware of the new model notice.

The links to the new DOL model notice and election form are here:

<https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-general-notice.docx>

<https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-election-notice.docx>

The DOL also issued accompanying FAQ guidance on the updated model notices, available here:

<https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/cobra-model-notices.pdf>

As always, please contact your Benefits Advisor with questions.