

# How to Respond to an Employer Notice

## What is an Employer Notice?

An Employer Notice is issued by MNsure, or another public Marketplace, to inform your agency that your employee has qualified (or asked) for a premium tax credit (or subsidy) to purchase health coverage through a Marketplace.

## Why am I receiving it?

The Marketplace is required to notify the employer when an individual who identifies himself as your employee is receiving or may receive a premium tax credit to purchase health coverage through that Marketplace.

## What do I need to do with this notice?

Immediately check the employee's status in SEMA4. If the employee is:

- Not employed by your agency, contact a SEGIP Benefit Specialist, the notice may belong to another agency.
- Full-time (averages 30 or more hours per week or is at least 0.75 FTE for more than 90 days, is not a Seasonal Basis employee, or is MF12, AW12, AW9, DSF, or DWF) contact a SEGIP Benefit Specialist. If the employee is:
  - Full-time and has not been offered the full employer contribution for health coverage, SEGIP will ask you to offer it, minimizing the size of a potential penalty.
  - Full-time and/or was offered or has the full employer contribution for health coverage forward the Employer Notice to SEGIP. SEGIP may file an appeal with the exchange because an individual receiving an unwarranted tax credit may be required to repay the subsidy through their tax return.
- Part-time (less than 0.75 FTE), a seasonal basis employee, or no longer employed by your agency then no more action than is necessary.

## Does this notice mean the agency will receive a penalty?

Not necessarily. The IRS may assess your agency a penalty under Affordable Care Act's employer shared responsibility (ESR) provisions:

- When an employer does not offer a full-time employee health coverage, or
- When an employer offers coverage that is not minimum value or affordable, and
- The employee uses a tax credit to purchase coverage through a Marketplace.

The longer the employee is full-time without an offer of coverage the bigger the penalty so it is important to act quickly. Penalties are not assessed when a former or current part-time employee receives a tax credit to purchase health coverage through a Marketplace.

## Questions?

Call a SEGIP Benefits Specialist at 651-355-0100 or email [segip.mmb@state.mn.us](mailto:segip.mmb@state.mn.us)

## MNsure Employer Notice.

This is a copy of a MNsure notice. Other Marketplaces notices may look different.

MNsure Operations  
PO Box 64233  
St. Paul, MN 55164-0233

State of Minnesota  
658 Cedar Street  
Apartment 402  
St. Paul, MN 55105

Jan 28, 2016 10:24 AM

**Employer Notice**

This letter is to provide notice that MNsure has determined one or more employees of State of Minnesota eligible for advanced premium tax credits (APTC). (45 C.F.R. § 155.3109f).

As a result of this determination, employers with 50 or more full-time employees might be liable to the Department of the Treasury for a payment assessed under the Employer Shared Responsibility Provisions. (26 U.S.C. 4980H).

The Internal Revenue Service (IRS) will determine whether the employer is liable under the Employer Shared Responsibility provisions. MNsure is not responsible for making any determination regarding the employment status of the employee or liability of the employer under the Employer Shared Responsibility. The employee listed in this notice reported to MNsure that he or she is employed by State of Minnesota.

MNsure has determined the following employee eligible for APTC:

Employee Name	Date of Birth	APTC Start Date

If you disagree with MNsure's determination, please see the enclosed Appeal Rights document. If you did not get the Appeal Rights document or have questions about your appeal rights, call 1-644-520-8606 and select option #2.

If this notice is received at a business location that is not the legal headquarters of the employer, MNsure assumes, unless notified otherwise, that the recipient will ensure this notice is received at the business address responsible for compliance with the Employer Shared Responsibility.