



The Affordable Care Act: Your Employer's Obligations

The Affordable Care Act ("ACA"), the federal health care law that is sometimes called "Obamacare," has certain requirements for employers.

Does My Employer Have to Provide Health Insurance for Me?

No. Your employer is not required to give you health insurance under the ACA.

What Are My Employer's Obligations under the ACA?

The ACA affects employers differently depending upon the number of full time employees:

- Less than 25: Your employer may get a tax credit if it provides you with insurance.
- Less than 50: Your employer may participate in the state health insurance exchange to get insurance for you.
- More than 50: If you are a full-time employee and your employer does not provide health insurance or your employer's health insurance is not affordable (as defined in the ACA), your employer may have to pay a tax penalty starting in 2015.
- More than 200: If your employer provides health insurance (which is not required), it must automatically enroll new full-time employees. There can be a waiting period, but it cannot be more than 90 days from the date you begin work.

Can I Still Use the Exchange if My Employer Offers Health Insurance?

Yes. You can apply for health insurance coverage in the state health insurance exchange (<https://nystateofhealth.ny.gov/>; 855-355-5777). Most employers must give you written notice about your rights.

Am I Protected If My Employer Retaliates Against Me Because of the ACA?

The Affordable Care Act provides protection to employees against retaliation from their employer for reporting an employer's violations of the Affordable Care Act or for receiving government money to buy health insurance, which may require the employer to pay a penalty.

For more information, see MFY's Fact Sheet "Affordable Care Act: Employer Retaliation" at <http://www.mfy.org/get-help/fact-sheets-and-self-help-guides/#employment>.

How Can I Get Legal Advice About My Rights as an Employee under the ACA?

If you are a worker with additional questions, you can call the MFY Legal Services' Workplace Justice Project Hotline at **212-417-3838** on Mondays or Tuesdays, between 2PM and 5PM.