



CobraAid© Quick Tip

Delivery Method of COBRA Notices

Mail Delivery: First-class mail is standard method for the delivery of all COBRA notices. The regulations do not require proof of receipt. A notice is presumed to have been received if mailed by first class mail to the last known address. However, the administrator must be able to prove that the notice was sent. Proof that the notice was mailed is more important than proof that the covered individuals actually received the notice.

To prove that the notice was sent the administrator should maintain a copy of the completed notice sent (with name of individuals, address, etc.) and maintain evidence that the mailing practice was followed for each notice sent. The administrator may also consider obtaining a receipt of mailing from the Post Office.

Hand Delivery: COBRA regulations do not prohibit the hand delivery of COBRA notices. If the COBRA notice is provided to an employee by hand delivery, the administrator should have the employee sign a statement acknowledging receipt of the notice. Hand delivery **is not** considered notice to a covered spouse or dependent children. It is for this reason it is recommended that all COBRA notices be sent via first-class mail.

Electronic Delivery: COBRA regulations do not prohibit the use of Electronic Delivery of COBRA notices. Assuming the disclosure requirements are satisfied and measures are in place ensuring actual receipt of the COBRA notice, then the use of electronic delivery is allowable. Electronic delivery to the employee is not considered delivery to the spouse or dependent children. Given the proliferation of SPAM filters that may block receipt of messages sent from unapproved sources, it is recommended that the administrator not use e-mail to deliver COBRA notices.

Summary:

1. Use first class mail.
2. Send separate notice to spouse if residing at a different address.
3. Keep a log of notices sent.
4. Make a copy of the completed notice to be sent and retain in a COBRA file.