

Employee Flexibility Act of 2019 – S. 1510

September 19, 2019

The Honorable Todd Young (IN)
U.S. Senate
185 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Joe Manchin (WV)
U.S. Senate
306 Hart Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso (WY)
U.S. Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Kyrsten Sinema (AZ)
U.S. Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Young, Manchin, Barrasso and Sinema:

As organizations representing businesses of all sizes from across the country employing millions of hardworking Americans, we write with our support for the Employee Flexibility Act of 2019 (S. 1510) to amend the work week threshold under Affordable Care Act (ACA). We appreciate your leadership on this important reform effort to provide employees with the ability to pick-up and trade shifts and employers with compliance relief.

The Fair Labor Standards Act (FLSA) has been the standard of defining full-time employment as 40 hours per week since the late 1930's. The ACA full-time threshold for an offer of employer-sponsored coverage at 30 hours per week was based on eligibility for Medicaid expansion coverage, not on workforce policy or the FLSA.

S. 1510 restores an employee's ability to pick-up and trade shifts by aligning the ACA coverage requirement with the FLSA standard at 40 hours per week. The 30-hour threshold fundamentally changed workforce policy and business operations, as prior to the law many industries did not designate employees as full-time or part-time. Since implementation of the 30-hour threshold, variable-hour and part-time employees have lost the flexibility to add or trade shifts.

We applaud you for introducing the Employee Flexibility Act of 2019 to provide employees with the flexibility to gain hours and increase their paychecks and provide employers with compliance relief by implementing a standard consistent with the FLSA requirement.

Sincerely,

Alabama Restaurant & Hospitality Association
Alabama Staffing Association
Alaska Cabaret, Hotel, Restaurant, & Retailers Association
American Eagle Outfitters, Inc.
American Hotel & Lodging Association
American Rental Association
American Staffing Association
Arizona Association of Health Underwriters
Arizona Builders Alliance
Arizona Retailers Association
Greater Phoenix Association of Health Underwriters (AZ)
Southern Arizona Association of Health Underwriters

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Arkansas Hospitality Association
American Staffing Association Capital Area State Network (DC, MD, VA)
WMDA Service Station Association (DC, MD, DE)
Associated Builders and Contractors
Associated General Contractors of America
Austin Association of Health Underwriters
Auto Care Association
Automotive Aftermarket Association of the Mid-South, Inc.
California Hotel & Lodging Association
California Staffing Professionals
Golden Gate Association of Health Underwriters (CA)
Los Angeles Association of Health Underwriters (CA)
Ventura County Association of Health Underwriters (CA)
CAWA - Representing the Automotive Parts Industry
College and University Professional Association for Human Resources
Colorado Hotel & Lodging Association
Colorado State Association of Health Underwriters
Northern Colorado Association of Health Underwriters
Western Rockies Association of Health Underwriters (CO)
American Staffing Association Connecticut State Network
Connecticut Restaurant Association
Croley Insurance and Financial
Delaware State Wide AHU
Delaware Restaurant Association
Emerging Benefit Consultants
Florida Restaurant and Lodging Association
Associated Builders and Contractors – Florida East Coast
Central Florida Chapter Associated Builders and Contractors, Inc.
Gulf Coast Health Underwriters (Sarasota)
South West Florida Association of Health Underwriters
Food Marketing Institute
Frank H. Furman, Inc.
Georgia Restaurant Association
Georgia Staffing Association
Idaho Lodging & Restaurant Association
East Idaho National Association of Health Underwriters
Southern Idaho Association of Health Underwriters
Treasure Valley Health Underwriters (Boise)
Illinois Search and Staffing Association
DuPage Association of Health Underwriters (IL)
Independent Electrical Contractors
American Staffing Association Indiana State Network
Indiana Restaurant & Lodging Association
Indiana State Association of Health Underwriters
South Central Indiana Association of Health Underwriters
International Franchise Association
Iowa Association of Health Underwriters
Iowa Restaurant Association
Kentucky Association of Health Underwriters
Kentucky Restaurant Association

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Central Kentucky Association of Health Underwriters
Louisiana Association of Health Underwriters
Louisiana Restaurant Association
Maine Association of Health Underwriters
Hospitality Maine
Maryland Hotel Lodging Association
Restaurant Association of Maryland
Massachusetts Association of Health Underwriters
Massachusetts Restaurant Association
Metro Detroit Association of Health Underwriters (MI)
Michigan Association of Health Underwriters
Michigan Restaurant & Lodging Association
Mid-Atlantic Staffing Association
Midwest Automotive Parts & Service Association
Minnesota Association of Health Underwriters
Minnesota Recruiting and Staffing Association
Minnesota Retailers Association
American Staffing Association Mississippi State Network
Mississippi Hospitality and Restaurant Association
Missouri & Kansas Search and Staffing Association
Montana Lodging & Hospitality Association
National Association of Health Underwriters
National Association of Home Builders
National Association of Theatre Owners
National Association of Wholesaler-Distributors
National Club Association
National Grocers Association
National Retail Federation
Nebraska Association of Health Underwriters
Omaha Association of Health Underwriters (NE)
Lincoln Association of Health Underwriters (NE)
Nevada Restaurant Association
Clark County Association of Health Underwriters (Las Vegas)
Northern Nevada Association of Health Underwriters
New Hampshire Lodging and Restaurant Association
New Jersey Gaoline, C-Store, and Automotive Association
New Jersey Restaurant & Hospitality Association
New Jersey Retail Merchants Association
New Mexico Restaurant Association
New York Staffing Association
New York State Association of Health Underwriters
New York State Automotive Aftermarket Association
New York State Restaurant Association
National Federation of Independent Business (NFIB)
American Staffing Association North Carolina State Network
North Carolina Insurance Advisors
North Carolina Association of Health Underwriters
North Carolina Restaurant & Lodging Association
Independent Garage Owners of North Carolina
Charlotte Association of Health Underwriters (NC)

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Western North Carolina Association of Health Underwriters
Ohio Hotel & Lodging Association
Ohio Restaurant Association
Ohio Staffing & Search Association
Ohio Valley Associated Builders and Contractors
Oklahoma City Association of Health Underwriters
Oklahoma Hotel and Lodging Association
Oklahoma Restaurant Association
Oklahoma State Association of Health Underwriters
Tulsa Association of Health Underwriters (OK)
Oregon Association of Health Underwriters Legislative Committee
Oregon Restaurant & Lodging Association
American Staffing Association Oregon State Network
Partnership for Employer-Sponsored Coverage
Pennsylvania Restaurant & Lodging Association
Pennsylvania Retailers Association
Northwest Pennsylvania Association of Health Underwriters (Erie)
Real Benefit Solutions
Retail Industry Leaders Association (RILA)
Rhode Island Hospitality Association
Rhode Island Staffing Association
South Carolina Staffing Association
Sue Wilson Brokerage Inc.
American Staffing Association Tennessee State Network
Tennessee Association of Health Underwriters
Greater Tennessee Chapter, A.B.C.
American Staffing Association Texas State Network
Texas Hotel & Lodging Association
Texas Restaurant Association
The Blackford Group, Inc.
The Council of Insurance Agents and Brokers
The Sabin Agency, Inc
Utah Association of Health Underwriters
Utah Restaurant Association
Utah Tourism Industry Association
American Staffing Association Virginia State Network
Virginia Association of Health Underwriters
Virginia Restaurant, Lodging & Travel Association
American Staffing Association Washington State Network
Washington Association of Health Underwriters
Tri-County Association of Health Underwriters (WA)
West Coast Insurance Services
West Virginia Retailers Association
Wisconsin Restaurant Association
Wyoming Retail Association