

National Restaurant Association's Five Key Priorities

The chart below compares health care legislation as it relates to these 5 key priorities:

1. Protect the *part-time worker exemption* from any total employee calculation or penalties.
2. Protect *small business with as robust an exemption* as possible.
3. Secure a *90-day waiting period* before employer requirements begin.
4. *Define a full-time employee* as one working 390 hours/calendar quarter (13 weeks).
5. Defend current *ERISA protections* for multi-state employers.

Five Key Priorities	Reid Manager's Amendment	Reid Substitute to H.R. 3950 – The Patient Protection and Affordable Care Act	House-passed H.R. 3962 – The Affordable Health Care for America Act
1. Part-time Worker Exemption	<p>Maintains exemption from any coverage or penalty calculations .</p> <p>Maintains seasonal worker exemption (less than 120 days).</p>	<p>Exempted from any coverage or penalty calculations.</p> <p>Seasonal workers (less than 120 days) are also not included in coverage or penalty calculations.</p>	<p>Included in coverage requirements, count towards the small business exemption, and penalties.</p>
2. Small Business Exemption	<p>Maintains threshold at <i>less than 50 Full-time employees.</i></p>	<p>Employers with <i>less than 50 Full-time employees</i> are not subject to employer requirements or penalties.</p>	<p>Employers with \$500,000 or less in payroll are exempt from the penalties.</p>
3. Waiting Period	<p>If must provide coverage:</p> <ul style="list-style-type: none"> ▪ 60 days penalty free. ▪ If 61-90 days, #600 per full-time employee in waiting period. 	<p>If must provide coverage:</p> <ul style="list-style-type: none"> ▪ 30 days penalty free. ▪ If 31-60 days, \$400 per full-time employee in waiting period. ▪ If 61-90 days, \$600 per full-time employee in waiting period. 	<p>Allows 30-days for employees to make affirmative decision regarding enrollment in individual plan that employers must automatically enroll employees in.</p>

4. Definition of Full-time Employee	With respect to any month, an employee who is employed on average at least 30 hours of service per week.	On average at least 30 hours of service per week.	N/A. All employees included in coverage requirements and penalty calculations.
5. ERISA Protections	ERISA maintained.	ERISA maintained.	Erodes ERISA by limiting employer flexibility.