United States Senate
WASHINGTON, DC 20510

November 6, 2013

The Honorable Patty Murray
Chairman
Committee on the Budget
624 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jeff Sessions
Ranking Member
Committee on the Budget
624 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Murray and Ranking Member Sessions:

During consideration of S. Con Res 8 in March, the Senate adopted SA 144, calling for a sensible definition of "full-time employee" for purposes of calculating the Employer Mandate under the Patient Protection and Affordable Care Act (PPACA). We have since introduced the "Forty Hours is Full-Time Act" (S. 1188), bipartisan legislation to set the PPACA's definition of "full-time employee" at 40 hours per week. We urge you to seek adoption of a budget resolution that would accommodate the budgetary effects of this legislation in the upcoming Budget conference with the House.

Effective health care reform should expand access to coverage, while not inhibiting economic growth. For this reason, we are concerned that the PPACA definition of full time as an employee working just 30 hours a week is too low and out-of-step with standard employment practices in the U.S. today. Data published by the Bureau of Labor Statistics shows that the average American works 8.8 hours per day, which equates to 44 hours per week. The PPACA definition is nearly one-third lower than actual practice.

By using a threshold of 30 hours a week to define "full time" employee, PPACA artificially drives up the number of workers that appear to be employed "full-time" by a business, exposing those businesses to the risk of substantial penalties. These penalties begin at $40,000 for businesses with 50 employees, plus $2,000 for each additional "full-time equivalent" employee. As a consequence, some businesses have reduced their employees' work to 29 hours per week, to ensure workers are considered "part time" for purposes of PPACA. If more businesses follow suit, millions of American workers could find their hours and their earnings reduced.

S. 1188 would set the PPACA's definition of "full-time" employee at 40 hours a week, and would make a matching adjustment in the monthly hours used to calculate "full time equivalent" employee. This sensible definition will help protect millions of employees from having their hours curtailed as a result of the PPACA's arbitrary and unreasonable definition of "full time" employee.

We thank you for your consideration of our request.

Sincerely,

Susan M. Collins
United States Senator

Joe Donnelly
United States Senator

Lisa Murkowski
United States Senator

Joe Manchin
United States Senator