



ObamaCare's Mandate Delay At One

One Year After Obama's Unilateral Delay, No One Agrees With ObamaCare's Employer Mandate

Ahead Of The July 4 Holiday Last Year, The Obama Administration Announced Its First Delay Of ObamaCare's Employer Mandate. "Businesses won't be penalized next year if they don't provide workers health insurance after the Obama administration decided to delay a key requirement under its health-care law, two administration officials said." (Mike Dorning and Alex Wayne, "Health-Law Employer Mandate Said To Be Delayed To 2015," [Bloomberg](#), 7/2/13)

- **In A Blog Post, The Treasury Department Conceded That The Mandate's Delay Was Due To "Concerns About The Complexity Of The Requirements."** "We have heard concerns about the complexity of the requirements and the need for more time to implement them effectively." (Mark J. Mazur, "Continuing To Implement The ACA In A Careful, Thoughtful Manner," [U.S. Department Of Treasury's Notes Blog](#), 7/2/13)

The New York Times' John Harwood: The Administration "Hopes To Get Some Benefit From Delaying These Penalties Until After The 2014 Elections." HARWOOD: "One other point that we need to make on this is the political point. And that is that the Administration, in part I think, hopes to get some benefit from delaying these penalties until after the 2014 elections. They've been getting a lot of incoming from Republicans." (CNBC's ["The Kudlow Report"](#), 7/2/13)

Earlier This Year, Obama Once Again Attempted To Throw A Life Raft To Democrats By Announcing A Second Delay Of The Employer Mandate

In An Attempt To Minimize "Election-Year Damage," The Obama Administration Delayed ObamaCare's Employer Mandate For The Second Time. Trying to limit election-year damage on health care, the Obama administration Monday granted business groups another delay in a much-criticized requirement that larger firms cover their workers or face fines." (Ricardo Alonso-Zaldivar, "Another Delay In Health Law's Employer Requirement," [The Associated Press](#), 2/10/14)

- **CNN's Brianna Keilar: ObamaCare's Latest Delay "Certainly" Driven By Political Considerations.** JAKE TAPPER: "Brianna, I'm sure the cynics out there will point out at this delays the mandate until after the midterm elections. Do we have any idea whether employers were pressuring the white house for this or there were political considerations as well?" BRIANNA KEILAR: "Well, there certainly were political considerations. There were a lot of businesses who were saying that this was a requirement that is tough for them. It's kind of a double edged sword, though I think, for the White House because on one hand this allows them to put off this requirement beyond this pivotal midterm election. President Obama, one of his major political goals right now is to ensure that Democrats retain control of the Senate. So this kind of takes out

some of the gunpowder there, I think, the Republicans would have. But it's also, Jake, another admission of the problems with the law. There have been a number of changes, delays, fumbles and this is yet another one of those." (CNN's ["The Lead,"](#) 2/10/14)

The New Delay Gave "Medium-Sized Employers An Extra Year" To Comply With The Law. "The Obama administration announced Monday it would give medium-sized employers an extra year, until 2016, before they must offer health insurance to their full-time workers." (Juliet Eilperin and Amy Goldstein, "White House Delays Health Insurance Mandate For Medium-Sized Employers Until 2016," [The Washington Post,](#) 2/10/14)

- **The Second Delay Gave Large Employers "A Significant Concession: They Can Avoid A Fine By Offering Coverage To 70 Percent Of Their Full-Time Employees In 2015 And 95 Percent Starting In 2016."** "Even the nation's largest employers got a significant concession: They can avoid a fine by offering coverage to 70 percent of their full-time employees in 2015 and 95 percent starting in 2016. Under an earlier proposal, employers with at least 50 employees would have been required to offer insurance, beginning 2015, to 95 percent of those who work 30 hours or more a week, along with their dependents." (Juliet Eilperin and Amy Goldstein, "White House Delays Health Insurance Mandate For Medium-Sized Employers Until 2016," [The Washington Post,](#) 2/10/14)

ACCORDING TO HILL DEMOCRATS, TWO MANDATE DELAYS ARE NOT ENOUGH TO HELP THEIR SINKING CAMPAIGNS

Thirty-Five Democrats Joined Republicans To Laterally Defer The Employer Mandate By One Year. "Another 35 supported a bill to defer the law's employer mandate by one year. The measure would enact the same administrative delay announced by the Obama administration on July 2. (Elise Viebeck, Votes To Delay ObamaCare Mandate Put House Democrats In Tight Spot," [The Hill,](#) 7/17/13)

- **Fourteen Democratic Freshmen Joined Republicans In A Vote To Delay Mandate.** "Fourteen Democratic freshmen joined with dozens of their veteran Democratic colleagues and Republicans in calling for a one-year delay in both the employer and individual mandates." (John Bresnahan And Anna Palmer, "Freshman Democrats Defy Nancy Pelosi On Key Votes," [Politico,](#) 8/2/13)

Eighteen Democrats Voted To Eliminate ObamaCare's 30-Hour Workweek Mandate. "The House voted Thursday to eliminate a piece of ObamaCare that Republicans say is forcing millions of people to accept reduced hours and smaller paychecks. Members passed the Save American Workers Act in a 248-179 vote, after a debate that stretched out over two days. Eighteen Democrats voted with Republicans, a bit more than the seven Democratic co-sponsors of the legislation, H.R. 2575." (Pete Kasperowicz, "House Rejects O-Care 30-Hour Workweek," [The Hill's Floor Action,](#) 4/3/14)

- **"The Bill Would Eliminate Language In ObamaCare That Defines A Full-Time Employee As Anyone Working 30 Or More Hours A Week, And Insert A 40-Hour Requirement."** (Pete Kasperowicz, "House Rejects O-Care 30-Hour Workweek," [The Hill's Floor Action,](#) 4/3/14)
- **Companies With 50 Or More Full-Time Workers Are Subjected To ObamaCare's Employer Mandate.** "Once companies have 50 or more full-time workers, they are required under the law to provide health insurance to those workers." (Pete Kasperowicz, "House Rejects O-Care 30-Hour Workweek," [The Hill's Floor Action,](#) 4/3/14)

EVEN OBAMACARE ALLIES HAVE CALLED ON THE ADMINISTRATION TO SCRAP THE MANDATE ALTOGETHER

ObamaCare Supporters Now Want To Get Rid Of Employer Mandate. "Some supporters of the Affordable Care Act say that the employer mandate, which applies to businesses with at least 50 full-time

workers, has fueled the law's unpopularity and that getting rid of it wouldn't hurt the central goal of reducing the number of uninsured people." (Sandhya Somanhekhar, "As Health-Care Law's Employer Mandate Nears, Firms Cut Worker Hours, Struggle With Logistics," [The Washinton Post](#), 6/23/14)

John Holahan, Fellow At The Urban Institute: Never Thought The Employer Mandate Was A Good Policy. "We've never thought [the employer mandate] was particularly good policy, and while people have probably screamed too loudly about the effects on employment, there is some of it that's certainly true, and it's not worth the price we seem to be paying," said John Holahan, a fellow at the Urban Institute and a co-author of the recent paper "Why Not Just Eliminate the Employer Mandate?" (Sandhya Somanhekhar, "As Health-Care Law's Employer Mandate Nears, Firms Cut Worker Hours, Struggle With Logistics," [The Washinton Post](#), 6/23/14)

Obama's Former Advisor And Press Secretary Robert Gibbs Said ObamaCare's Employer Mandate Will Not Be Implemented. "A former longtime advisor to President Barack Obama predicted Wednesday that the employer mandate — a key piece of ObamaCare — will not survive. It was among several predictions Robert Gibbs, former White House press secretary, had for the future of the Patient Protection and Affordable Care Act in a speech at the 2014 Benefits Selling Expo." (Kathryn Mayer, "Gibbs Predicts Employer Mandate Will Be Killed," [BenefitsPro](#), 4/2/14)

- **Gibbs: "I Don't Think The Employer Mandate Will Go Into Effect ... I Think It Will Be One Of The First Things To Go."** "'I don't think the employer mandate will go into effect. It's a small part of the law. I think it will be one of the first things to go,' he said to a notably surprised audience." (Kathryn Mayer, "Gibbs Predicts Employer Mandate Will Be Killed," [BenefitsPro](#), 4/2/14)
- **Gibbs: "Killing The Employer Mandate Would Be One Way To Improve The Law ..."** "Killing the employer mandate would be one way to improve the law — and there are a handful of other 'common sense' improvements needed as well, he said." (Kathryn Mayer, "Gibbs Predicts Employer Mandate Will Be Killed," [BenefitsPro](#), 4/2/14)

ACROSS THE COUNTRY, THE EMPLOYER MANDATE IS ALREADY BEING FELT BY EMPLOYERS

Uncertainty Is Forcing Businesses To Halt Expansion Plans And Change The Way They Do Business

Many Businesses Have Held Back On Hiring Due To The Employer Mandate. "A number of businesses, including Regal Entertainment and SeaWorld, have reduced hours for part-time workers to fewer than 30 a week — the law's definition of full time — to avoid having to offer them health insurance. Other companies say they are holding back on hiring to avoid the insurance requirement. Seasonal employees and low-wage workers, such as adjunct professors and cafeteria staffers, have been hit especially hard." (Sandhya Somanhekhar, "As Health-Care Law's Employer Mandate Nears, Firms Cut Worker Hours, Struggle With Logistics," [The Washinton Post](#), 6/23/14)

A Boise, ID, Restaurateur Had To Put Expansion And Pay Raises On Hold Due To The Employer Mandate. "Kevin Settles prides himself on being an early adopter. The owner of the mini-chain Bardenay in Boise, Idaho, says he was the first restaurateur in the country to get a federal license to distill liquor at a restaurant. He put Thai satay and baba ganoush on the menu despite his customers' steak-centric palates. ... But unlike Settles's other experiments, this one hasn't been great for his business. He put raises and expansion plans on hold as he figured out the cost and logistics of making the changes. To his surprise, his employees have not leaped at the chance to get health insurance. And he is still trying to figure some things out — for example, how to safeguard employee information that must now be reported to the Internal Revenue Service, such as the Social Security numbers of children who are

covered under their parents' health plans." (Sandhya Somanhekhar, "As Health-Care Law's Employer Mandate Nears, Firms Cut Worker Hours, Struggle With Logistics," [The Washington Post](#), 6/23/14)

Universities Are Taking Steps To Comply With The Mandate By Reducing Hours

A Colorado University Official Said That Some Students Will Have To Work Off-Campus If They Exceed The 30 Hour Per Week Threshold That Triggers The ObamaCare Employer Mandate. "Much of the question hinges on if the 30-hour limit will be enforced as a weekly maximum or as a 1,560-hour yearly total. 'I cannot tell you we are or are not going to restrict people to 30 hours a week because we have made no decision on that,' Szpyrka said. Initially, CU Employee Services conducted a 'look-back period' from Oct. 1, 2012, to Sept. 30, 2013, to see how a 1,560 cap on hours a year would affect student employees. Results indicated that no undergraduate students at UCCS were found to have worked in excess of 1,560 hours over the 12-month period. A second review period, however, conducted from May 2012 to April 2013, indicated 42 UCCS undergraduates worked more than 1,560 hours during that period. Szpyrak indicated if students wanted to continue working 40 hours a week, they would possibly have to do so partially on campus but in conjunction with another off-campus employer." (Nick Beadleston, "Health Care Law To Potentially Eliminate Full-Time Student Jobs," [The \[University Of Colorado, Colorado Springs\] Scribe](#), 12/16/13)

- **One Student Is Worried "About Having To Make Ends Meet" And Said That The "Limitation Is Very Unfair" And Not "Morally Right."** "Kristen Robards, a junior math major who works at the Copy Center, expressed worries about having to make ends meet. 'The limitation is very unfair, especially for students who are financially independent like myself,' said Robards. 'For them to limit that I don't think is morally right.'" (Nick Beadleston, "Health Care Law To Potentially Eliminate Full-Time Student Jobs," [The \[University Of Colorado, Colorado Springs\] Scribe](#), 12/16/13)

The University Of Akron Had To Reduce Hours For Part-Time Faculty Or Pay For Health Care That The School Couldn't Afford. "The University of Akron, in Ohio, has cut back the hours of 400 part-time faculty members who were teaching more than 29 hours a week, said Eileen Korey, a spokeswoman for the school." 'We have more than 1,000 part-time faculty,' Ms. Korey said. 'Four hundred would have qualified for health insurance. That would add costs that we cannot afford.'" (Robert Pear, "Public Sector Cuts Part-Time Shifts To Bypass Insurance Law," [The New York Times](#), 2/20/14)

- **The University Of Akron Limited Its Adjunct Faculty To Eight Credit Hours Per Semester.** "This issue is not unique to Ohio. University of Akron spokeswoman Eileen Korey said in an email that, 'As you know, the issue of part-time faculty hours is a national one, with universities around the country taking a variety of steps to respond to the Affordable Care Act. At The University of Akron, where we employ about 1,000 part-time faculty during the year (56% of our teaching faculty) to teach about 40% of the credit hours, we decided to clearly define what we believe part-time means: a maximum of eight credit hours per semester.'" (Stephen Koff, "ObamaCare's Part-Timer Consequence: Limited Work Hours At Colleges, Municipalities," [The Plain Dealer](#), 9/6/13)

"Baldwin-Wallace College And Youngstown State University" Have Limited The Hours Of Adjunct Faculty. "This latter standard is why schools including the University of Akron, Baldwin-Wallace College and Youngstown State University say that they have started limiting the number of courses that any adjunct faculty member may teach." (Stephen Koff, "ObamaCare's Part-Timer Consequence: Limited Work Hours At Colleges, Municipalities," [The Plain Dealer](#), 9/6/13)

Public School Districts Have Noted The Impacts

According To A Connecticut Schools Superintendent, ObamaCare Is Impacting Schools. "Mark D. Benigni, the superintendent of schools in Meriden, Conn., and a board member of the American

Association of School Administrators, said in an interview that the new health care law was having ‘unintended consequences for school systems across the nation.’” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)

- **Many School Districts Across The Country Face The Decision Of Whether To Reduce Part-Time Employees Or Lay-Off Teachers In Order To Absorb The Cost Of Providing Coverage For Part-Timers.** “In Connecticut, as in many states, significant numbers of part-time school employees work more than 30 hours a week and do not receive health benefits. ‘Are we supposed to lay off full-time teachers so that we can provide insurance coverage to part-time employees?’ Mr. Benigni asked. ‘If I had to cut five reading teachers to pay for benefits for substitute teachers, I’m not sure that would be best for our students.’” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)

In Order To Reduce The Hours Of Bus Drivers, Vigo County, Indiana School System Cut School Field Trips And Transportation To Athletic Meets. “In Indiana, Daniel T. Tanoos, the schools superintendent for Vigo County, which includes Terre Haute, said, ‘The school system has no way to increase prices as a private business can.’ To hold down the work hours of school bus drivers, Vigo County has reduced field trips for children and cut back transportation to athletic events. School employees who had two part-time jobs totaling more than 30 hours a week — for example, bus driver and basketball coach — were required to give up one of the jobs.” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)

Municipal Governments Are Being Squeezed By The Mandate

State And Local Officials Have Conceded That ObamaCare Has Forced Municipal Governments To Cut Hours Of Part-Time Employees. “Cities, counties, public schools and community colleges around the country have limited or reduced the work hours of part-time employees to avoid having to provide them with health insurance under the Affordable Care Act, state and local officials say.” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)

The Hours Of Teachers, Prison Guards, And 911 Dispatchers Have Been Cut. “Even after the administration said this month that it would ease coverage requirements for larger employers, public employers generally said they were keeping the restrictions on work hours because their obligation to provide health insurance, starting in 2015, would be based on hours worked by employees this year. Among those whose hours have been restricted in recent months are police dispatchers, prison guards, substitute teachers, bus drivers, athletic coaches, school custodians, cafeteria workers and part-time professors.” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)

- **The City Of Medina, Ohio, Reduced The Hours Of Part-Time Employees From 35 Hours A Week To 29.** “In Medina, Ohio, about 30 miles south of Cleveland, Mayor Dennis Hanwell said the city had lowered the limit for part-time employees to 29 hours a week, from 35. Workers’ wages were reduced accordingly, he said. ‘Our choice was to cut the hours or give them health care, and we could not afford the latter,’ Mr. Hanwell, a Republican, said. The city’s 120 part-time employees include office clerks, sanitation workers, park inspectors and police dispatchers.” (Robert Pear, “Public Sector Cuts Part-Time Shifts To Bypass Insurance Law,” [The New York Times](#), 2/20/14)
- **In Lawrence County, Pennsylvania, Hours Were Reduced For Part-Time Employees Such As 911 Dispatchers, Prison Guards, And Emergency Responders.** “Lawrence County, in western Pennsylvania, reduced the limit for part-time employees to 28 hours a week, from 32. Dan Vogler, the Republican chairman of the county Board of Commissioners, said the cuts affected prison

guards and emergency service personnel at the county's 911 call center." (Robert Pear, "Public Sector Cuts Part-Time Shifts To Bypass Insurance Law," [The New York Times](#), 2/20/14)