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HR Policy Association Urges Administration to Withdraw Proposed Change to Employee Retirement Security Act (ERISA)

ERISA Preemption Must Be Maintained to Protect Employer-Sponsored Health Care

Washington, DC—HR Policy Association joined other associations and large employers in urging the Administration to reject the Department of Labor’s proposed regulation to the Office of Management and Budget that would redefine the phrase “welfare benefit plan” under the Employee Retirement Income Security Act of 1974 (ERISA).

The Association, in a joint letter signed by 126 associations and large employers, expressed concern that this proposal, as applied, may be incompatible if not irreconcilable with provisions in the Patient Protection and Affordable Care Act (PPACA), (P.L. 111-148) and may make it difficult, if not impossible, for employers to comply with either PPACA or the regulation.

Jeffrey C. McGuiness, President and CEO of the HR Policy Association said, “ERISA preemption must be maintained to allow employers to continue providing uniform benefits and coverage to employees, retirees and their dependents, without conflicting state or local requirements. This proposed change could negatively impact the health care of over 130 million Americans.”

HR Policy Association also believes that, if adopted, this change would undermine the clear intent of Congress and the President that health care reform maintain the uniform framework provided by ERISA. Therefore, given the significant concerns with the regulation, the Association asks that the proposed regulation be withdrawn.

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To view the letter click here: <http://www.hrpolicy.org/downloads/2010/dolregfinal.pdf>

HR Policy Association is the lead organization representing chief human resource officers of major employers. The Association consists of more than 300 of the largest corporations doing business in the United States and globally, and these employers are represented in the organization by their most senior human resource executive. Collectively, their companies employ more than 18 million employees worldwide and have a combined market capitalization of more than \$7.5 trillion. These senior corporate officers participate in the Association because of their passionate interest in the direction of human resource policy. Their objective is to use the combined power of the membership to act as a positive influence to improve public policy, the HR marketplace, and the human resource profession. For more information visit www.hrpolicy.org