



**INVITATION TO PUBLIC FORUM ON
AUTOMATIC ENROLLMENT IN LARGE EMPLOYER HEALTH PLANS**
FRIDAY, APRIL 8, 2011
1:00PM – 5:00PM

INVITATION

The Department of Labor's Employee Benefits Security Administration (EBSA) is hosting a public forum on April 8, 2011, to foster an exchange of information and views on issues relating to the implementation of the health plan automatic enrollment provisions of the Fair Labor Standards Act (FLSA) added by the Patient Protection and Affordable Care Act (Affordable Care Act). The purpose of the forum is to afford interested individuals and organizations an opportunity to share information and views to aid the Department in the development of proposed regulatory guidance pertaining to compliance with the automatic enrollment provisions of the FLSA. The Department previously issued question-and-answer guidance indicating that until regulations are issued (and effective), employers are not required to comply with FLSA section 18A. The Department intends to issue final regulations by 2014. See Q&A-3 of the FAQs issued on December 22, 2010, available on the EBSA website at www.dol.gov/ebsa/healthreform.

Section 1511 of the Affordable Care Act added a new section 18A to the Fair Labor Standards Act of 1938 (FLSA). That section requires an employer to which the FLSA applies, and who has more than 200 full-time employees, to automatically enroll new full-time employees in one of the employer's health benefits plans (subject to any waiting period authorized by law), and to continue the enrollment of current employees in the employer's health benefits plan. Section

18A further requires adequate notice and the opportunity for an employee to opt out of any coverage in which the employee was automatically enrolled. Any applicable state laws regarding payroll, such as permissible deductions of wages, will continue to be in effect except to the extent the state laws prohibit employers from implementing automatic enrollment under the FLSA provisions. These Affordable Care Act amendments are available on the EBSA website at www.dol.gov/ebsa/healthreform.

Although this forum is intended to focus on the Department of Labor's implementation of the automatic enrollment provisions of the FLSA, the Department of the Treasury and the Department of Health and Human Services will also participate in the forum as the other federal agencies with principal responsibility for implementing the Affordable Care Act.

LOCATION AND TIME

The forum will be held on April 8, 2011, 1:00 pm to 5:00pm (EST) at the U.S. Department of Labor, Frances Perkins Building, Room C-5521 (#4), 200 Constitution Avenue, NW., Washington, DC 20210.

REGISTRATION, ATTENDANCE AND PARTICIPATION ON PANELS

Individuals and organizations interested in attending are requested to register electronically by emailing their name, organization, title, email address and phone number to e-ORI@dol.gov (please indicate "Health Plan Automatic Enrollment Forum" in the subject line of the e-mail).

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Please indicate whether attendance will be in-person or by phone.

Seating and call-in lines for this forum are limited, so please register by March 25, 2011.

Registration is limited to one person per organization. If you choose to join by phone, a call-in number will be provided to you before the meeting. A transcript of the forum will be available on the EBSA website at www.dol.gov/ebsa/healthreform.

Individuals and organizations interested in participating on one of the three panels listed below should indicate which panel in their registration. We may not be able to accommodate all requests to participate on the panels as the time allotted for the forum is limited. If we are unable to accommodate all requests, we will select panel participants with an objective of hearing from a cross section of interested persons during the available time. We also intend to reserve time after each panel for general discussion, including audience participation.

We will contact those individuals and organizations who asked to participate on a panel during the week of March 28, 2011.

- ◆ Panel 1: Definition of Full-Time Employee for Purposes of the Automatic Enrollment Provisions of Section 18A of the FLSA.
- ◆ Panel 2: Selection of Plan, Benefit Package and Coverage (if Employer Maintains More than One) in which Employees would be Automatically Enrolled for Purposes of the Automatic Enrollment Provisions of Section 18A of the FLSA.
- ◆ Panel 3: The Adequate Notice and Opportunity to Opt Out Requirements Under the Automatic Enrollment Provisions of Section 18A of the FLSA.

CONTACT INFORMATION

If you have any questions, please contact June Solonsky in the Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693-8500. This is not a toll-free number. Individuals with disabilities who may need special accommodations are asked to notify EBSA when registering.