



December 21, 2018

Secretary R. Alexander Acosta  
Office of Regulations and Interpretations  
Employee Benefits Security Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-5655  
Washington, DC 20210

Attention: Definition of Employer—MEPs RIN 1210-AB88

Dear Secretary Acosta:

As the largest and broadest-based business organization in Nevada, the Las Vegas Metro Chamber of Commerce (the “Metro Chamber”) is focused on helping Nevada businesses succeed and create jobs. Since the Metro Chamber’s founding in 1911, its core mission has been to support its members and their employees in achieving these successes. The Metro Chamber is committed to supporting proposals that allow its thousands of members the ability to offer their employees more robust employee benefits such as retirement savings plans. Metro Chamber members employ approximately 230,000 workers.

Small employers, including those in Nevada, consider various factors when determining what type of employee benefits that they can offer to their employees, including the burden of governmental regulations, high start-up and administrative costs, coordination and complexity. For small businesses, these barriers often prevent them from offering valuable retirement savings plans to their employees.

As a result, the Metro Chamber supports the efforts by the U.S. Department of Labor (“DOL”) to promote and expand retirement savings plan choices to Nevada’s employers and employees, as proposed by DOL in its expansion of the term of “employer” for purposes of offering retirement savings plans, RIN 1210-AB88.

***The Proposed Rule***

The Metro Chamber believes the proposed rule by the DOL is a positive development, as it would create new opportunities for small businesses to access retirement savings plan options



through chambers of commerce, professional employer organization and trade associations. As proposed, these provisions could significantly help small businesses in addressing the challenges that they currently face in their ability to offer retirement savings plans because it would allow them to join plans either by industry or geographic region. The Metro Chamber believes that this proposed rule will be another positive development for employers; like what we have seen with the success that we have had this year with the revisions to Association Health Plans (AHPs) under your leadership at the DOL. The Metro Chamber has been a national leader in offering AHPs because of the changes adopted this year by the DOL.

As you know, the Metro Chamber has an Offering retirement benefits through a chamber of commerce, as proposed by the rule, would potentially allow small businesses to benefit from fewer regulatory and compliance costs than they currently face in offering defined contribution retirement benefits to their employees. Small employers would also benefit from a reduction in administrative cost and burdens. Taken together, we believe that the proposed rule will enhance the ability of small businesses to offer retirement savings plans to their employees.

The Metro Chamber is supportive of the following components of the proposed rule:

- The definition of what constitutes of a “bona fide” group or association of employers that may sponsor a multiple employer defined contribution plan (“MEP”);
- The clarification that working owners such as sole proprietors and their families would be eligible to join and participate in the plans. The DOL’s definition of 20 hours a week or 80 hours a month is responsible, fair, and consistent test;
- That the proposal does not mandate or imply that participating in the plan would result in a “joint employer” status with the sponsoring entity;
- The Metro Chamber also opposes any changes to the proposed rule that might result in more burdensome start up and administrative costs for both member employers and the sponsoring entity;
- The Metro Chamber would also suggest that the DOL to design any regulations or future guidance to be as flexible as possible to accommodate the many diverse organizations which may participate in plans. We believe flexibility will strengthen the efforts to expand retirement savings plans offered by trade associations, professional employer organization and chambers of commerce.



### ***The Metro Chamber***

The Metro Chamber applauds the DOL on its efforts to expand employers' ability to offer affordable retirement savings plans to their employees. It is apparent that Nevada's small employers need additional options and flexibility to offer these types of benefits to their employees. It is the hope of the Metro Chamber that the DOL will expedite and adopt these rules as soon as possible due to the growing need for Nevada's small business to access affordable retirement savings plans as we have successfully done with AHPs. The Metro Chamber believes it is well positioned to offer retirement savings plans because of its successful track record in providing reliable and affordable healthcare products to its members over the years.

The Metro Chamber is fully committed to serving Nevada's business community, which includes employers, employees and their families, through the possibility of offering them retirement savings plans. The Metro Chamber's reputation as Nevada's leading business association is a result of a strong commitment, visionary leadership, partnerships and engagement over its 107-year history. During that time, the Metro Chamber has continuously demonstrated a strong commitment to supporting and providing reliable and affordable employment benefit products to its members.

Thank you for allowing the Las Vegas Metro Chamber of Commerce to offer its support for the expansion of retirement savings plans by the proposed revisions. We look forward to the release of the final rule in early 2019. If we can be of any assistance or provide you with additional information, please feel free to contact us at 702.641.5822.

Sincerely,

A handwritten signature in cursive script that reads "Mary Beth Sewald".

Mary Beth Sewald  
President and CEO

A handwritten signature in cursive script that reads "Terry Shirey".

Terry Shirey  
Board of Trustees, Chairman