

116TH CONGRESS
1ST SESSION

H. R. 2782

To amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification as a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Mrs. WALORSKI (for herself, Mr. LIPINSKI, Mr. KELLY of Pennsylvania, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification as a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employee Flexibility
5 Act of 2019”.

1 **SEC. 2. REPEAL OF 30-HOUR THRESHOLD FOR CLASSIFICA-**
2 **TION AS FULL-TIME EMPLOYEE FOR PUR-**
3 **POSES OF THE EMPLOYER MANDATE IN THE**
4 **PATIENT PROTECTION AND AFFORDABLE**
5 **CARE ACT AND REPLACEMENT WITH 40**
6 **HOURS.**

7 (a) **FULL-TIME EQUIVALENTS.**—Paragraph (2) of
8 section 4980H(c) of the Internal Revenue Code of 1986
9 is amended—

10 (1) by repealing subparagraph (E); and

11 (2) by inserting after subparagraph (D) the fol-
12 lowing new subparagraph:

13 “(E) **FULL-TIME EQUIVALENTS TREATED**
14 **AS FULL-TIME EMPLOYEES.**—Solely for pur-
15 poses of determining whether an employer is an
16 applicable large employer under this paragraph,
17 an employer shall, in addition to the number of
18 full-time employees for any month otherwise de-
19 termined, include for such month a number of
20 full-time employees determined by dividing the
21 aggregate number of hours of service of employ-
22 ees who are not full-time employees for the
23 month by 174.”.

24 (b) **FULL-TIME EMPLOYEES.**—Paragraph (4) of sec-
25 tion 4980H(c) of the Internal Revenue Code of 1986 is
26 amended—

1 (1) by repealing subparagraph (A); and

2 (2) by inserting before subparagraph (B) the
3 following new subparagraph:

4 “(A) IN GENERAL.—The term ‘full-time
5 employee’ means, with respect to any month, an
6 employee who is employed on average at least
7 40 hours of service per week.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to months beginning after Decem-
10 ber 31, 2018.

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