

NATIONAL COORDINATING COMMITTEE FOR MULTIEMPLOYER PLANS

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Submitted via e-mail to e-ORI@dol.gov

June Solonsky
Office of Regulations and Interpretations
Employee Benefit Security Administration
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

re: “Health Plan Automatic Enrollment Forum”

Dear Friends,

My name is Randy G. DeFrehn and I am the Executive Director of the National Coordinating Committee for Multiemployer Plans (NCCMP). The NCCMP is a non-partisan, non-profit advocacy organization created in 1974 to enable the nearly 3,000 jointly managed (labor-management) multiemployer health and welfare plans to efficiently and effectively provide a comprehensive range of benefits to approximately 26 million active and retired American workers and their families who depend on these plans for their health care benefits.

We appreciate the agencies’ efforts 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. As a substantial, but frequently overlooked segment of the employee benefits community, we welcome the opportunity to participate in the Public Forum to be held on April 8 to explain the enrollment processes in the multiemployer community. We also would like to emphasize that any regulations concerning automatic enrollment must be made subject to labor law exceptions. Multiemployer plans are established pursuant to collective bargaining agreements which require that contributing employers make contributions to the plan based on the hours worked by covered employees. Unlike typical corporate programs, participants in multiemployer plans are generally automatically enrolled in the plan as soon as they reach the hours-worked requirement for eligibility. Multiemployer plans do not generally conduct “open enrollment” and instead generally permit individuals who are eligible for coverage to be covered under the plan without a formal enrollment process.

We respectfully request an opportunity for the NCCMP to appear in person at the Public Forum on automatic enrollment. We would like to participate in Panel 3: The Adequate Notice and Opportunity to Opt Out Requirements Under the Automatic Enrollment Provisions of Section 18A of the FLSA, to discuss the collective bargaining implications of the automatic enrollment statute and the enrollment process used by multiemployer plans.

My contact information is provided below. Please do not hesitate to contact me to confirm our participation. I look forward to a lively discussion!

Respectfully,



Randy G. DeFrehn

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