

**Senate Committee on health care and human services  
February 11, 2014**

**Senate Bill 1<sup>5</sup>443**

**Section 2. (1) It is an unlawful employment practice for an employer to reduce the number of hours a full-time employee works solely for the purpose of preventing the employee from qualifying for coverage under the patient protection and affordable care act.**

**(2) (1) of this section, the employer has the burden to establish that the reduction in hours worked by the full-time employee was made in compliance with subsection (1) of this section.**

**I am neither for nor against Senate Bill 1<sup>5</sup>443 without the following answers to these questions.**

- 1. What is the definition for an employer?**
- 2. What is the impact of the number of employees on compliance?**
- 3. What consideration is made for the financial impact of not reducing hours of the employee(s) on the employer and/or other employees?**

**I have talked with a number of small businesses, where the owner may retire or reduce the size of their business based in part upon the perceived affect of the Affordable Care Act. What considerations are made for small businesses where it represents the owner's primary source of income and/or net worth?**

**In my small business, I had a gentleman whose wife was suffering from cancer. I allowed him to adjust his work schedule to care for his wife. The cost to the company of salary and reduction in sales could've been in excess of \$50,000. Approximately 15 years later he told me I saved his life.**

**Don't assume that all owners of small businesses are motivated solely by income. Providing ongoing employment for my employees superseded my financial considerations.**

4. Does Senate Bill 1443 allow for an agreement prior to employment? Does it take into account an employee's preference for an increase in salary, promotion in lieu of insurance coverage? This can incur if insurance is provided by another source. An example may be their spouse or retirement benefits. Also does it take into consideration an employee's request for training, and/or change in job responsibilities, where it reduces the financial impact of the employee?
5. What prevents an employee from intimidating their employer? Intimidating an employer is not limited to filing a complaint, they are aware that the small business has limited financial resources. The small business may not be able to survive the distraction.

**Based upon number five above, the employee is in control.**

**Respectfully submitted,**

**Tim Cowan  
The Citizen's Lobbyist™**

**Founder of a small business  
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**I'm a private citizen and not associated with any political party or political action group**