

May 22, 2018

The Honorable Roy Blunt  
United States Senate  
Washington, DC 20510

The Honorable Angus King  
United States Senate  
Washington, DC 20510

Dear Senators Blunt and King:

Thank you for your leadership in introducing, S. 2670, the “Simplifying Technical Aspects Regarding Seasonality (STARS) Act of 2018.” This bipartisan legislation provides much needed clarity around the Patient Protection Affordable Care Act’s (ACA’s) definition and treatment of seasonal workers.

Seasonal small businesses continue to struggle with determining their employer size and employer shared responsibility requirements due to the law’s varying definitions of “seasonal.” When complying with the ACA, it is possible for the same worker to be a “seasonal worker” for the purpose of determining employer size, but not be considered a “seasonal employee” under an employer’s shared responsibility obligations. These various definitions create confusion for seasonal small businesses that struggle to comply with the law.

The STARS Act adopts the Treasury Department’s definition of seasonal employment while simplifying and aligning the seasonal provisions of the ACA to better enable employer compliance. This targeted approach provides seasonal employers with the clarity needed to assess their obligations under the ACA.

Specifically, the STARS Act:

- *Aligns* the separate definitions of “seasonal” found in statute and in the final regulation to the Treasury Department’s preferred definition from the final regulation on IRC §4980H (six months or less, customary, annual, recurring);
- *Simplifies* the determination of Applicable Large Employer size and the determination of a seasonal employee’s full-time status for the purposes of the ACA’s Employer Shared Responsibility provisions.

Thank you again for introducing the STARS Act. This well-crafted, bipartisan legislation appropriately addresses the unique challenges that seasonal employment poses for small employer compliance with the ACA. By passing STARS, Congress can ensure that small seasonal employers with limited human resource capabilities have the tools and understanding necessary to comply with the ACA and to continue to grow their businesses. We look forward to working with you and members of Congress to address the challenges of seasonal employer compliance under the ACA and greatly appreciate your leadership on this issue.

Sincerely,

### **National Organizations**

Agricultural Retailers Association  
AmericanHort  
American Farm Bureau Federation  
American Horse Council  
Associated Builders and Contractors  
Associated General Contractors  
Federation of Employers and Workers of America  
Golf Course Superintendent Association of America  
Interlocking Concrete Pavement Institute  
MASLabor  
Mulch and Soil Council  
National Association of Home Builders  
National Association of RV Parks & Campgrounds  
National Association of Theatre Owners  
National Christmas Tree Association  
National Club Association  
National Golf Course Owners Association  
National Hispanic Landscape Alliance  
National Horsemen's Benevolent and Protective Association  
National Independent Concessionaries Association, Inc.  
National Onion Association  
National Retail Federation  
National Restaurant Association  
Outdoor Amusement Business Association, Inc.  
Snow and Ice Management Association  
Society for Human Resource Management  
Society of American Florists  
Tree Care Industry Association  
United Fresh Produce Association  
U.S. Apple Association

### **Regional, State, and Local Organizations**

Alabama Nursery & Landscape Association  
Arkansas Hospitality Association  
Associated Landscape Contractors of Colorado  
California Association of Nurseries & Garden Centers  
Colorado Arborists and Lawn Care Professionals  
Colorado Nursery and Greenhouse Association  
Connecticut Nursery and Landscape Association

Farm Bureau Monterey  
Florida Fruit & Vegetable Association  
Florida Nursery, Growers & Landscape Association  
Florida Restaurant and Lodging Association  
Georgia Green Industry Association  
Idaho Nursery & Landscape Association  
Illinois Green Industry Association  
Illinois Landscape Contractors Association  
Indiana Restaurant and Lodging Association  
Iowa Restaurant Association  
Landscape Contractors Association MD-DC-VA  
Louisiana Farm Bureau Federation  
Louisiana Nursery & Landscape Association  
Maine Arborist Association  
Maine Landscape and Nursery Association  
Maine Restaurant Association  
Maryland Nursery, Landscape, and Greenhouse Association  
Massachusetts Nursery and Landscape Association, Inc.  
Massachusetts Restaurant Association  
Michigan Nursery & Landscape Association  
Michigan Restaurant Association  
Minnesota Nursery & Landscape Association  
Minnesota Restaurant Association  
Mississippi Restaurant Association  
Missouri Green Industry Alliance  
Missouri Restaurant Association  
Nevada Restaurant Association  
New Jersey Landscape Contractors Association  
New Jersey Nursery & Landscape Association  
New Mexico Restaurant Association  
New York State Restaurant Association  
North Carolina Green Industry Council  
North Carolina Nursery and Landscape Association  
North Carolina Restaurant and Lodging Association  
Ohio Landscape Association  
Ohio Lawn Care Association  
Oklahoma Restaurant Association  
Oregon Association of Nurseries  
Oregon Farm Bureau Federation  
Oregon Potato Commission  
Oregon Restaurant and Lodging Association  
Pennsylvania Landscape and Nursery Association  
Pennsylvania Restaurant and Lodging Association  
Puerto Rico Restaurant Association  
Restaurant Association of Maryland  
Rhode Island Nursery and Landscape Association

South Carolina Restaurant and Lodging Association  
Tennessee Nursery & Landscape Association, Inc.  
Texas Nursery & Landscape Association  
Texas Restaurant Association  
Texas Shrimp Association  
Utah Restaurant Association  
Virginia Christmas Tree Growers Association  
Virginia Nursery & Landscape Association  
Washington Association of Landscape Professionals  
Washington State Nursery & Landscape Association  
Washington State Potato Commission  
West Virginia Nursery & Landscape Association  
Wisconsin Green Industry Federation  
Wisconsin Nursery and Landscape Association  
Wisconsin Restaurant Association  
Yuma Fresh Vegetable Association