

June 10, 2009

Unite States House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of the signatories and our contractors, subcontractors, material suppliers and employees across the nation, we are writing to express our opposition to the *Healthy Families Act* (H.R. 2460/S.1152). Due to the burdensome and adverse impact it will have on small businesses, we urge you to oppose this legislation.

The *Healthy Families Act* (HFA) would require employers with 15 or more employees to offer a one-size-fits-all paid sick leave package mandating 56 hours – approximately 7-8 days – of paid sick leave to all “full-time” employees (those working 1680 hours a year or more – and average of 32 hours a week), and a pro-rated amount of leave to part-time employees – regardless of how few hours they work per week (workers would accumulate 1 hour of leave of every 30 hours worked). A paid sick leave mandate would drastically limit an employer’s flexibility in designing a compensation package that meets the needs of their unique workforce, resulting in significant costs for employers as well as a potential loss to employees who prefer compensation or other benefits rather than paid sick leave.

The HFA’s one-size-fits-all approach threatens an employer’s ability to provide the benefits that best fit the needs of their workforce. The unique nature of the construction industry demands that the benefits reflect the reality of the industry workforce. The HFA allows employees to take leave by the hour or in the smallest increment of time available under the employer’s payroll system without notifying their employer. Experience with this provision under the Family Medical Leave Act has shown that allowing employees to take leave on an intermittent basis, without prior notice or documentation (e.g., doctor’s note), invites unscheduled absences, tardiness and misuse of leave. When employees take intermittent leave with little or no notice, employers must cover the absent employee’s workload by reallocating the work to other employees or the work goes undone.

The economic hardships facing our nation have acutely impacted the construction industry. Our industry has seen historic highs in job losses over the last year, with more than 126,000 jobs lost in our industry in March 2009, and more than 1.3 million jobs lost since January 2007. At a time when employers are struggling to avoid layoffs and business closures, imposing paid leave mandates on employers is unwise policy that threatens jobs and the viability of many of the nation’s small businesses.

Employers of all sizes understand that employees need time off to address personal or family health issues, which is why the vast majority of employers currently offer paid leave benefits. At the same time, employers face economic realities and must balance leave benefits with other compensation offered to employees, such as wages and health benefits. Small businesses across the country are struggling to keep their doors open in these trying times and mandating paid leave will only aggravate this already fragile situation. For this reason and the reasons stated above we urge you to oppose the *Healthy Families Act*.

Sincerely,

Air Conditioning Contractors of America
Associated Builders and Contractors
Associated General Contractors
Independent Electrical Contractors
National Association of Home Builders
National Roofing Contractors Association
National Utility Contractors Association
Plumbing-Heating-Cooling Contractors Association