



October, 2011



Termination of the CLASS Program from the PPACA

With little fanfare and no public announcement, the secretary of Health and Human Services informed Congress Friday October, 14th that the Community Living Assistance Services and Supports program (CLASS), one component of the Patient Protection and Affordable Care Act (PPACA) would not be implemented because it is not financially sustainable. This decision was due to a provision of the act which required the CLASS program, which was designed to provide modest long term care benefits to be self supporting. As the program was voluntary in nature, adverse selection was a chief concern of some congress members who insisted that for the program to go forward, the Secretary of HHS certify that it be self supporting.

The CLASS program was originally to have begun enrollments in January of 2011. One of the broader consequences of the termination of this program is how it may impact other parts of the PPACA. The CLASS program was a source of revenue which would have offset other expenditures during the first 10 years of PPACA implementation. Now that the program will not be implemented, approximately \$86 billion in savings have been eliminated, changing the 10 year cost projections of the PPACA.

Notice of Employee Rights under the NLRA Poster Delayed

The National Labor Relations Board (NLRB) has delayed the compliance deadline for the Notice of Employee Rights under the National Labor Relations Act (NLRA). The original compliance deadline was November 14, 2011. The new compliance deadline is January 31, 2012.

The official reason for the delay is to “allow for enhanced education and outreach to employers.” However, the NLRB is currently being sued by a number of organizations

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who wish to block the implementation of the new notification requirement. These organizations include the U.S. Chamber of Commerce, National Association of Manufactures and the National Federation of Independent Businesses.

Although the notification requirement is new, the rights contained on the notice are not. All employees in the United States have certain rights under the NLRA, including the right organize a union, discuss wages and strike or picket. The notification requirement was the first time the NLRB has required that employers actively notify their employees of these rights. At present, employers may wish to wait until the deadline draws closer before posting the notice as the courts may rule against the NLRB.

To receive this poster, contact your agent or go to www.nlr.gov