The Patient Protection and Affordable Care Act (ACA) includes requirements or mandates for both individuals and employers. These requirements have varying effective dates as defined in the law. As part of the employer mandate for 2014, the university is required to offer health insurance to full-time employees (as defined by ACA) and establish a measurement period and track hours worked for any variable hour employees not offered health insurance. OHIO’s measurement period will begin on August 16, 2014 and continue through March 31, 2015.

1 The Employer Mandate

Under the Employer Mandate, the university must:

- Offer health insurance coverage at the time of hire to any employee reasonably expected to work an average of at least 30 hours per week annually.

- Establish measurement periods to track the hours worked for all employees not offered health care. This includes temporary Group III Faculty and Staff, students, graduate students, and re-employed retirees.

2 Definition of ACA Terms

**Full-time employee:** an employee who averages at least 30 hours per week annually or for the measurement period

**Variable hour employee:** an employee who is not reasonably expected to average at least 30 hours per week for a period of longer than six months

**Seasonal employment:** any employee hired into a position for which customary employment is 6 months or less (e.g., employees hired for a semester would be considered seasonal)

**Health insurance at OHIO:** An employee who ends up qualifying as a full-time employee under ACA (average of at least 30 hours per week annually or for measurement period) will be employed in a fully benefits eligible position and be made eligible for all university benefits.

3 Provision of Health Insurance

Any employee that is reasonably expected to meet the ACA definition of full-time employee, must be offered health insurance. This definition includes:

- Reasonably expected to work an average of at least 30 hours per week,
- Contract must have a duration of six months or longer
4  Hiring ACA Full-Time Employees at OHIO

4.1  Adjunct Faculty

While Group III Adjunct faculty appointments are typically made on a semester by semester basis, hiring departments are often aware of individuals who will be employed on an ongoing basis, throughout the academic year.

The Affordable Care Act allows the university to calculate hours worked based on credit hours. Following University Policy 18.009 - Faculty Responsibility and Evaluation, the university established a workload metric equating each credit hour to 2.67 overall hours worked. With this metric in place, an Adjunct Faculty member reasonably expected to teach an average workload of 11.25 credit hours or more for the measurement period must be hired as a Group II or Group IV faculty member (11.25 credit hours x 2.67 = 30 hours).

4.2  Administrative or Classified Staff

If a Group III Staff member is expected to work an average of at least 30 hours per week annually, the staff member must be hired as a regular, benefits eligible full-time or part-time Administrator or Classified Staff member.

5  Hiring Variable Hours Employees

5.1  Group III Adjunct Faculty (non-annual or seasonal/semester)

A Group III Adjunct Faculty member expected to work less than 11.25 credit hours for a semester can be hired on a Group III appointment and does not need to be offered health care.

A Group III Adjunct Faculty member may work greater than 11.25 credit hours for one semester per year. This type of appointment is considered “seasonal” and health care does not have to be provided.

NOTE: Departments must alert Human Resources to Group III Adjunct Faculty appointments of greater than 11.25 credit hours.

5.1.1  Hiring Group III Adjunct Faculty

The current process for hiring Group 3 Adjunct Faculty remains in place.

5.1.2  Group III Adjunct Faculty Set Up in EMS

Group III Adjunct Faculty should be hired via the “Academic Term Pay” option in EMS. Contract Pay and PT Contract pay should not be used.
5.2 Group III Staff (formerly Group III Administrator)

Group III Staff appointments with an expected average workload of 30 or more hours per week annually are prohibited.

Non-Annual Group III Staff Appointments

A Group III Staff member may work more than 30 hours per week for an appointment of 6 months or less. This type of appointment is considered “seasonal” and health care does not have to be provided.

Group III Staff appointments with workloads less than 30 hours per week may be longer than 6 months.

5.2.1 Hiring Group III Staff

The current process for hiring Group III Staff remains in place. Position descriptions are required for Group III positions and must be submitted to Human Resources for review. Group III positions should be posted via the PeopleAdmin system and searches must be conducted.

5.2.2 Group III Staff Set up in EMS

Group III Staff appointments will be processed via the EMS system and will continue to be paid on a salaried basis.

5.3 Hourly and Graduate Student Appointments

The university has established the following workload caps for student employees: no more than 20 hours per week during the fall and spring semesters and no more than 28 hours per week during all other periods of the year (summer, breaks, etc.). Short term variations in workload are expected and allowed. However students should not consistently work beyond the 20 and 28 hour limits.

Exceptions to the 20 hour and 28 hour per week caps must be vetted through Human Resources.

For students with graduate appointments, average hours worked will be based on the number of hours listed in the graduate appointment letter.

Resident Assistant positions are 20 hour per week positions; resident assistants are prohibited from holding other on-campus jobs during the fall and spring semesters since they already meet the 20 hour per week workload cap.

5.3.1 Hiring Student Hourly and Graduate Appointments

The current process for hiring student hourly and graduate appointments remains in place.
6 Measurement Period

The university has established the following measurement periods:

- Ongoing Measurement Periods: April 1 – March 31 of each year
- New Hire Measurement Period: 12 continuous months starting at date of hire

During the measurement periods, the university will track the workload of all employees not offered health insurance. If an employee ends up working an average of at least 30 hours per week annually and continues to be employed in any capacity after the measurement period, they will be offered health insurance.

New Hires: For employees who are hired with a contract of six months or longer who you do not reasonably expect to work an average of at least 30 hours per week, the contract will need to be reviewed within the first three months. If the employee is averaging at least 30 hours per week, either the workload will need to be adjusted or the employee will need to be hired under a new benefits eligible contract and offered health insurance. In addition to the university’s standard measurement period, the new hire’s workload average is also reviewed at the 12 month anniversary of the date of hire.

NOTE: an employee is considered a new hire if they have not been employed by the university within the past 26 weeks. If the gap in employment is less than 26 weeks, the new assignment is considered a continuation of their previous workload within the measurement period.

The university must track the hours worked for variable hour employees.

6.1 Group III Adjunct Faculty

Under the Affordable Care Act, the hours worked for employees whose workloads are primarily described in terms of credit hours assigned can be tracked using a formula to convert credit hours to overall hours worked.

Workload Formula: The university has established the following formula to track hours worked by Group III Faculty:

- 2.67 hours for every credit hour worked
- An 11.25 credit hour workload equates to 30 or more hours per week. (11.25 x 2.67 = 30.03)

Tracking hours for flexible schedule classes

Hours worked for flexible schedule classes (classes that do not meet over a full semester) will be prorated via a set formula.
6.2 Group III Staff

Group III Staff are required to report hours worked via Workforce time entry system. Reporting of hours is for Affordable Care Act reporting only and not tied to pay.

The supervisor of the Group III staff member must approve the hours entered in WorkForce in accordance with the biweekly timesheet approval schedule.

The failure of a Group III Staff member to report their workload could result in large Federal fines levied against the university and hiring department(s).

6.3 Hourly and Graduate Student Appointments

Student hourly employees will continue to report all hours worked via Workforce system.

Graduate appointments will not centrally report hours worked. Hours worked will be pulled from the Graduate Appointment letter. If a Graduate Appointment also works as a student hourly employee, the hours worked for both positions will be taken into consideration when determining overall average hours worked.

Resident Assistant’s hours will be tracked as 20 hours per week during each semester. If the RA works as a student hourly employee during breaks, the hours worked for both positions will be taken into consideration when determining overall average hours worked.

7 Use of Temporary Agencies

Units may use temporary agencies certified by the university to fill workload needs.

Departments with Group III Staff workload needs of a classified nature should consider use of a temporary agency.

Individuals from temporary agencies are not employees of Ohio University. If the individual works an average of at least 30 hours per week annually, it is the responsibility of the temporary agency to offer health insurance coverage and comply with the employer mandate.

Temporary agency employees may not directly work for the university in any other capacity.

- Under ACA, if a temporary agency employee also works directly for the university, all hours worked for the university via the temp agency and directly for the university are counted when determining whether the individual worked 30 or more hours per week.
8  Offering Health Care after the Measurement Periods

If an employee averages at least 30 hours per week throughout the measurement period, the employee will be offered health care for any continuing employment regardless of the capacity or number of hours worked;

8.1  Health Plans offered to Qualifying Individuals
Qualifying individuals will be offered the same benefits and health plans options offered to regular benefits eligible employees since they will be continually employed on a Group I, Group II, or Group IV Faculty appointment, or via a full-time or part-time benefits eligible administrative or classified staff appointment.

8.2  Charging Departments for Health Care for Qualifying Individuals
In general, the hiring department will be responsible for the cost of benefits for a qualifying individual. The “benefits standard rate” published by the Budget Office is the cost of providing benefits.

If a qualifying individual is employed by more than one department, the cost of benefits will be split between the departments.

If an individual qualifies due to workload with one department and is subsequently hired to work solely for a second department, the new/second department is responsible for the cost of benefits.

8.3  Changes to Appointments for Qualifying Individuals

*Group III Adjunct Faculty* who work an average of 11.25 credit hours or greater annually and who will continue to be employed in any capacity and at any FTE level must be hired via a Group I, Group II, or Group IV Faculty appointment and offered health care.

A *Group III Staff member* who was not expected to work 30 or more hours per week, but ends up averaging 30 or more hours per week annually must be offered health care if they continue to be employed in any capacity. These individuals must be hired via a full-time or part-time benefits eligible administrative or classified staff appointment and offered healthcare.

*Student Hourly and Graduate Appointments* who work an average of at least 30 hours per week annually must be offered health care if they continue to be employed in any capacity. These individuals must be hired via full-time or part-time benefits eligible administrative or classified staff appointments.

For further details, see the ACA Summary and FAQ documents posted on OHIO’s Affordable Care Act webpage:

http://www.ohio.edu/hr/benefits/aca.cfm