

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.

## 1 The Employer Mandate

Under the Employer Mandate, the university must:

- Establish measurement periods to track the hours worked for all employees not offered health care. This includes temporary Group III Faculty, Faculty Early Retirees, part-time staff with FTE below 0.75, students, graduate students, and re-employed retirees.
- 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.
- Offer insurance to any re-employed retiree, including new Faculty Early Retirees, who worked an average of 30 hours per week prior to retirement and returned to work without a 26 week break in service
- Offer insurance to any former employee who worked an average of 30 hours per week prior to termination of employment and returned to work without a 26 week break in service

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.

## 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 employees who is not reasonably expected to average at least 30 hours per week for a period of longer than six months

*Seasonal employment:* any Faculty member hired for one semester only; any staff member hired into a position for which employment is to be less than 120 days

### 3 Provision of Health Insurance

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 made eligible for university benefits for the length of time of the measurement period in which they qualified, or for as long as continuously employed, whichever is shorter.

## 4 Considerations for Hiring Group III Faculty and Part Time Staff

### 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) since there is a reasonable expectation the individual will work greater than 11.25 credit hours, or 30 hours per week.

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 benefits.

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.

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

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.

### 4.2 Administrative or Classified Staff

A part-time Administrative or Classified Staff member expected to work less than 30 hours per week, or 0.75 FTE, do not need to be offered health care benefits. The current process for hiring Part Time Staff (formerly Group III Staff) remains in place. Position descriptions are required for Part Time positions and must be submitted to Human Resources for review. Part time positions should be posted via the PeopleAdmin system and searches must be conducted.

(If a staff member is expected to work an average of at least 30 hours per week, or 0.75FTE, for greater than 120 days the staff member must be hired as a regular, benefits eligible full-time Administrator or Classified Staff member. )

### 4.3 Hourly and Graduate Student Appointments

The university has established the following workload caps for student employees:

- Student employees (without a graduate appointment, or F or J visas:
  - Fall and Spring Semesters: 25 hours per week
  - Summer semester and all academic breaks: 36 hours per week
- Students with graduate appointments, or with F and J visas:
  - Fall and Spring Semesters: 20 hours per week
  - Summer semester and all academic breaks: 36 hours per week

Short term variations in workload are expected and allowed. For example, during a high volume week a student employee (not on a visa) may work 40 hours, however students should not consistently work beyond the student workload limits.

*Exceptions to the workload limits must be vetted through Human Resources prior to the work being performed.*

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.

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

## 5 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 benefits. Benefits must be offered for the length of time of the measurement period during which the individual qualified, or length of continuous employment, whichever is shorter.

**New Hires:** During their first year of employment a new hire will be tracked in both the ongoing measurement period and new hire measurement period. A new hire can qualify via either measurement period. After their new hire measurement period ends, the new hire will be tracked only

in the standard measurement period.

## 6 Determining Hours Worked / Workload

### 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. ( $11.25 \times 2.67 = 30.03$ )

Group III Faculty with Additional Administrative Appointment: If a Group III Faculty member has an administrative appointment, the PT Contract Pay Element in workforce must include an estimated FTE. The FTE should be estimated based on the expected number of hours that will be worked per week for the administrative appointment. This FTE level will be combined with the class workload formula when counting hours worked for Group III Faculty.

### 6.2 Part Time Staff (Formerly Group III Staff)

Part Time Administrative Hourly and Classified Staff are required to report hours worked via Workforce time entry system. The supervisor of the part time staff member must approve the hours entered in WorkForce in accordance with the biweekly timesheet approval schedule.

### 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. If a department has questions regarding use of temporary agencies they should contact Human Resources.

Departments with part-time 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 Benefits, Including 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 benefits, including health care, for any continuing employment regardless of the capacity or number of hours worked.

Benefits will begin 90 days after the end of the measurement period in which the employee qualified. For example, if an employee qualifies during the standard April 1 – March 30 measurement period, benefits will begin July 1.

### 8.1 Benefits offered to Qualifying Individuals

Qualifying individuals will be offered the same benefits and health plans options offered to regular benefits eligible employees

### 8.2 Charging Departments for Benefits for Qualifying Individuals

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.

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