

## THE LAW

For employees that are not normally eligible for health care coverage (adjunct faculty, contract, temps, student employees), the Employer Shared Responsibility of the Affordable Care Act (ACA) states that we are required to measure their hours of service over a period of time (“measurement period”—AU will do a 12-month period). If during the measurement period it is determined that they have worked full-time (30 hours or more per week—ACA definition), we must offer them the AU employee healthcare coverage for an equal period (“stability period”—AU will be 12 months), regardless of the actual hours worked during this coverage period, as long as they remain employed.

## SIGNIFICANT IMPACT/CHANGES

- **New Adjunct Faculty & New Temporary Hourly Staff:** If they are expected to be employed for 30 hours or more per week, they must immediately be offered employee health care coverage for the first year of employment. Future termination expectation does not affect coverage offer requirement. Subsequent employment years are subject to measurement to determine eligibility.
  - Adjunct faculty: we will use a 3:1 formula (there may be exceptions), therefore adjuncts are limited to teaching less than 10 credits per semester
  - Temporary hourly staff: employment limited to less than 30 hours per week (there may be an allowance to allow 30 hours or more if working less than 3 months)
- **Student Employment:**
  - In order to appropriately track hours for ACA and meet the guidelines and requirements of the Department of Labor (exempt/non-exempt status) and Federal Labor Standards Act (overtime, minimum wage), all student employment needs to be classified on an hourly basis, no more contract/fixed-pay—including all graduate assistants. Limited exceptions: student adjunct faculty (use formula above) and resident assistants/student deans (special law provision; still based on a recorded standardized expectation of hours and duties).
  - New student employees cannot be expected to work 30 or more hours per week during their initial measurement period (e.g. cannot employ a new student employee on a full-time basis in the summer, if they have not completed their first 12-month period).
- **One-Time Payment Requests:** If it is not a bonus-like payment for hours already worked and paid for, the one-time payment request must be submitted in the pay period worked with associated hours by week for ALL employees—including salaried employees (all service/worked hours must be tracked/measured). For hourly employees, it may cause overtime expenses to be incurred.
- **Employment Break Period Rules (whether or not break time is included in measurement period calculation):** If there is a break in service between 4-26 weeks, but the break period is less than the prior employment period, we have to exclude that break period in the average hours calculation (i.e. we cannot associate zero hours to that break period and include it in calculating the average hours for the measurement period). Therefore, timely terminations to both job (to determine appropriate break period) and overall employment (to know if coverage can be terminated) must be made.
- **Eligibility Due to Measurement:** If a non-health-eligible employee is measured to have served 30 hours or more per week, the department(s) where those hours were incurred will be contacted by the finance/budget office regarding appropriate actions to be taken to account for the additional expenses to the budget.