

3.7.14 Affordable Care Act Measurement Periods

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To comply with the Patient Protection and Affordable Care Act, the College outlines the following procedures to determine which employees are treated as full-time employees for purposes of shared responsibility provisions of § 4980H of the Internal Revenue Code regarding health insurance coverage.

Definitions:

Administrative Period - the time after the Initial/Standard Measurement Period that it takes to determine eligibility and enroll an Eligible Employee in the health plan.

Eligible Employee - employees who are entitled to an offer of insurance. In order to be an Eligible Employee, the employee must average at least 30 Service Hours per week (or 130 Service Hours per month) over the course of an Initial/Standard Measurement Period.

Independent Contractor - an individual who is contracted to perform a service for the College for which there is no employer/employee relationship. The College has the right to control or direct only the result of the work and not what will be done and how it will be done. The earnings of a person who is working as an independent contractor are subject to Self-Employment Tax.

Initial/Standard Measurement Period - the period of time for which an employee's Service Hours are recorded and measured to determine average Service Hours worked. An Initial/Standard Measurement Period must be at least 3 months but no more than 12 months from the date of hire or from the first of the month following the date of hire.

Service Hours - each hour in which an employee is credited for the performance of services and, if applicable, hours for which an employee is entitled to payment during which no duties are performed due to paid leave.

Stability Period - the time after the Administrative Period for which health benefits are provided to Eligible Employees.

Staffing Agency Employee - a worker assigned to work at the College through a staffing firm. The staffing agency is responsible for insurance responsibilities although the College needs to track the hours as with other employees.

I. Ongoing Employees

- A. An "ongoing employee" is defined as an employee who has been employed for at least one complete standard measurement period.
- B. The BRCC Standard Measurement Period is six (6) consecutive calendar months and begins January 1st through June 30th and July 1st through December 31st each year.
- C. The Administrative Period is thirty days and is used for offering coverage to eligible employees to sign up for ACA health insurance coverage.
- D. The Stability Period is the duration of eligibility for which an ACA eligible employee may be treated as a full-time employee for the purpose of ACA eligible health insurance coverage. The Stability Period is six (6) months and typically begins in either January 1st or July 1st.

II. New Employees

- A. A "new employee" is generally an employee who starts work in the middle of a Standard Measurement Period and would not have accumulated enough work history needed to complete a Standard Measurement Period. This "new employee" would be subject to an Initial Measurement Period.
- B. The Initial Measurement Period is the period of time not less than three (3), but not more than twelve (12), consecutive months. The Initial Measurement Period for each new employee will start on the new employee's first day of employment and last through the end of six (6) consecutive months.
- C. The Administrative Period is the period of time from the end of the Initial Measurement Period through the end of the first calendar month beginning on or after the end of the Initial Measurement Period. The total length of this Administration Period will be one full month plus a partial month, depending on the end of employee's Initial Measurement Period.
- D. The Stability Period for such employees must be the same length as the Stability Period for ongoing employees. Therefore, the Stability Period for new employees will equal six (6) consecutive months beginning the first month after the Administrative Period.

Once an employee, who has been employed for an Initial Measurement Period, has been employed for an entire Standard Measurement period, the employee must be reviewed for full-time status, beginning with that Standard Measurement Period, at the same time and under the same conditions as other ongoing employees. At this point, the "new employee" is now considered an "ongoing employee" and will have the same Standard Measurement Period as other "ongoing employees".

- E. The Initial Measurement Period and the following Standard Measurement Period will most likely overlap. Creating two separate measurement periods will ensure that an employee has the opportunity to become eligible for health coverage depending on their working hours in either period.

III. Eligibility

An employee who is employed on average of at least thirty (30) hours of service per week or one-hundred thirty (130) hours of service per calendar month over the course of any measurement period described above is eligible for an offer of health insurance benefits.

IV. Compliance and Reliance

In compliance with § 4980H of the Internal Revenue Code, the College utilizes a reasonable method consistent with Notices 2011-36, 2011-73, 2012-17 and 2012-58. As additional guidance is issued, the procedures will be amended to ensure continued compliance with the Affordable Care Act.

V. Established Breaks in Service:

Established breaks in service are not held against an employee when calculating Service Hours during the Measurement Period for the purpose of determining eligibility for health insurance.

- A. The College is closed for a winter break between the fall and spring semesters. This is considered an established break in service.
- B. The College does not operate a regular term for courses in the summer. For part-time faculty who do not have a course assignment during the summer term, this is considered an established break in service.
- C. The College offers adult basic skills/continuing education (CE) courses year round; so, the winter break is the only established break in service for these part-time faculty.

VI. Non-Established Breaks in Service:

- A. Part-time faculty or staff may not have work assignments for a period of time that does not coincide with an established break in service. If this period is less than four weeks, this is not considered an established break in service. There is no change in the Measurement or Stability Period.
- B. Non-established breaks in service between 4 and 26 consecutive weeks:
 - 1. If a part-time employee has a non-established break in service between 4 and 26 consecutive weeks, and the non-established break does not exceed the length of pre-break employment, when a new assignment is awarded, the employee is considered an on-going employee. There is no change in the Measurement or Stability Period and the break period will not be factored in when Service Hours are calculated for purpose of eligibility requirements.
 - 2. If the non-established break in service is between 4 and 26 consecutive weeks and the non-established break in service exceeds the length of pre-break employment, the employee is treated as a new hire and the Measurement Period starts again.
- C. If a non-established break in service for part-time faculty or staff continues for more than 26 consecutive weeks, the College will consider the employee separated from employment. Pay records will be used to determine the separation date. A new Measurement Period will begin for all hired or rehired employees following the return to work date.

VII. Multiple Employment within the College:

Unless an exception is granted, part-time employees may only be employed by one department/division at a time. Prior approval from Human Resources must be received prior to any Service Hours worked. If approval is granted, the departments must work together in scheduling service hours to ensure that Service Hours credited are in accordance with Blue Ridge Community College policies and procedures.

VIII. Employee Declination of Health Insurance Coverage:

An eligible Employee may choose not to accept coverage in a health insurance plan offered by the College. An offer of initial or continued employment shall not be contingent on an employee voluntarily agreeing not to accept coverage should the employee become eligible during the term of employment.

An employee declines coverage when he/she does not enroll within 30 days of eligibility or completes the declination section of the paper notification or the online enrollment page. Eligible Employees will be asked to sign an acknowledgement that they were offered participation in the health insurance plan and that not enrolling within 30 days of the eligibility date will be considered a declination of coverage. Once an employee declines health insurance for the plan year, he/she cannot enroll again until the next annual enrollment period.

IX. Adjunct Faculty and Calculation Preparatory Service Hours:

Adjunct members are compensated solely on the basis of the number of courses or credit hours taught. The College uses the following formulas for calculating preparatory Service Hours:

- A. Lecture sessions – adjunct lecture faculty are responsible for preparation for lectures, grading papers and exams, and occasionally meeting with students outside of normal class hours. A reasonable estimation of time spent outside of the classroom is 1.25 hours outside of class for each lecture hour of class time.
- B. Laboratory sessions – adjunct laboratory faculty are responsible for observation of students in the laboratory, but the laboratories themselves are generally prepared by full-time faculty. There is a limited amount of grading done outside the laboratory. A reasonable estimation of time spent outside the laboratory is 0.5 hours outside of the laboratory for each contact hour of lab time. As laboratory sections are taught in conjunction with lecture sections, no additional time is allotted for meeting with students outside of lab time.
- C. Shop sessions – adjunct shop faculty are responsible for observation of students in the shop. There is very limited preparation or grading done outside the shop. A reasonable estimation of time spent outside the shop is 0.25 hours outside of the shop for each contact hour of shop time. As shop sections are taught in conjunction with lecture sections, no additional time is allotted for meeting with students outside of shop time.
- D. Clinical sessions – adjunct clinical faculty are responsible for observation of students in the clinics. There is very limited preparation or grading done outside the clinic. A reasonable estimation of time spent outside the clinic is 0.25 hours outside of the clinic for each contact hour of clinic time. As clinical instructors are not expected to meet with students outside of clinical time, no additional time is allotted for meeting with students outside of clinical hours.
- E. Studio sessions – adjunct studio faculty are responsible for observation of students in the studio. There is very limited preparation or grading done outside the studio. A reasonable estimation of time spent outside the studio is 0.25 hours outside of the studio for each contact hour of studio time. As studio instructors are not expected to meet with students outside of studio time, no additional time is allotted for meeting with students outside of studio hours.
- F. Salon sessions – adjunct salon faculty serve largely as facilitators, and have no expectation of preparation, grading, or meeting with students outside the salon sessions. Therefore, no additional time is allotted for salon faculty outside the salon.
- G. Basic Skills sessions – adjunct basic skills instructors serve largely as facilitators, and have no expectation of preparation, grading, or meeting with students outside their basic skills sessions. Therefore, no additional time is allotted for basic skills instructors outside their sessions.
- H. Economic and Workforce Development/Continuing Education classes are generally short-term courses, and seldom extend to the full 16 weeks that curriculum classes do. Adjunct instructors have a very limited amount of preparation required, and have no other expectations outside the classroom. A reasonable estimation is 0.25 hours of preparation time for each hour of time in the classroom. In order to determine total hours during a semester, the total hours taught over the course of 16 weeks is multiplied by 1.25. In some cases if Economic and Workforce Development/Continuing Education Adjunct instructors work on a continuous basis and exceeds the total working hour threshold of 30 hours per week, it may classify the adjunct instructor being eligible for an offer of insurance.