



Hiring of NANC Employees in Conformance with the Affordable Care Act

As required by the Affordable Care Act (ACA), medical coverage must be offered to eligible employees within **ALL** employee groups, including Adjunct faculty, Short-term Non-Classified (NANC) employees and student workers, effective January **2015**.

Under the ACA Full-time employees are defined as an “individual who works, on average, at least 30 hours per week or 130 hours per month.” The District will be evaluating which employees qualify as full-time by utilizing a measurement period of 6 months. Employees determined as eligible during the measurement period will be considered full-time and offered coverage during the 6 month period immediately following the measurement period beginning January of 2015.

Effective July 1, 2013, all NANC employees will be restricted to working no more than 25 hours per week. Even though the requirement to offer medical coverage to eligible employees has been delayed to 2015, the District will move forward with the requirement of restricting work hours to no more than 25 hours per week for the current year.

On a case-by-case basis, positions, such as grant funded positions, may be considered for exemption to the hour limitation if the department is able to pay for benefits. Exemptions must be approved by the Cabinet member who has authority over the program. This exemption, via signature on the NANC PASS, must be secured prior to the employee working any hours.

Information to Remember

1. Effective July 1, 2013, the standard maximum hours per week for NANC employees is 25 hours per week (approximately 105 hours per month).
2. Exceptions to the above must have prior approval from the site Cabinet member to exceed the standard maximum hours and must have prior identified funds to pay for health coverage should the employee be determined as eligible after review of the previous 6 month look back period.
3. Hours worked for ALL District NANC/student positions will be monitored during the measurement period including hours worked in multiple positions at different sites.
4. Beginning **January 1, 2015**, any NANC employee approved to work a regular schedule of 30 hours per week (130 hours per month) or more will be offered enrollment in health coverage at the time their assignment begins.
5. The hiring department will be responsible for paying for the coverage from their department budget.
6. 1,000 hours tracking for PERS eligibility and 195 days tracking (Ed Code Requirement) will continue to be monitored as well.



Affordable Care Act FAQs

1. Are Consultants exempt?

Consultants who are independent contractors are exempt and are not paid through the District's payroll system.

2. Can NANC employees decline coverage if they have health coverage from a spouse or parent?

If a District employee is eligible for health coverage, the District is required to offer coverage. The employee may choose to waive the coverage by completing a waiver form through the District Benefits Office.

3. What happens if during the 6 month review period the NANC employee is determined eligible for coverage, averaged 130 or more hours per month, and then terminates? Does the employee get coverage even though they are separated from SDCCD?

If an employee is no longer a District employee, the District is not obligated to offer coverage.

4. CalWorks students are supported with health insurance through the State of California Health Net. Are these student employees exempt?

No. Any District paid employee, regardless of the employee type, is to be offered coverage through the District if they are full time employees working an average of 30 hours per week/130 hours per month, or more. See question #2 above regarding the employee's ability to waive coverage.

5. What if a NANC employee works at multiple locations? How will the hours be tracked to make sure the standard maximum hours are not exceeded?

If a NANC employee works at multiple campuses or in multiple departments at the same location, they need to indicate this on the Non-Academic Non-Classified Personnel Action Sheet or the Personal Service Contract. The supervisors will want to coordinate with each other to make sure the employee is not worked in excess of the standard maximum hours. If after the 6 month measurement period the employee is found to be eligible for coverage, the department(s) the employee is working for during the following 6 month period will have to pay for the coverage out of their budget.

6. What are the limits or restrictions for scheduling a less than 50% contract employee beyond their contracted hours, i.e., to fill in for vacation or sick employee?

Although not NANC employees, part-time contract employees with less than 50% assignments do not receive medical benefits and could potentially become eligible for coverage if they are scheduled in excess of their part-time assignment. Less than 1.0 FTE employee should not be scheduled for more than 30 minutes per day in excess of their part-time assignment for a period of 20 consecutive working days. This will result in the employee acquiring the additional scheduled time and will increase their FTE, and may qualify them for other benefits on a pro rated basis.



- 7. What are the qualifying factors to determine full-time status for NANCE working 30 or more hours per week during the 6-month measurement period? Is this a onetime review or repeated every 6 months? Also, if they terminate employment and then come back after January 2015, is their eligibility for health care options reinstated?**

Under the Affordable Care Act (ACA), any employee working 30 hours or more per week, or 130 hours or more per month is considered "full-time" and is eligible for medical benefits. All employee work hours will be tracked. For the initial enrollment, there will be a six-month measurement period to determine which current employees will be offered medical insurance effective January 1, 2015. After the initial measurement period, eligibility will be reviewed on a continuous basis using a standard 6-month measurement period. As employees are hired throughout the year, they will have their own initial measurement period and then will be incorporated into the following standard measurement period. As long as they are active employees, there will be a continuous review process to determine eligibility.

Depending on the length of separation from the District, if an employee is hired back and they were found to be eligible for coverage during the last measurement period of their prior employment, they may be eligible for coverage at the time they are re-hired. This will need to be reviewed on a case-by-case basis.

- 8. Is the determining factor the total number of hours per month limit, or actual 30 hours per week? Limit should be changed to 115 hours per month (4 weeks [20 days] x 25 hours = 100 hours. However October has 23 days [4 weeks and 3 days] = 115 hours per month). If this is a weekly factor, why mention total hours per month?**

The ACA requires that any employee who has been hired to work 30 hours or more per week or 130 hours or more per month, or is found to be eligible after a 6-month measurement period will be provided medical insurance. The Cabinet approved the decision to use a weekly maximum of 25 hours (approximately 105 hours per month or 25 hours x 4.2 average weeks per month). The District is analyzing work hours based on a monthly count because hours worked are currently reported on a monthly basis and not on a weekly basis.

- 9. What help will HR give in terms of reports to assess if a NANCE employee has multiple District assignments at the time of hire and/or during employment when wage records are kept open on the position screen? What payroll codes will be used to determine this group of employees? Will the site initiating the assignment that enables the employee to exceed the limit be responsible for any health care costs?**

Refer to FAQ #5 above regarding NANC employees working in multiple District assignments. The current 135 Day report shows multiple assignments worked by NANC employees and may be utilized as a tool for tracking hours worked on a monthly basis. The District is reviewing an analytic tool which will provide the ability to track and report eligibility, as well as other



compliance requirements. The data in the payroll system will be used with this tool, so employees with multiple locations at multiple assignments will be assessed for all work performed. No payroll codes have been defined at this time. It is unlikely that there will be new payroll codes established.

It is a requirement to offer medical benefits if the employee meets the eligibility requirements. If they select medical benefits, they will be set up appropriately. If they decline, the District will need to track for compliance reporting, which will be done in the Benefits department. Please refer to "Information to Remember" item #5 above, regarding the responsibility of costs.

10. If an eligible hourly employee completes a waiver for releasing the District from providing health care due to personal health care coverage, can that employee work 30 or more hours per week maintaining the 175 day and 800 PERS limits?

If an employee is found to be eligible for coverage, they would already be working 30 or more hours per week (130 or more hours per month) on average over a 6-month measurement period or because a form was submitted requesting they be allowed to work 30 or more hours per week on a regular basis. Either way, a Cabinet member would have given approval to exceed the District's defined 25 hour per week (105 hours per month) maximum and acknowledgement that the hiring department is responsibility for the employee's medical benefits in the event they are found to be eligible for coverage.

Even if an eligible employee completes a waiver declining District coverage, approval to exceed the hour maximum must be indicated on the assignment. An eligible employee may decline coverage initially but could choose to accept coverage at a later date. Prior approval and funding must be identified.

11. How much is the health care options cost if a campus decides to pay for an employee to work over 30 hours per week/130 hours per month? Can we confirm that health care costs will only be for the individual employees?

At this time the District's Benefits Committee will be reviewing options for offering medical insurance. There is nothing in the ACA which requires the District to offer a particular medical plan, only that it passes an affordability test. Options will be reviewed and costs will be shared for 2015 implementation. Campuses must obtain prior approval to have an employee hired with medical insurance. It is recommended that if the campus knows the employee will be approved to work 30 hours or more a week, medical benefits are offered at the time of hire, and funding be available to support the cost.

At this time the ACA requires coverage for employee only, however in 2015 the medical insurance offered must be for the employee and their dependants (not including their spouses).



12. Should the permission form be revised to “Request to hire NANCE Employee more than 25 hours per week” instead of “30 hours or more per week”?

The “Request to hire NANC Employee 30 Hours or More per Week” form is specifically to request to hire a NANCE on a regular basis for 30 hours or more per week, which would qualify them to receive medical benefits at the onset of their employment with the hiring department responsible for the cost of coverage.

The additional signature requirement, on the “Non-Academic Non-Classified Personnel Action Sheet” and the “Personal Services Contract” for approval to exceed 25 hours per week/approx 105 hours per month, is a request to exceed the District’s 25 hour maximum. This does not necessarily mean the employee will be considered an ACA full time employee (30 hours or more per week/130 hours or more per month) initially but indicates the hiring department recognizes the employee may qualify for medical benefits after the measurement period and the department will be responsible for the cost.

For either circumstance, the Cabinet member will need to give written approval to exceed the District’s 25 hour maximum.

FAQS RELATING TO FACULTY HOURS

13. Are hours worked for ESUs that don’t count towards load (PE coaches), count towards the 30 hour per week/130 hours per month limit? Example a head athletic coach teaches 10 hours per week for their sport class and 16 ESU’s which equate to 20 hours per week, now this part time employee is working over 30 hours per week as per the contract.

All hours worked, including hours worked for ESUs, adjunct office hours and class prep time hours, are to be included to count towards eligibility for medical insurance. At this time the project team is assessing how the programs such as ESUs will be converted into hours worked, so they can be counted towards eligibility for medical benefits. Under the above example, the coach will be eligible for medical benefits.

14. If ESU’s count towards hours per week for health care purposes would a logical “jump” be that these same hours should count toward load and therefore adjunct head coaches whose teaching load is .67 then combined with ESU’s which equate to compensated hours worked each week could now infer that under Title V should now receive contracts?

The Affordable Care Act requires all hours worked be tracked for eligibility for medical insurance only. At this time, Title V and ACA have separate rules.