

5.21 Health Insurance Eligibility and Affordable Care Act

Last Revised: New

Policy Statement: Piedmont Community College (PCC) will offer health insurance to all eligible employees to ensure compliance with the Health Insurance Eligibility and Affordable Care Act.

Purpose/Definition: To offer health insurance coverage to any eligible employees.

Full-Time Regular is a position established in the budget as a regularly recurring position. Employment must be for nine or more months per calendar year with a work schedule of 39 hours per week. Positions in this category will receive fringe benefits which include, but are not limited to: leave (sick, vacation, funeral, civil, military, community service, etc.), state service credit, longevity, state retirement, holiday, disability, and health insurance benefits along with other benefits offered by the College. These full-time regular hours may occur on campus or at the designated workplace as approved by the President or appropriate Vice President.

Full-Time Other is a position established in the budget as a regularly recurring position. Employment must be for nine or more months per calendar year with a work schedule of 30 or more hours per week, but less than 39 hours per week. Positions in this category will receive fringe benefits which include, but are not limited to: prorated leave (sick, vacation, funeral, civil, military, community service, etc.), longevity, state service credit, state retirement, holiday, disability, and health insurance benefits along with other benefits offered by the College. These full-time other hours must occur at the designated workplace as approved by the President or appropriate Vice President.

Part-Time Regular is a position established in the budget as a regularly recurring position. Employment must be for nine or more months per calendar year with a work schedule of at least 20 hours per week but not more than 26 hours per week. Positions in this category are eligible to enroll in the state health plan on a fully contributory basis (PCC does not contribute), earn holidays, longevity, prorated state service credit, and prorated vacation and sick leave. These part-time regular hours must occur on campus or at the designated workplace as approved by the President or appropriate Vice President.

Full-Time Temporary is a position that is not established in the budget as a regularly recurring position and will be for brief periods (usually less than nine months) with a work schedule of 30-39 hours per week. PCC does not offer this employment category.

Part-Time Temporary is a position that is not established in the budget as a regularly recurring position and will be for brief periods (usually less than nine months) with a work schedule of no more than 26 hours per week, which terminates upon expiration of the contractual period and carries no expectation of extension. Temporary positions are not eligible for fringe benefits (health insurance) and are given no job preference for employment beyond the contractual period.

Service hours is each hour for which a part-time employee is credited for the performance of services and, if applicable, hours for which a part-time employee is entitled to payment during which no duties are performed due to paid leave, such as vacation, holiday, disability, jury duty, military leave or leave of absence. For faculty/instructor positions, service hours include not only classroom instruction time, but also time spent on advising students, class preparation work, course development, office hours, committee work, and other duties as assigned or required by the College.

Standard/Initial Measurement period is the period of time for which a part-time employee's hours are recorded and measured to determine average hours worked. The Initial Measurement Period for existing part-time employees was 12 months (November 1, 2013, through October 31, 2014). The Standard Measurement period for new part-time employees will be 12 months and the initial measurement period begins at the date of hire.

Administrative period is the time after the Standard/Initial Measurement Period that it takes to enroll an eligible part-time employee in the health insurance plan. The first administrative period was November 1, 2014, through December 31, 2014. For new part-time employees, the administrative period will begin within 90 days of the end of the Standard Measurement period. For existing part-time employees, the administrative period will begin within 90 days of the end of the Initial Measurement Period.

Stability period is the period of time after the Administrative Period for which health insurance benefits are provided to eligible part-time employees. The First Stability period is January 1, 2015, through December 31, 2015. For existing and new part-time employees, PCC's stability period will be 12 months.

Established Breaks in Service: A period of time for which a part-time employee does not work (semester breaks, summer break, spring break, holiday breaks, etc.). Breaks are not considered when calculating total service hours.

Non-Established Breaks in Service: The College will determine if a part-time employee is an "existing employee" or a "new employee" if break in service is longer than the period of previous employment, the part-time employee is treated as a new hire and a new Measurement Period begins.

Workload formula: Workload (loading) formula recognizes teaching and service contributions of all curriculum faculty members and non-credit instructors and helps ensure equity in workload assignments. The formula may be based on any combination of the following: contact hours, credit hours, service hours, reassign time, academic level of the course or class membership hours (number of students). The college's current workload formula for part-time instructors is as follows:

Curriculum Lecture (safe harbor)	2.25 hours per contact hour (credit bearing)
Curriculum Labs	1.67 hours per contact hour (credit bearing)
Curriculum Clinicals	1.16 hours per contact hour (credit bearing)
Occupational Extension	1.25 hours per contact hour (non credit bearing)
Basic Skills	1.16 hours per contact hour (non credit bearing)
Business & Industry	1.25 hours per contact hour (non credit bearing)
Skills Lab	1 hour per contact hour (non credit bearing)
Occupational Extension Clinicals	1.16 hours per contact hour (non credit bearing)

Credit bearing courses are curriculum courses for which credit hours are earned and can be applied to degrees, diplomas, and certificates.

Non-credit bearing courses are courses that provide lifelong learning opportunities for personal enrichment and career building, such as Basic Skills (College and Career Readiness), Occupational Extension, Business Development and Workforce Training, for which curriculum academic credit is not earned. Prep-time is typically lower than that required for credit-bearing courses.

Seasonal Employee is a part-time employee who is employed on a temporary basis for a defined season, such as registration.

Independent Contract Employee is 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.

Measurement Periods:

- Standard Measurement period for new part-time employees is 12 months
- Initial Measurement Period for existing part-time employees is 12 months

Administrative Period: This period is used to enroll eligible part-time employees, identified during the measurement period, into health insurance coverage:

- For new part-time employees-begins within 90 days of the end of the Standard Measurement Period
- For existing part-time employees-begins within 90 days of the end of the Initial Measurement Period

Stability Period: During this period, part-time employees who are identified as eligible for coverage during the measurement period maintain their eligibility status. This may be six months but not more than 12 months, and cannot be shorter than the Measurement Period and cannot be longer than the Measurement Period plus one month for any part-time employee.

Curriculum Faculty:

Categories and subcategories of positions (lab, no-lab, etc.):

- Criteria for full-time employment: between 18 and 28 instructional contact hours and up to eight office hours each week, and relevant committee work as assigned for a total of 39 hours.
- Activities that are given credit on an hour for hour basis for part-time faculty are office hours and class preparation.
- Responsibility for tracking and reporting hours will be shared by:
 - Dean
 - Vice President/President
 - Director, Personnel/Payroll

Non-Curriculum Instructors:

Categories and subcategories of positions (Basic Skills, Occupational Extension, and Business & Industry, etc.):

- Criteria for full-time employment: between 28 and 35 instructional contact hours and up to eleven office hours each week, and relevant committee work as assigned for a total of 39 hours.
- Activities that are given credit on an hour for hour basis for part-time instructors are office hours and class preparation.
- Responsibility for tracking and reporting hours will be shared by:
 - Dean
 - Vice President/President
 - Director, Personnel/Payroll

Changes in Employee's Position Status

Employee position status changes will be in accordance with all applicable local, state and federal employment law, including criteria set forth in the ACA that establishes an employee's eligibility for being offered health benefits by the College.

Multiple Positions

- Total hours for part-time employees who work in more than one employment category will be the sum of the hours calculated as defined for each category.
- Part-time employees employed in multiple positions will not exceed 26 hours per week.

Opting Out procedures

Any part-time employee may choose not to accept coverage in the health plan. Eligible part-time employees must annually complete the online enrollment tool administered by Blue Cross/Blue Shield of North Carolina which acknowledges that they were offered coverage and chose not to accept the coverage. Once a part-time employee opts out for the plan year, they cannot enroll again until the next annual enrollment.

Breaks In Service (On-Going v. New Hire)

The types of break in service determine if a part-time employee is classified as "existing" or a "new hire". Different rules apply to the "look-back" method of Safe Harbor that is used to analyze these two types of part-time employees who have had a break in service. Consider these scenarios:

Scenario 1: A part-time employee has a period of time which is less than 4 weeks for which they have 0 hours worked: Because the period during which the part-time employee did not work is less than four weeks, it is not an "employment break period". Therefore, you would treat this part-time employee as an "on-going" part-time employee and record only the actual hours worked. You continue with the same measurement period and stability period that they originally started with.

Scenario 2: A part-time employee has a period of time which is greater than 26 weeks for they have 0 hours worked and start to work with the employer again after 26 weeks: Because the period of time for which the individual did not work is greater than 26 weeks, this is not considered an "employment break period" but rather the part-time employee is treated as a rehire/new part-time employee and you would start over with a new measurement period.

Scenario 3: A part-time employee has a break of service of between 4 and 26 weeks and the break in service is greater than their period of employment: For example, a part-time employee works for five weeks for an employer and then leaves employment. He/she comes back to work ten weeks after this. In this case, the individual is treated as a rehire/new part-time employee because the break of ten weeks is greater than four weeks and greater than the period of employment of five weeks. You would start over with a new measurement period.

Scenario 4: A part-time employee has a break in service of between 4 and 26 weeks and the break in service is less than the period of employment: For example, a part-time employee works for ten weeks, leaves employment, and returns five weeks later. This would be considered an "employment break" and the individual would be treated as an on-going part-time employee because the break in service of five weeks was greater than four weeks and less than the period of employment of ten weeks. The measurement and stability period that would have applied to the part-time employee had the part-time

employee not had an employment break would continue to apply upon the part-time employee's resumption of service.

Under this scenario, employers using the “look-back” method must either:

- calculate their average hours worked per week excluding the break period, or
- treat the part-time employee as having worked their average weekly hours during the “employment break” period (even though the part-time employee did not in fact work during the break period).

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority for this policy. The Vice President, Administrative Services has monitoring authority.

Procedure:

Coordinators, Directors, Deans and appropriate Vice Presidents must determine the appropriate appointment type prior to contract initiation by defining contact hours and appointment types.

Each department is responsible for reporting the number of hours worked by each part-time employee designated as temporary to the Personnel/Payroll department by the 7th of each subsequent month. Example: Hours worked in July must be reported to personnel/payroll by August 7. It is the supervisor’s responsibility to ensure that all hours are reported correctly. To ensure compliance with this policy and to determine who is working enough hours to be eligible for health insurance benefits the Payroll/Personnel Department designee will generate a monthly report based on the hours provided by each department. If any part-time employee is eligible for health insurance benefits, the Personnel/Payroll Department designee will contact any eligible part-time employee within 30 days of eligibility to ensure enrollment or “OPT OUT” documentation is completed using the online enrollment tool administered by BCBSNC.

Legal Citation: Patient Protection and Affordable Care Act, Department of Treasury: 26CFR Parts 54 and 602; Department of Labor: 29CFR: Part 2590, Department of Health Human Services: 45CFR Part 147

History: Effective April 2015