SECTION 1. Purpose

1.1 The primary purpose of the Administrative Procedure is to set forth the guidelines for scheduling and monitoring the hours worked by non-benefit-eligible employees.

1.2 Blue Ridge CTC has a responsibility to track hours worked per week by adjunct faculty and other employees in positions that have not been historically deemed benefit-eligible. The basis of this legal obligation is the conditions imposed by the federal Patient Protection and Affordable Care Act (“ACA”) and guidelines issued by the Internal Revenue Service (IRS).

SECTION 2. Definitions

2.1 Adjunct Faculty. Those persons who are not designated for full-time employment and whose status is defined in Section 4 of Rule 45.2 of the Blue Ridge CTC Board of Governors. Adjunct faculty are part-time, non-tenure track faculty who do not meet the definition of full-time, temporary, or term appointment faculty as defined in Title 135 Procedural Rule, West Virginia Council for Community and Technical College Education, Series 9, Academic Freedom, Professional Responsibility, Promotion and Tenure. The procedure set forth herein as to adjunct faculty shall have no application to the adjunct faculty appointment of persons otherwise employed in a full-time capacity. Adjunct faculty works an average of less than 29 hours per week over a 12-month period.

2.2 Administrative Period. A period of one month, June, for making full-time determinations for ongoing employees and offering/implementing full-time employee coverage for the ensuing stability period. The administrative period shall also be that one month period immediately following the initial Measurement Period for newly-hired variable hour employees.

2.3 Health Insurance Plan Eligibility. Full-time employees who work an average of at least 30 hours per week are eligible for benefits to include health insurance. If a new employee is reasonably expected to average at least 30 hours per week at the time of hire, the employee must automatically be treated as full-time and offered group health coverage within new hire enrollment period.

2.4 Initial Measurement Period. A designated period of time of 11 months used to determine whether a newly-hired variable hour employee is full-time.

2.5 Non-Benefit-Eligible Employee. A non-benefit-eligible employee is one who, but for the ACA, would not have been considered full-time by the College nor would have been considered eligible for health insurance coverage prior to the ACA mandate.

2.6 Patient Protection and Affordable Care Act (ACA). Federal statute signed into law by President

2.7 Semester. (3) Fall, Spring, Summer.

2.8 Stability Period. An annual designated period of 12 months during which Blue Ridge CTC will offer health coverage to all full-time employees. For ongoing employees, the stability period coincides with the fiscal year which serves as the College’s health insurance plan year.

2.9 Standard Measurement Period. An annual designated period of 11 months used to determine whether an ongoing employee is full-time. The standard measurement period runs July 1 through May 31.

2.10 Variable Employee. Adjunct employee. An employee for whom it cannot reasonably be determined at the time of hire whether the individual will be regularly scheduled to work no fewer than 30 hours per workweek.

SECTION 3. Administrative Procedure

3.1 The assignment of adjunct faculty members shall be made by the program coordinator subject to review and approval by the respective Vice President with final approval by human resources for the specific purpose of adherence to this procedure. All adjunct faculty employees shall be selected through a systematic process designed to employ the most qualified person while adhering to affirmative action and minimum qualification guidelines.

3.2 Adjunct faculty members are intended to be relied upon to supplement, but not to supplant, full-time instructional staff.

3.3 Adjunct faculty shall not teach a course load that exceeds nine (9) credit hours per semester. Blue Ridge CTC observes the IRS Guidance which issues a standard of 2 and one quarter (2 1/4) hours worked per week for each credit hour appointment. Adjunct faculty shall not work more than 29 hours in any workweek. Any exception must be approved by the Head of Human Resources and the appropriate Executive Staff Member.

3.4 Supervisors/program coordinators are to ensure adjunct hours worked per week fall into alignment with Section 3.3.

3.5 Human resources will review hours worked for adjunct and all other non-benefit-eligible employees on an annual basis to coincide with the College’s fiscal year, which also serves as the benefits’ plan year for determination of health insurance coverage eligibility.

3.6 Human resources will review newly-hired adjunct and other non-benefit-eligible employees after the initial measurement period and after an entire standard measurement period.

3.7 Once an adjunct or other non-benefit-eligible employee has been employed for an initial measurement period and an entire standard measurement period, the employee is tested by the human resources department for full-time status as an ongoing employee, beginning with the immediately ensuing standard measurement period.

3.8 An employee who tests as full-time during the initial measurement period, but not as full-time during an overlapping or immediately following standard measurement period, will continue to be treated as full-time until the end of the stability period associated with the initial measurement period.

3.9 An employee who does not test as full-time during the initial measurement period but who tests as full-time during the overlapping or immediately following standard measurement period, will be treated as a full-time employee for the entire stability period that corresponds to the standard measurement period.
3.10 The first stability period is fiscal/plan year 2016 (July 1, 2015 - June 30, 2016) relative to the first measurement period of fiscal/plan year 2015 (July 1, 2014 – June 30, 2015). Each stability period thereafter will reference the standard measurement period in the preceding fiscal year for ongoing employees.

3.11 Enforcement

3.11.1 Blue Ridge Community and Technical College’s Human Resource department will be responsible for the enforcement of this administrative procedure to ensure the College’s compliance with the ACA. This policy has been written in accordance with the definition of full-time status for health insurance coverage purposes as defined by regulations of the Patient Protection and Affordable Care Act (PPACA) with guidance issued by the Internal Revenue Service (IRS).

3.11.2 Effective upon the adoption of this administrative procedure (version 2/28/14), each adjunct faculty appointment letter/contract shall include the following language:

By entering into this contract, the employee agrees to abide by the terms and conditions of the College’s administrative procedure relating to the Scheduling of Non-Benefit-Eligible Positions and Health Insurance Eligibility. These terms and conditions require the employee to agree: (1) not to actually work in excess of an average of 29 hours per week in connection with work performed under the contract within the duration of a semester appointment without prior approval; (2) not to perform any work for any other entity or agency of the State of West Virginia, except as may have been disclosed by the employee in writing to the human resources department prior to or upon the execution of this contract. Any failure by an employee to adhere to all of these terms will be considered as a basis for a termination of this contract by the College.

SECTION 4. Exceptions

4.1 The President of the College, or his/her designee, may make exceptions to this policy for academic and other reasons as may be deemed appropriate.

4.1.1 All full-time employees.

DISTRIBUTION LIST:
President
VP of Engineering and Workforce Development
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VP of Business and Technology
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Chief Financial Officer
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Faculty Council Chair
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President  Date