



FAQ'S RELATED TO CHANCELLOR'S AFFORDABLE CARE ACT (ACA) DIRECTIVE

Updated: July 2014

*****Note:** The responses to each of the questions in this FAQ are based on the most recent guidance provided by the Commonwealth of Virginia and the IRS. However, please be advised that this FAQ and the Chancellor's Directive are subject to change if any additional guidance is received that is inconsistent with the terms in these documents.

Q1: Requesting Exceptions to the Chancellors Directive and Other Related Questions– If my college or an individual adjunct has a unique circumstance and we would like to ask if there can be some review, special dispensation, or exception made for this individual situation. To whom should we direct such questions?

A: ***There are no waivers or exceptions to the Chancellor's Directive.*** For more background information see the Department of Human Resource Management (DHRM) FAQ's entitled **Work Hour Limitations for Wage Employee** issued April 11, 2013 and can be accessed at <http://www.dhrm.virginia.gov/hrpolicy/documents/FAQsWorkHoursLimitationsforWageEmployees.pdf> as this provided the underlying basis for the VCCS' guidelines. The FAQ clearly indicates that there are no exceptions.

Q2: Other Creative Options or Workarounds - Are there any other creative options that would allow us to interpret existing policies differently in order to allow adjuncts or full-time employees to work in a different arrangement given the significant operational challenges that have been created by our efforts to comply with the ACA?

A: No. The Governor and General Assembly have mandated how many hours part-time wage, workforce staff, and adjunct faculty can work. The Chancellor has issued a Directive that is consistent with these limits. All of the efforts of VCCS employees should be directed toward complying with the guidance issued by the Governor as per the information provided by DHRM. Nonetheless, the VCCS HR Department has issued a list of recruiting and staffing options that are designed to help colleges address the staffing changes that have resulted from our compliance with the Governor's guidance. These recruiting and staffing options have been shared with the Advisory Council of Presidents and HR officers at each college.

Q3: Workload Credits - If an adjunct is given additional workload credits, is this included in establishing their limits for the purposes of the Affordable Care Act (ACA)?

A: Yes. This is similar to DHRM's guidance on Wage employees wherein the total hours "paid" for on-call employees are counted. If an adjunct is given an additional credit hour for pay purposes due to having more students or for multiple meeting times, then this credit hour allowance counts against the 12 credit hour per semester limit that has been established, see VCCS policy 3.8.7 for more information.



Q4: If an adjunct is given additional workload credits for having a long distance to commute to campus, are these hours counted toward the workload limit?

A: All hours paid are counted toward the workload limit. However, workload credits should only be awarded for work related activities. Travel and commuting hours are not work related and should not be paid as workload credits—though a college may consider adjusting a base salary rate in exceptional circumstances for unique situations that assist them in recruiting and retaining key personnel.

Q5: Average Hours Per Semester - Can an adjunct professor who teaches 5 credit hours in the summer teach 15 hours in the Fall—with the average over the two semesters being within the limit established in the Chancellor's Directive?

A: No! The limit is 8 hours for the summer term. The limit is 12 hours for fall semester. All limits apply. That is, the semester/term limit applies, as do the academic year and calendar year limits, and there are no exceptions.

Q6: Limit for Summer Term – Why are adjuncts professors limited to teaching 8 hours in the summer term instead of 12 hours like in the fall and spring semesters?

A: The workload limit of adjunct professors is based upon a comparison to the workload of full-time professors. Full-time professors typically teach 12-15 credit hours in the fall and spring, but are limited to 10 hours in the summer term in accordance with VCCS Policy 3.8.2.

Q7: Non-Credit Courses and Activities - How are non-credit courses calculated to determine an hourly equivalent?

A: A universal standard for equating the contractual terms of non-credit courses is not possible since the terms and conditions of each agreement is negotiated separately. The terms of each agreement will govern how the workload is calculated. Leaders entering into any agreement with workforce personnel after May 1, 2013 should document the terms and conditions of that agreement while being mindful of the limits on workloads established by the Commonwealth.

Q8: Multiple Positions Total Workload Calculation - How do we calculate the workload of employees who work as adjuncts and another type of position?

A: The charts in Appendix A provide a useful measure by which to determine the permissible workload of part-time employees holding two or more positions.

Q9: Multiple Positions Across Colleges – How do we manage the total workload of employees who work for two or more colleges?



A: Various procedures are being developed and evaluated to manage this challenging issue. All part-time employees will be asked to disclose whether they are employed by another VCCS college or if they obtain future employment with another college or the System Office. The **VCCS Employment Certification and Notice of Part-Time Hours** document will assist in this effort. As additional policies and procedures are drafted and technological solutions developed, they will be made available.

Q10: Dual Enrollment - What happens if an instructor teaches dual enrollment courses during the day and as an adjunct in the evening for a particular college?

A: If an instructor delivers a dual enrollment course and he or she is compensated for that course by the High School, his/her employment is with the local school system wherein they have regular employment. These hours would not count toward a teaching limit with the VCCS for the purposes of the ACA. As previously stated, only hours that are paid by the VCCS count toward the limit.

Q11: Independent Contractors – Can adjuncts request to be classified as independent contractors so that they are not subject to the workload limits?

A: No. There are a multitude of legal, regulatory, and operational reasons why this is not a viable option. The reasons are too lengthy and complex to cover here.

Q12: 9-Month Teaching Faculty and Overloads - Can full-time, 9-month faculty teach additional courses?

A: VCCS policies 3.8.4 and 3.8.2 govern the teaching of overloads and limits teaching faculty to 10 additional credit hours during the academic year and 3 overload hours during the summer months.

Q13: Full-time Administrators and Teaching Workload - Can full-time administrators work full-time and teach additional hours due to the ACA?

A: Yes, however VCCS policy 3.8.5 limits the number of credit hours that administrative and professional faculty can teach to 9 credit hours per fiscal year. These limits remain prudent and they apply to all credit hours taught within the VCCS as a whole.

Q14: Refusal of Healthcare or Other Healthcare Coverage- Can an adjunct who has healthcare coverage from some other source refuse to accept healthcare coverage and therefore be allowed to exceed the limits established in the Chancellor's Directive?

A: No. The Chancellor's Directive applies to all adjuncts. There are no waivers or exceptions. The response to this particular question can be found in the FAQ's published by the DHRM.



Appendix A

Multiple Part-Time Position Workload Calculations

Part-Time Employee Multiple Position Workload Calculation for <u>Semesters</u>					
Semester Teaching Workload Limit	Credit Hours Taught	% of Total Teaching Limit	Staff Workload hour Limit	Eligible Staff Workload Percentage Remaining	Eligible Staff Workload Hours Remaining
12	1	8.33%	29	91.67%	26
12	2	16.67%	29	83.33%	24
12	3	25.00%	29	75.00%	21
12	4	33.33%	29	66.67%	19
12	5	41.67%	29	58.33%	16
12	6	50.00%	29	50.00%	14
12	7	58.33%	29	41.67%	12
12	8	66.67%	29	33.33%	9
12	9	75.00%	29	25.00%	7
12	10	83.33%	29	16.67%	4
12	11	91.67	29	8.33%	2
12	12	100.00	29	0%	0

Part-Time Employee Multiple Position Workload Calculation for <u>Summer Term</u>					
Summer Term Teaching Workload Limit	Credit Hours Taught	% of Total Teaching Limit	Staff Workload hour Limit	Eligible Staff Workload Percentage Remaining	Eligible Staff Workload Hours Remaining
8	1	12.5%	29	87.5%	25
8	2	25.0%	29	75.0%	21
8	3	37.5%	29	62.5%	18
8	4	50.0%	29	50.0%	14
8	5	62.5%	29	37.5%	10
8	6	75.0%	29	25.0%	7
8	7	87.5%	29	12.5%	3
8	8	100.0%	29	0%	0