**ACA Guidelines for Student Help and University Temporary Staff:**

To be in compliance with the Affordable Care Act (ACA), employers are required to provide minimum essential health care coverage for all full time employees. For the purposes of this law, employees are considered to be “full time” if they average 30 hours per week or 130 hours per month or a total of 1560 hours per year. In addition, employees who average more than 30 hours per week in any rolling 90 day period are considered to be “full time” and the employer must offer health insurance coverage. This has a significant impact on the University’s Student Help (SH) who are not eligible for health insurance coverage by state statute. University Staff Temporary employees (TE) must meet the Wisconsin Retirement System (WRS) requirements for health insurance eligibility.

ACA considers UW System as a single employer. Therefore, the restricted hours pertain to any hours worked at all UW-Madison divisions or any other UW System institution statewide. If an employee works for 3 different divisions or at another institution, all hours worked must be combined and stay below the 30 hour weekly average.

All TE or SH employees who are working for a time period that is longer than 89 consecutive days must average below 30 hours per week (they can work 40 hours one week and 20 the next as long as the overall average for any rolling 90 day period is not greater than 30 hours per week). A SH or TE employee who is working for a time period that is under 90 days may work up to 40 hours per week without any ACA infractions. Overtime hours are counted toward the total hours calculation.

To avoid ACA penalties, it is recommended that all supervisors ensure that their SH and TE employees are not violating the hourly restrictions by following one or more of these measures:

1. When hiring a SH or TE employee, identify if their working period will be longer than 89 days. If the working period will be over 89 days, limit the hours to average less than 30 hours per week for the entirety of their appointment. If the working period will be less than 90 days, be sure to identify that the employees end date will be less than 90 days out.
2. If the position is creating over 30 hours of work per week, consider one of the following:

* Hiring two SH or TE employees to cover the workload
* Hire the position on an ongoing basis

Student employees working in positions that are “seasonal” in nature do not need to follow the 30 hours or the 89 day rule. As long as they stay below 1560 hours per year, they can work as many hours as needed during the seasonal period. In order to be “seasonal”, the position must be less than 6 months in duration and the duties cannot be performed at any other time of year.

If you currently have an SH or TE employee that has been working more than “full time” as allowed by ACA, please contact us and we will evaluate the employment situation and consider options.

**Affordable Care Act (ACA) Summer Break Example A**

**Start of summer break**

**Example A –** Employee works 5.8 hours per day for a total of 29 hours per week – employee does not work over 30 hours per week at any point. Employee only works Monday through Friday. Days highlighted in yellow are days worked.

**May 2017**

Total of 8 days worked for a total of 46.4 hours (8 days x 5.8 hours per day)

**June 2017**

Total of 22 days worked for a total of 127.6 hours (22 days x 5.8 hours per day)

**July 2017**

Total of 20 days worked for a total of 116 hours (20 days x 5.8 hours per day)

**August 2017**

Total of 23 days worked for a total of 133.4 hours (23 days x 5.8 hours per day)

**End of 89 days**

Since employee has been averaging less than 30 hours per week, it is fine for them to continue working.

**End of break**

**September 2017**

Total of 1 day worked for a total of 5.8 hours (1 days x 5.8 hours per day).

**May 2017**

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**June 2017**

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**July 2017**

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**August 2017**

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**September 2017**

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**Affordable Care Act (ACA) Summer Break Example B**

**Start of summer break**

**Example B –** Employee works 8 hours per day for a total of 40 hours per week – employee does not work over 40 hours per week at any point. Employee only works Monday through Friday. Days highlighted in yellow are days worked.

**May 2017**

Total of 8 days worked for a total of 64 hours (8 days x 8 hours per day)

**June 2017**

Total of 22 days worked for a total of 176hours (22 days x 8 hours per day)

**July 2017**

Total of 20 days worked for a total of 160 hours (20 days x 8 hours per day)

**August 2017**

Total of 14 days worked for a total of 112 hours (14 days x 8 hours per day)

**End of 89 days**

Since employee has been averaging 40 hours per week employee must stop working. This is because the employee has averaged more than 30 hours per work in the 89-day window. Under ACA, we are required to offer health insurance. We do not have the means to offer health insurance to students/temporary employees statutorily.

**End of break**

**May 2017**

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**June 2017**

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**July 2017**

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**August 2017**

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**September 2017**

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**Affordable Care Act (ACA) Summer Break Example C**

**Start of summer break**

**Example C –** In this example, the employee works variable hours. Hours range between 10 hours per week and 40 hours per week. Employee only works Monday through Friday. Days highlighted in yellow are days worked.

**May 2017**

Employee starts working in May. Total of 8 days worked for a total of 40 hours (8 days x 5 hours per day)

**June 2017**

Week 6/7 to 6/9 – Employee works a total of 10 hours

Week 6/12 to 6/16 – Employee works a total of 40 hours

Week 6/19 to 6/23 – Employee works a total of 10 hours

Week 6/26 to 6/30 – Employee works a total of 40 hours

**Total hours worked in June = 100 hours – By the end of June employee has worked 140 total hours – averaging 23.3 hours/week (140 hours / 6 weeks)**

**July 2017**

Week 7/3 to 7/7 – Employee takes holiday week off

Week 7/10 to 7/14 – Employee works a total of 40 hours

Week 7/17 to 7/21 – Employee works a total of 40 hours

Week 7/24 to 7/28 – Employee works a total of 40 hours

Employee does not work 7/31

**By July 28th employee has worked 260 total hours – averaging 26 hours/week (260 hours / 10 weeks)**

**August 2017 – employee takes Fridays off – works 8 hours days all month**

Week 8/1 to 8/4 - Employee works a total of 24 hours

Week 8/7 to 8/11 - Employee works a total of 32 hours

Week 8/14 to 8/18 - Employee works a total of 32 hours

Week 8/21 to 8/25 - Employee works a total of 32 hours

Week 8/28 to 8/31 - Employee works a total of 32 hours

**Total hours worked in August = 152 hours – By the end of August employee has worked 412 total hours – averaging 27.46 hours/week (412 hours / 15 weeks)**

**End of 89 days**

Since employee has been averaging less than 30 hours per week, it is fine for them to continue working.

**End of break**

**September 2017**

No hours worked

**May 2017**

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**June 2017**

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**July 2017**

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**August 2017**

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**September 2017**

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**Start of summer break**

**Example D –** In this example, the employee works variable hours. Hours range between 0 hours per week and 40 hours per week. Employee only works Monday through Friday. Days highlighted in yellow are days worked.

**May 2017**

Employee starts working in May. Total of 8 days worked for a total of **64 hours** (8 days x 8 hours per day)

**June 2017**

Week of 6/1 to 6/2 - Employee works a total of 16 hours

Week 6/5 to 6/9 – Employee works a total of 40 hours

Week 6/12 to 6/16 – Employee works a total of 40 hours

Week 6/19 to 6/23 – Employee works a total of 40 hours

Week 6/26 to 6/30 – Employee works a total of 40 hours

**Total hours worked in June = 176 hours - By end of June employee has worked 240 hours – average of 40 hours/week (240 hours / 6 weeks)**

**July 2017**

Week 7/3 to 7/7 – Employee takes holiday week off

Week 7/10 to 7/14 – Employee takes week off

Week 7/17 to 7/21 – Employee works a total of 40 hours

Week 7/24 to 7/28 – Employee works a total of 40 hours

Employee does not work 7/31

**Total hours worked in July = 80 hours – By July 28th employee has worked 320 hours – average of 32 hours/week (320 hours / 10 weeks)**

**August 2017**

Week 8/1 to 8/4 - Employee works a total of 32 hours

Week 8/7 to 8/11 - Employee takes week off

Week 8/14 to 8/18 - Employee works a total of 24 hours

**By August 18th employee has worked 376 hours – average of 28.9 hours/week (376 hours / 13 weeks)**

Week 8/21 to 8/25 - Employee works a total of 40 hours

Week 8/28 to 8/31 - Employee works a total of 20 hours

**Total hours worked in August = 116 hours – By end of August employee has worked 436 hours – average of 29.06 hours/week (436 hours / 15 weeks)**

**End of 89 days**

Since employee has been averaging less than 30 hours per week, it is fine for them to continue working.

**End of break**

**September 2017**

No hours worked

**Affordable Care Act (ACA) Summer Break Example D**

**May 2017**

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**June 2017**

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**July 2017**

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**August 2017**

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**September 2017**

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