



Human Resources & Payroll  
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### **Federal ACA Guidance Update**

Thank you for your perseverance as we work our way through the changes required by the federal Affordable Care Act (ACA). We understand and appreciate how difficult this is for everyone involved as it involves real and lasting changes to how Mason interacts with faculty and staff. In some cases, the federal ACA changes have come to us with little transition time and we find ourselves trying to adjust procedures and guidance in real time which can add to the stress of the situation for everyone. Please keep in mind that the Federal requirements of ACA take precedence over both Mason procedures and practices and Commonwealth policy. As we go forward, please do your best to adjust to the changing circumstances required by the ACA. We'll do our best to keep you informed and obtain the clearest guidance available on how to handle the myriad of changes that the ACA is requiring.

### **ACA Guidance on Leaves and FTE Changes**

There are ACA implications to both faculty/staff leaves and changes in FTE. Please review the guidance below and do not hesitate to contact us if you have questions.

- Faculty/Staff Leaves
  - Because of ACA complexities, it is no longer a simple matter to put someone on a leave without pay or a leave with partial pay.
  - The guidance on this is very complex and we do not propose that our HR liaisons become ACA experts. However, we do ask that you ensure that your departments/units do not make any commitment before checking with HR & Payroll on leaves without pay or with partial pay. Leaves with full pay are not impacted.
  - One last point regarding leaves and ACA compliance. If your faculty or staff member goes on leave in a benefited position, the ACA requires that they must return to a benefited position. This means that some of our flexibility is no longer allowed. For example, if someone goes out on maternity leave as a benefited employee, they cannot return in a non-benefited capacity.
  
- Faculty/Staff FTE Changes
  - FTE changes that increase can be processed as before.
  - As with the leave guidance above, please alert your faculty and staff that no commitment to reduce an FTE below .75 should be made until the department has checked with HR & Payroll.

We regret that these intervening steps are needed and recognize that it might slow down the process a bit. There are penalties that accrue for federal ACA violations, however, and we do not want any department to be impacted with them. They are costly and comprehensive. By consulting with us before your department makes a commitment, we hope to ensure that Mason remains in compliance with the ACA.

### **Reminder: ACA 26-Week Rule**

We also wanted to take the opportunity to once again share the guidance on the ACA 26-week rule. On April 18, we sent out a message regarding the Affordable Care Act 26-Week Rule. In it we advised that we had:

*“recently received new guidance from the Commonwealth’s Department of Human Resource Management (DHRM) regarding changes to the rules for re-employment of former benefited employees who were employed 30 or more hours per week (.75 to 1.0 FTE). Effective immediately, a 26-week separation period must be required before a former Mason employee (including retirees) can be re-hired into any wage or adjunct role at Mason. The 26-week separation applies to both classified and faculty positions.*

*Please note, the 26-week separation does not apply to hiring retirees or former employees from other state agencies or Virginia public universities.”*

This rule was effective at Mason as of April 18, 2016 and applies only to the re-employment of a previously benefited employee or retiree to a non-benefited position (e.g. wage or adjunct faculty). As a follow up to our original message, we wanted to share some additional guidance on the 26-Week rule. It can be a bit confusing because there are both Virginia Retirement System (VRS) and Affordable Care Act (ACA) implications. We hope the charts below will help clarify a fairly complex situation. If you have any questions, please contact Michelle Lim at 3.3665 or via email at [mlim1@gmu.edu](mailto:mlim1@gmu.edu).

**Re-Hiring Commonwealth RETIREES**

<b>Retires from a .75 to 1.00 FTE position at:</b>	<b>Rehired as a wage at:</b>	<b>ACA separation required:</b>	<b>TOTAL separation required:</b>
Mason	Mason	26 weeks	26 weeks
Mason	Virginia Public University C	N/A–New employee at University C	Full calendar month
Virginia Agency A	Mason	N/A– New employee at Mason	Full calendar month
Mason	Virginia Agency A	N/A– New employee at Agency A	Full calendar month

- *In the Commonwealth, individual agencies are considered to be individual employers under ACA.*
- *Please remember that Commonwealth retirees (including our own) cannot be employed in a benefits-eligible position.*

**Re-Hiring Someone Who has Resigned from a Commonwealth Agency**

<b>Resigns/separates from a .75 to 1.00 FTE position at:</b>	<b>Rehired as <u>wage</u> employee at:</b>	<b>ACA separation required:</b>
Mason	Mason	26 weeks
Mason	Virginia Public University C	N/A– New employee at University C
Virginia Agency A	Mason	N/A– New employee at Mason
Mason	Virginia Agency A	N/A– New employee at Agency A

- *Please note: If someone is returning to a .75 to 1.00 FTE benefited position, an ACA separation of 26 weeks is not required because the person is moving from one benefited position to another.*