

Mississippi State University
Employee Work Hour Limits
Non-Benefits Eligible Positions

PURPOSE

The purpose of this policy is to establish work hour limits with respect to the university's non-benefits eligible employee classifications. This policy does not apply to regular full-time or part-time benefits eligible faculty or staff.

This policy mitigates the risk that the university's "non-benefits eligible" positions will be converted to "benefits eligible" as a result of exceeding the 30-work-hour threshold rule defined in the "Employer Shared Responsibility" section of the Affordable Care Act (ACA). Under the ACA, entitlement to employer-sponsored health care coverage is determined by an employee working an average of only 30 work hours per week over a standardized measurement period.

To facilitate practical internal management and control of work hours below the ACA threshold, MSU will limit the time that non-benefits eligible employees can work to not more than an average of 28 hours per work week. This policy requires joint responsibility between the employee and department to manage work hours up to this limit during the standard measurement period of October 1 through September 30 each year.

The employer-sponsored health care plan eligibility requirements are established by the Mississippi Department of Finance and Administration. The plan document can be found at <http://knowyourbenefits.dfa.state.ms.us>. Employer-sponsored plan eligibility definitions are provided below.

POLICY

Instructional employees that fall within the EEO category of Faculty (including lecturers and instructors) with a full-time equivalency (FTE) of less than 50% or who are employed by MSU for less than a full semester of four and one half months do not meet the eligibility requirements of the employer-sponsored health care plan.

All other staff and student employees holding positions that do not meet the eligibility requirements of the employer-sponsored health care plan must not exceed an average of 28 hours worked per week over the measurement period of October 1 through September 30 of each year.

Definitions

Benefits eligible – a full-time employee or a part-time employee with a 50% FTE or greater appointment that is expected to work four and one-half months, or longer. To be benefits eligible, an employee must be contributing to the state retirement plan. Benefits eligible employees are given the option of participating in the state health insurance plan.

Non-benefits eligible – a full-time employee that is expected to work up to but less than four and one-half months, or a part-time employee with less than a 50% FTE appointment. Non-benefits eligible

employees do not make contributions to either the state retirement plan (PERS) or to the Optional Retirement Plan (ORP). Non-benefits eligible employees do not have the option of participating in the state health insurance plan.

Intermittent worker – a full- or part- time employee holding a position and working on an intermittent or sporadic basis for less than a period of four and one-half months (up to 720 hours) in a fiscal year. This status includes non-exempt (hourly) and exempt (salaried) appointments. Employees in the intermittent status are non-benefits eligible.

Student workers – individuals whose work assignments are secondary to their pursuit of academic goals or objectives and who are enrolled as either undergraduate or graduate students of Mississippi State University, including students in a work study program and students in a co-op program. Student worker positions are non-benefits eligible.

Graduate Assistants – individuals who are provided financial support intended to facilitate progress toward the earning of a graduate degree. Assistantships are available in the areas of teaching, research, or service on a nine- or twelve-month basis. The individual academic or non-academic department/unit is responsible for establishing and monitoring the work schedule for each graduate assistant. The policies and procedures governing graduate assistantships can be found at <http://www.grad.msstate.edu>. Graduate Assistants are non-benefits eligible.

Rehired Retirees- in accordance with the state employees' retirement plan policy (PERS or ORP), this employee may not exceed one-half of the normal working days or hours for the full-time equivalent position during the state fiscal year (20 hours per week); or, they may elect to earn an annual salary that will not exceed 25 percent of the final average compensation used in calculating their service retirement allowance. In either case, hours worked must not exceed an average of 28 hours per week worked during the measurement period.

PROCEDURE

All employees must adhere to departmental supervision and control in scheduling work hours in accordance with the policy. Responsibility for the policy is placed jointly with departmental administration and supervisory staff as well as the employee, and strict adherence to the limit is required. Particular attention should be given to monitoring individuals whose primary focus is academic, including student workers, graduate assistants, residence hall assistants, and other similar non-benefits eligible positions.

In circumstances involving employment in multiple positions each non-benefits eligible employee's combined work hours must not exceed an average of 28 hours per week. This limit is an aggregate limit that applies to all internal positions. Candidates for non-benefits eligible positions who intend to pursue multiple positions are required to inform the hiring manager(s) of their current and continuing assignments in university departments and hiring managers must request that each candidate provide information about multiple positions in order to coordinate the total 28-hour per week limit.

Managers are required to coordinate non-benefits eligible non-exempt (hourly) employees' hours using information from departmental time records to ensure that the total hours worked are within the limits.

Hours worked will be assigned to non-benefits eligible exempt positions. Assignment of hours will be based on the appointment.

Job posting standards and documentation checklists provided by HRM include information about benefits eligibility. Benefits-eligibility criteria is available for review on the Human Resources Management Web site, www.hrm.msstate.edu/employment/procedures/

REVIEW

The Chief Human Resources Officer is responsible for review of the policy as needed, but no less frequently than four years.

Recommended by:

/s/ Judy Spencer
Chief Human Resources Officer

03/27/14
Date

/s/ Jerome A. Gilbert
Provost and Executive Vice President

04/02/14
Date

Reviewed by:

/s/ Lesia Ervin
Director of Internal Audit

04/17/14
Date

/s/ Joan L. Lucas
General Counsel

04/24/14
Date

APPROVED:

/s/ Mark Keenum
President

04/28/14
Date