



December 23, 2013

TO: ALL MANAGERS

CC: Jannett N. Jackson, Ph.D., Chancellor
Wyman M. Fong, Vice Chancellor, Human Resources

FROM: David Betts, Director, Employee & Labor Relations *DB*

SUBJECT: Guidelines for Hiring Temporary Employees in 2014

As you know, the District has been conducting a review and analysis of the provisions of the Patient Protection and Affordable Care Act (ACA) that was passed by Congress in 2010 and the potential impacts of this law on the District. Proposed regulations for implementation of the Employer Mandate requirement under the law were issued this year by the IRS. As a result of our review, please use the following guidelines for hiring temporary employees, effective January 1, 2014 and until further notice:

1. Temporary and substitute non-academic employees may work no more than 25 hours in a week.
2. Professional experts may work no more than 25 hours in a week.
3. Students may work no more than 20 hours in a week during the Spring, Fall, and Summer sessions. This is subject to change pending further guidance pertaining to student employment in the final IRS regulations.
4. Part-time faculty members are limited to a 67% load during the Fall and Spring semesters. Impact on summer load for part-time faculty will be further reviewed.
5. Community education instructors and contract education instructors must be hired as either employees (professional experts) or retained through another business entity. Contract and community education instructors that do not have a current employment relationship with the District and who have an Employer Identification Number (EIN) issued by the Internal Revenue Service may provide their service to the District through the business entity issued the EIN. Individuals with only a Social Security number must provide their service to the District as an employee. Hiring of individuals using independent contractor arrangements is inconsistent with the guidance the District has received that instructors of these classes must be retained as employees.

6. Payment of temporary employees by stipends may only be continued if it is contractually required, as in the case of some coaches. All other PAFs to compensate temporary employees must indicate the hourly rate and the number of hours to be worked. Payment of temporary employees on a “per student” rate, for example, is incompatible with the requirement that the District monitors and track all of the hours worked by all employees, as required by the IRS. ~

Category	Limits (Hours/Week)	Limit (Days/FY)	Load Limit
Students	20	-	-
Temporary/Substitute	25	150	-
Professional Expert	25	-	-
* P/T Faculty	-	-	67%

Please also keep in mind that, per the ACA, all hours worked in any capacity within the District are counted together. When a temporary employee is working in more than one department, communication and coordination must take place between managers and supervisors to ensure limits are not exceeded.

Given the requirements of the ACA and the need for monitoring and tracking of work hours, it is critical that situations that call for retroactive PAFs do not occur. Please ensure HR clearance prior to any candidate commencing employment.

Thank you for your cooperation.

Should you have any questions, please contact me at dbetts@clpccd.org, or Lydia Penaflo (lpenaflo@clpccd.org), Human Resources Manager.