

Statement on the Affordable Care Act and Part-Time Faculty Positions

April 2013

The American Association of University Professors (AAUP) affirms that access to health care is a basic human right and that no one should ever be denied access to quality health care. The passage of the Patient Protection and Affordable Care Act (PPACA, also known as “Obamacare”) represents a major step toward making that right a reality. Specifically, PPACA is designed to provide health insurance coverage for millions of Americans who are currently uninsured, thereby increasing access to quality health care.

Implementation of the law has raised a number of questions, among them how the law will be applied to faculty members in part-time positions. One provision of the new law, scheduled to take effect in January 2014, requires employers with more than fifty full-time employees to provide health benefits to employees who work thirty hours a week or more. To comply with this portion of the law colleges and universities must calculate the weekly working hours of part-time faculty members who are typically hired and compensated per course or per credit hour, rather than hourly or on a percentage basis.

The AAUP supports guidelines under development by the IRS that explicitly address part-time faculty members, a category of individuals who are often ignored and treated as if they were invisible despite comprising more than half of U.S. faculty positions. Proposed rules issued by the IRS in January don’t provide an exact formula, but they say that employers “must use a reasonable method for crediting hours of service.” They continue:

A method of crediting hours would not be reasonable if it took into account only some of an employee's hours of service with the effect of recharacterizing, as non-fulltime, an employee in a position that traditionally involves more than 30 hours of service per week. For example, it would not be a reasonable method . . . [in crediting hours for] . . . an instructor, such as an adjunct faculty member, to take into account only classroom or other instruction time and not other hours that are necessary to perform the employee's duties, such as class preparation time.

In addition to class preparation time, the AAUP recommends that institutions consider the following activities when calculating hours of service for part-time faculty members. The list is not comprehensive, but includes activities commonly engaged in by part-time faculty members:

- Grading (taking into account class size)
- Participating in orientation sessions
- Participating in and preparing for departmental or other college meetings
- Keeping current in the field (for example, by attending relevant conferences)
- Meeting with students or responding to student inquiries
- Mentoring students or advising extra-curricular activities or clubs
- Participating in accreditation reviews

Colleges and universities should realize the importance of providing health insurance to employees; we call on them to comply with the law and devise fair methods of calculating adjunct faculty hours, methods that fully take into account the many activities in which such faculty members engage. We have been dismayed by news reports of a handful of colleges and universities that have threatened to cut the courseloads of part-time faculty members specifically in order to evade this provision of the law. Such actions are reprehensible, penalizing part-time faculty members both by depriving them access to affordable health care as intended by law and by reducing their income.

The national AAUP will monitor developments at institutions and remain alert to complaints regarding institutions that undercalculate and/or reduce part-time workloads for the purpose of avoiding the provisions of the Patient Protection and Affordable Care Act. We call on our campus chapters and state conferences to exercise vigilance at the local level and to work with members of the campus community as well as community organizations concerned with social justice and local unions in ensuring that college and university administrations comply fully with the intent of the law.