ACA Compliance Rules

As you are aware, the District continues to refine and improve its ongoing compliance with the Affordable Care Act (the ACA, also known informally as “Obamacare”). As part of our compliance with the current federal law, we have already been forced to limit non-benefited employees (e.g., subs) to working no more than 120 hours per month in any capacity, in order to avoid monthly fines that could possibly approach $3.0 million dollars for an organization of our size.

In order to ensure our full compliance with the ACA and thus avoid such draconian fines, I am afraid that the District will now have to begin enforcing a 26 week waiting period for benefited employees who wish to leave and then return to a non-benefited position. **Effective April 26, 2017, if an employee leaves CCSD from a benefited position, they will not be allowed to return to work at CCSD in a non-benefited position until after a 26 week waiting period.**

Unfortunately, this will obviously have a negative effect on a teacher’s ability to retire from Cobb this spring and then return as either a 49% teacher, or even as a sub, at the start of next school year. **For example, a teacher who retired from CCSD at the end of post-planning in May will not be able to return to work for CCSD in a non-benefited position until December 1st.** (However, please note that the 26 week waiting period does not apply to employees changing employers, or to employees who are either leaving a non-benefited position or are returning to a benefited position, or to prior retirees who have been gone 26 weeks already.)

Please understand that we have exhausted every avenue to try to avoid enforcing this provision but, after surveying other large districts and consulting with our attorneys, we unfortunately now have no choice under the current law. In order to fully comply with the ACA, most large school districts and even the University System of Georgia are now requiring the enforcement of the 26 week waiting period as well. While HR does not agree with this provision of the law and deeply regrets the effect of our compliance, we nonetheless cannot risk incurring such a large fine, especially since the “safe harbor” provisions and compliance levels of the ACA are now even more restrictive than in earlier years. i.e., 95% compliance is required this year.

Thank you once again for your patience as we all deal with the consequences of compliance with the ACA. We will continue to monitor the current law and will revise our stance as needed in the event that the ACA should be repealed or modified. If you have any questions regarding a specific scenario, please contact HR’s Employment Supervisor for your level.