

Fall River Joint Unified School District

Policy 4154\Personnel

Health and Welfare Benefits

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

Employees who are not in bargaining units shall receive the same health and welfare benefits as specified in collective bargaining agreements.

Rules as to which employees are required or allowed to take medical, dental and vision insurance are set by the contracting health insurance company or the contracting Joint Powers Authority (JPA) and must be followed by all employees. The requirements for taking or not taking insurance are not subject to negotiated employee agreements.

For purposes of granting benefits pursuant to state law, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5)

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

Continuation of Coverage

Retired certificated employees, all other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law and district policy and regulations.

To receive continuation coverage, covered employees and their qualified beneficiaries shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program.

Legal Reference:

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums
 44986 Leave of absence, state disability benefits
 45136 Benefits for classified employees
 CIVIL CODE
 56.10-56.16 Disclosure of information by medical providers
 56.20-56.245 Use and disclosure of medical information by employers
 FAMILY CODE
 297-297.5 Rights, protections and benefits under law; registered domestic partners
 GOVERNMENT CODE
 22750-22944 Public Employees' Medical and Hospital Care Act
 53200-53210 Group insurance
 HEALTH AND SAFETY CODE
 1366.20-1366.29 Cal-COBRA program, health insurance
 1367.08 Disclosure of fees and commissions paid related to health care service plan
 1373 Health services plan, coverage for dependent children over 18 who are full-time students
 1373.621 Continuation coverage, age 60 or older after five years with district
 1374.58 Coverage for registered domestic partners, health service plans and health insurers
 INSURANCE CODE
 10116.5 Continuation coverage, age 60 or older after five years with district
 10128.50-10128.59 Cal-COBRA program, disability insurance
 10277-10278 Group and individual health insurance, coverage for dependent children
 10604.5 Annual disclosure of fees and commissions paid
 12670-12692.5 Conversion coverage
 LABOR CODE
 2800.2 Notification of conversion and continuation coverage
 4856 Health benefits for spouse of peace officer killed in performance of duties
 UNEMPLOYMENT INSURANCE CODE
 2613 Education program; notice of rights and benefits
 UNITED STATES CODE, TITLE 1
 7 Definition of marriage, spouse
 UNITED STATES CODE, TITLE 26
 139C COBRA premium assistance, elimination of subsidy for high-income individuals
 4980B COBRA continuation coverage
 6432 COBRA premium assistance
 6720C COBRA premium assistance, failure to notify health plan of cessation of eligibility
 UNITED STATES CODE, TITLE 29
 1161-1168 COBRA continuation coverage
 UNITED STATES CODE, TITLE 42
 1395-1395g Medicare benefits
 CODE OF FEDERAL REGULATIONS, TITLE 26
 54.4980B-1-54.4980B-10 COBRA continuation coverage
 CODE OF FEDERAL REGULATIONS, TITLE 45
 164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)
 Management Resources:
 INTERNAL REVENUE SERVICE GUIDANCE
 Premium Assistance for COBRA Benefits, Notice 2009-27

WEB SITES

CSBA: <http://www.csba.org>

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Employment Development Department: <http://www.edd.ca.gov>

Internal Revenue Service: <http://www.irs.gov>

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services:
<http://www.cms.hhs.gov>

U.S. Department of Labor: <http://www.dol.gov>

(7/04 3/05) 7/09

Policy adopted: 2/4/1980

Policy revised: 3/2/1988, 6/29/2011, 2/11/2015

Regulation 4154/4254

Personnel

Retired Certificated Employees

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. (Education Code 7000)

Retired Classified Employees

Any retiring classified employee who retires from the district shall be permitted to continue with health and welfare, dental and/or vision coverage provided for current employees. Retired employee will be responsible for the full cost of the coverage.

A retired classified employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage.

COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due

to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct
3. Divorce or legal separation of the covered employee
4. Covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6; Health and Safety Code 1373.621; Insurance Code 10116.5)

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, or the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

When disabled by an injury resulting from a violent act sustained while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

Regulation adopted: 2/4/80

Regulation revised: 3/2/88, 6/29/2011