

Policy 4354: Health And Welfare Benefits

Status: DRAFT

Original Adopted Date: 10/05/2010 | Last Revised Date: 12/11/2012

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. 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.

Management, ~~Certificated management, administrative, and~~ supervisory, confidential, and unrepresented employees who are not in bargaining units shall select ~~receive~~ the same employee benefit package (i.e., health, dental, vision, and life insurance) welfare benefits as those specified in the collective bargaining agreement for either certificated or classified employees. Upon reaching age fifty-five (55) for certificated employees or age fifty (50) for non-certificated employees, completing ten (10) full years of service in a paid status with the district, and having retired from the district, ~~Classified management, administrative, and~~ supervisory confidential, and unrepresented employees who are not in bargaining units shall be provided ~~receive~~ the same retirement medical health and welfare benefits provided as those specified in the collective bargaining agreement for certificated ~~classified~~ employees.

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) (Family Code 297.5, 300)

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Retired certificated employees, 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.

To receive continuation coverage Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries shall ~~pay~~ may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program. ~~the program.~~

Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses 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)

Retired Employees Health and Welfare Benefits

Retired employees and other qualified persons may continue to participate in the district's group health and welfare benefit plan and dental care benefit plan in accordance with state and federal law and bargaining unit contract.

The district shall make available a contribution to management, supervisory, confidential, and unrepresented employees equivalent to that available to certificated bargaining unit members towards the payment of the group medical insurance program. This shall be paid for a maximum of ten consecutive years, beginning with the first year of retirement, until he/she becomes eligible for Medicare, whether or not the retiree qualifies for Medicare. At that time the district contribution towards medical insurance shall cease. At that time, however, the retiree may remain

on the medical insurance program at his/her own expense.

To qualify for this retirement medical plan, the following criteria must be met by the employee: a) must have 10 full years of service in a paid status with the district, b) must have retired from the district, and c) reaching age fifty-five (55) for certificated employees or age fifty (50) for non-certificated employees.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Civ. Code 56.10-56.16	Disclosure of information by medical providers
Civ. Code 56.20-56.245	Use and disclosure of medical information by employers
Ed. Code 17566	Self-insurance fund
Ed. Code 35208	Liability insurance
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
Ed. Code 44041-44042	Payroll deductions for collection of premiums
Ed. Code 44986	Leave of absence; state disability benefits
Ed. Code 45136	Benefits for classified employees
Ed. Code 7000-7008	Health and welfare benefits; retired certificated employees
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 22750-22944	Public Employees' Medical and Hospital Care Act
Gov. Code 53200-53210	Group insurance
H&S Code 1366.20-1366.29	Cal-COBRA program; health insurance
H&S Code 1367.08	Disclosure of fees and commissions paid related to health care service plan
H&S Code 1373	Health services plan; coverage for dependent children
H&S Code 1373.621	Continuation coverage; age 60 or older after five years with district
H&S Code 1374.58	Coverage for registered domestic partners; health service plans and health insurers
Ins. Code 10116.5	Continuation coverage; age 60 or older after five years with district
Ins. Code 10128.50-10128.59	Cal-COBRA program; disability insurance
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children
Ins. Code 10604.5	Annual disclosure of fees and commissions paid
Ins. Code 12670-12692.5	Conversion coverage
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 4856	Health benefits for spouse of peace officer killed in performance of duties
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits

Federal References

	Description
1 USC 7	Definition of marriage and spouse
26 CFR 1.105-11	Self-insured medical reimbursement plan
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act

Federal References

26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual
26 USC 4980B	COBRA continuation coverage
26 USC 4980H	Penalty for noncompliance with employer-provided health care requirements
26 USC 5000A	Minimum essential coverage
26 USC 6056	Report of health coverage provided to employees
29 USC 1161-1168	COBRA continuation coverage
42 USC 1395-1395g	Medicare benefits
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act
45 CFR 164.500-164.534	Privacy of individually identifiable health information

Description**Management Resources References**

CSBA Publication	Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
Internal Revenue Service Notification	2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans
U.S. Department of Treasury Publication	Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services
Website	California Employment Development Department
Website	Internal Revenue Service
Website	U.S. Department of Labor
Website	CSBA

Description**Cross References**

1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
3100	Budget
3100	Budget
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4112.9	Employee Notifications

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Cross References**Description**

4112.9-E(1)	Employee Notifications
4117.11	Preretirement Part-Time Employment
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4151	Employee Compensation
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.8	Family Care And Medical Leave
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4251	Employee Compensation
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.11	Preretirement Part-Time Employment
4340	Bargaining Units
4351	Employee Compensation
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave

Cross References

4361.11

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