

**Policy 4254: Health And Welfare Benefits**

Status: DRAFT

Original Adopted Date: 10/05/2010 | Last Revised Date: 12/11/2012 | Last Reviewed 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 employees. ~~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)

**Continuation of Coverage (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.

**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. 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)**

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**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

Civ. Code 56.10-56.16

### Description

[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

1 USC 7

### Description

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

**Management Resources References**

- CSBA Publication
- Internal Revenue Service Notification
- U.S. Department of Treasury Publication
- Website
- Website
- Website
- Website
- Website
- Website

**Description**

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

**Cross References**

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- [Budget](#)
- [Financial Reports And Accountability](#)
- [Financial Reports And Accountability](#)
- [Risk Management/Insurance](#)
- [Risk Management/Insurance](#)
- [Nondiscrimination In Employment](#)
- [Nondiscrimination In Employment](#)
- [Personnel Files](#)
- [Employee Notifications](#)
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4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
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4141.6	<a href="#">Concerted Action/Work Stoppage</a>
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4151	<a href="#">Employee Compensation</a>
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4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4212.6	<a href="#">Personnel Files</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4240	<a href="#">Bargaining Units</a>
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