

**Health and Welfare Benefits**

Personnel

The County Superintendent (Superintendent) 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 Solano County Office of Education (SCOE) shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees, with the exception of the vision plan.

Except as provided for in the applicable collective bargaining agreement, upon retirement, employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by SCOE in administering the program.

Employees terminating employment, not retiring, are entitled to continuation of benefits under Consolidated Omnibus Budget Reconciliation Act (COBRA) law.

Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information SCOE 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)

Affordability of Health Coverage

The Superintendent or designee shall seek assurance from SCOE's health insurance carrier(s) that the health plan offered to full-time employees and their dependents meets all requirements of the federal Patient Protection and Affordable Care Act (ACA). (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6)

The Superintendent or designee also shall ensure that each employee's contribution to the employee-only health coverage does not exceed the current allowable percentage outlined in the federal Patient Protection and Affordable Care Act of his/her modified household income, as defined in 26 USC 5000A. The Superintendent or designee shall calculate the affordability of the coverage using one or more of the following methods in a uniform and consistent basis for all employees within the same category: (26 USC 4980H; 26 CFR 54.4980H-4-54.4980H-5)

1. SCOE shall ensure that the lowest cost employee-only coverage does not exceed the annual ACA percentage of wages paid to the employee by SCOE for the calendar year as reported on the employee's W-2 tax form. For an employee not offered coverage for an entire calendar year, the wages shall be adjusted to reflect the period for which coverage was offered.
2. SCOE shall ensure that the employee's required monthly contribution for the lowest cost employee-only coverage does not exceed the annual ACA percentage of an amount equal to 130 hours multiplied by the employee's hourly rate of pay on the first day of the plan year or his/her lowest hourly pay during the calendar month, whichever is lower.
3. SCOE shall ensure that the employee's contribution does not exceed the annual ACA percentage of a monthly amount determined as the federal poverty line for a single individual for the applicable calendar year, divided by 12.

## OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

### COBRA/Cal-COBRA Continuation Coverage

Covered SCOE 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. The covered employee 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, 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 sustained from a violent act 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 section 7008)

#### Legal Reference:

##### EDUCATION CODE

- 7000-7008 Health and welfare benefits, retired certificated employees
- 44041-44042 Payroll deductions for collection of premiums
- 45136 Benefits for classified employees

##### CIVIL CODE

- 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
- 300 Definition of marriage

Legal Reference: *(Continued)*

GOVERNMENT CODE

- 12940-12945 Discrimination Prohibited
- 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
- 1373 Health services plan, coverage for dependent children 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 Life and disability insurance, general provisions
- 10128.50-10128.59 Cal-COBRA program, disability insurance
- 10277-10278 Group and individual health insurance, coverage for dependent children
- 12670-12692.5 Conversion coverage

LABOR CODE

- 2800.2 Notification of conversion and continuation coverage

UNEMPLOYMENT INSURANCE CODE

- 2613 Disability compensation provisions

UNITED STATES CODE, TITLE 1

- 7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 26

- 105 Self-insured medical reimbursement plan; definition of highly compensated individual
- 4980B COBRA continuation coverage
- 4980H Penalty for noncompliance with employer-provided health care requirements
- 5000A Minimum essential coverage
- 6056 Report of health coverage provided to employees

UNITED STATES CODE, TITLE 29

- 1161-1168 COBRA continuation coverage

UNITED STATES CODE, TITLE 42

- 300gg-300gg95 Patient Protection and Affordable Care Act, especially:
  - 300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals
- 1395-1395g Medicare benefits

CODE OF FEDERAL REGULATIONS, TITLE 26

- 54.4980B-1-54.4980B-10 COBRA continuation coverage
- 54.4980H-1-54.4980H-6 Patient Protection and Affordable Care Act
- 1.105-11 Self-insured medical reimbursement plan

CODE OF FEDERAL REGULATIONS, TITLE 45

- 164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Policy Cross-Reference:

- 4112.6 Personnel Files
- 4112.9 Employee Notifications
- 4118 - Dismissal/Suspension/Disciplinary Action
- 4157.1 Work-Related Injuries
- 4161 Leaves
- 4161.1 Personal Illness/Injury Leave