Personnel

HEALTH AND WELFARE BENEFITS BP 4154 4254, 4354 (a)

The Board of Trustees 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 employees in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4151/4251/4351 - Employee Compensation)

(Unless agreed upon by the management, administrative, and supervisory employees to accept a different package, then the following will apply):
Certificated 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. Classified 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 classified employees.

(cf. 4300 - Administrative and Supervisory Personnel)

For purposes of granting benefits, 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, 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.

Unless otherwise provided for in the applicable collective bargaining agreement, covered 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 the district in administering 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)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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
300 Definition of marriage
GOVERNMENT CODE
12940 Discrimination in employment
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 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

Legal Reference, continued:

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
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)
Management Resources:
CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
INTERNAL REVENUE SERVICE NOTICES
2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans
U.S. DEPARTMENT OF TREASURY PUBLICATIONS
Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
WEB SITES
CSBA: http://www.csba.org
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.gov
U.S. Department of Labor: http://www.dol.gov