

SP4354 Health and Welfare Benefits
Personnel

Status: ADOPTED
December 10, 2015

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

Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

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 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 County Office'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 County Office in administering the program.

Confidentiality

The County 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)

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
 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
 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>