

Policy 4254: Health And Welfare Benefits

Status: ADOPTED

Original Adopted Date: 07/01/2009 | **Last Revised Date:**
10/01/2015 | **Last Reviewed Date:** 10/01/2015

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 employees in accordance with state and federal law and subject to negotiated employee agreements.

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.

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)

State	Description
Civ. Code 56.10-56.16	<u>Disclosure of information by medical providers</u>
Civ. Code 56.20-56.245	<u>Use and disclosure of medical information by employers</u>
Ed. Code 17566	<u>Self-insurance fund</u>
Ed. Code 35208	<u>Liability insurance</u>
Ed. Code 35214	<u>Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)</u>
Ed. Code 44041-44042	<u>Payroll deductions for collection of premiums</u>
Ed. Code 44986	<u>Leave of absence; state disability benefits</u>
Ed. Code 45136	<u>Benefits for classified employees</u>
Ed. Code 7000-7008	<u>Health and welfare benefits; retired certificated employees</u>
Fam. Code 297-297.5	<u>Rights, protections, benefits under the law; registered domestic partners</u>
Fam. Code 300	<u>Definition of marriage</u>
Gov. Code 12940	<u>Unlawful discriminatory employment practices</u>
Gov. Code 22750-22944	<u>Public Employees' Medical and Hospital Care Act</u>
Gov. Code 53200-53210	<u>Group insurance</u>
H&S Code 1366.20-1366.29	<u>Cal-COBRA program; health insurance</u>
H&S Code 1367.08	<u>Disclosure of fees and commissions paid related to health care service plan</u>
H&S Code 1373	<u>Health services plan; coverage for dependent children</u>
H&S Code 1373.621	<u>Continuation coverage; age 60 or older after five years with district</u>
H&S Code 1374.58	<u>Coverage for registered domestic partners; health service plans and health insurers</u>
Ins. Code 10116.5	<u>Continuation coverage; age 60 or older after five years with district</u>
Ins. Code 10128.50-10128.59	<u>Cal-COBRA program; disability insurance</u>
Ins. Code 10277-10278	<u>Group and individual health insurance; coverage for dependent children</u>
Ins. Code 10604.5	<u>Annual disclosure of fees and commissions paid</u>
Ins. Code 12670-12692.5	<u>Conversion coverage</u>
Lab. Code 2800.2	<u>Notification of availability of continuation health coverage</u>
Lab. Code 4856	<u>Health benefits for spouse of peace officer killed in performance of duties</u>
Unemp. Ins. Code 2613	<u>Disability insurance; notice of rights and benefits</u>
Federal	Description
1 USC 7	<u>Definition of marriage and spouse</u>
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
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
Management Resources	Description

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	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services</u>
Website	<u>California Employment Development Department</u>
Website	<u>Internal Revenue Service</u>
Website	<u>U.S. Department of Labor</u>
Website	<u>CSBA</u>

Code	Description
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
2121	<u>Superintendent's Contract</u>
3100	<u>Budget</u>
3100	<u>Budget</u>
3460	<u>Financial Reports And Accountability</u>
3460	<u>Financial Reports And Accountability</u>
3530	<u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4112.6	<u>Personnel Files</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4113.5	<u>Working Remotely</u>
4117.11	<u>Preretirement Part-Time Employment</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4140	<u>Bargaining Units</u>
4141	<u>Collective Bargaining Agreement</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4151	<u>Employee Compensation</u>
4157.1	<u>Work-Related Injuries</u>
4161	<u>Leaves</u>
4161	<u>Leaves</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
4212.6	<u>Personnel Files</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4213.5	<u>Working Remotely</u>
4217.11	<u>Preretirement Part-Time Employment</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4240	<u>Bargaining Units</u>
4241	<u>Collective Bargaining Agreement</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4251	<u>Employee Compensation</u>
4257.1	<u>Work-Related Injuries</u>
4261	<u>Leaves</u>
4261	<u>Leaves</u>

4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.6	<u>Personnel Files</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4313.5	<u>Working Remotely</u>
4317.11	<u>Preretirement Part-Time Employment</u>
4340	<u>Bargaining Units</u>
4351	<u>Employee Compensation</u>
4357.1	<u>Work-Related Injuries</u>
4361	<u>Leaves</u>
4361	<u>Leaves</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
9250	<u>Remuneration, Reimbursement And Other Benefits</u>
9250-E(1)	<u>Remuneration, Reimbursement And Other Benefits</u>