

# **Pacifica SD**

## **Board Policy**

### **Health And Welfare Benefits**

BP 4154

#### **Personnel**

**USE PSD WITH REVISIONS  
– REVISIONS ACCEPTED**

The district shall provide health and welfare benefits for employees in bargaining units 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. 4300 - Administrative and Supervisory Personnel)

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

The District shall, regardless of the method of calculation of pay and regardless of whether a position is an exempt position under the Fair Labor Standards Act, track the actual hours worked of all variable-hour employees as determined by the Associate Superintendent or designee.

Variable hour-employees who are reasonably expected on the date of hire by the Associate Superintendent or designee to work 30 hours of service per week during their term of service shall be offered an employer-sponsored policy of health insurance as required by the Patient Protection and Affordable Care Act.

(cf. 4121 - Temporary/Substitute Personnel)

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)

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)

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

## 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, covered employees and their qualified beneficiaries shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

In addition to the above mentioned retired employees and other employees, retired employees who qualify for retirement benefits as specified in negotiated employee agreements, Board Policy, Administrative Regulation, and in accordance with state and federal law, may continue to participate in the district's group health and welfare benefit plan and dental care benefit plan.

### 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  
UNITED STATES CODE, TITLE 29  
1161-1168 COBRA continuation coverage  
UNITED STATES CODE, TITLE 42  
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  
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:

#### INTERNAL REVENUE SERVICE NOTICES

2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans

#### 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>

#### Policy PACIFICA SCHOOL DISTRICT

adopted: September 18, 2013      Pacifica, California