Patient Protections & Affordable Care Act

Presented By:
DAS CHRO, PPDB, OSPS and PEBB
Agenda

- What is the Patient Protection and Affordable Care Act
- CHRO - Policy and Process
- PPDB - New Codes and Data Entry Processes
- OSPS - New ACA hours query and Datamart
- PEBB - New OARs, payment processes and benefit packages
What is the ACA

- Federal Law - Final Regulations (IRS) adopted 2/14/14
- Many provisions impacting health insurance and individual and employer responsibilities
- Establishes time lines for implementation and reporting over several years
- Establishes penalties for failure to comply at individual and employer levels
- Overall, the State of Oregon has more generous offerings than required by the law with few exceptions
- Requires employers offer minimum value benefits to full time (30+ hour a week or more) employees
CHRO - ACA Policy

- New policy 50.070.01 simultaneously adopted and put out for comment through December 2014
- Defines numerous ACA terms and requirements
- Applies to all State of Oregon Agencies*
- May impact agency practices around temporary employee hiring and leave without pay (LWOP)

*Note: All agencies, boards and commissions except; SAIF, universities with and without governing boards (OUS) and OHSU
CHRO - Policy

Employee Definitions:

- **ONGOING EMPLOYEE** - means an employee who has been employed in state service for at least one complete Standard Measurement Period.
- **NEW EMPLOYEE** - means an employee who has not been employed in state service for at least one complete Standard Measurement Period.
- **VARIABLE HOUR EMPLOYEE** - means a New Employee if, based on the facts and circumstances at the New Employee’s start date, the agency cannot determine whether the employee is reasonably expected to be employed on average at least 30 hours of service per week during the Initial Measurement Period because the employee's hours are variable or otherwise uncertain.

**NOTE:** Employee type (permanent, seasonal, limited duration, temporary, retiree) DOES NOT IMPACT ACA requirements
Period Definitions

- **ADMINISTRATIVE PERIOD** - means the two-month period after the Standard Measurement Period (November and December) or the period of time ending at the end of the first full month following the Initial Measurement Period that allows time for enrollment and disenrollment.

- **INITIAL MEASUREMENT PERIOD** - means the 12 consecutive month period starting with the first day of the employee’s employment.

- **STABILITY PERIOD** - means the 12 consecutive month period after any Standard or Initial Measurement Period and Administrative Period during which employees are entitled to keep coverage, no matter what their Hours of Service are.

- **STANDARD MEASUREMENT PERIOD** - means the 12 consecutive month period starting November 1 and ending October 31.
CHRO Policy

Definitions - Other

- HOURS OF SERVICE - means each hour for which an employee is paid or entitled to payment for duties performed for the state. Hours of service also include each hour for which an employee is paid or entitled to payment for a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability and workers’ compensation leave), being on-call, or military duty. Note that three types of Special Unpaid Leave also count as hours of service: OFLA/FMLA leave, USERRA leave, and jury duty leave.
What Changes?

- Many temporary employees are now eligible for coverage/opt-out
- Employees on LWOP may be eligible for the employer contribution toward benefits even without 80 paid hours in a month
- Retirees hired into a temporary position while in a current stability period, without a 13 week break in service will remain benefit eligible
- The ENTIRE state is treated as a single employer. Previous hours worked for another state entity may affect benefit eligibility and time lines
Temporary Employee Eligibility

- A temporary employee who is expected to work at least 30 hours a week at the time of hire or who is filling behind a full time employee must be offered coverage to be effective on the first of the fourth month of employment.

- A temporary employee who works 1,560 hours in a measurement period is eligible for coverage and is in a stability period for the following 12 months. - INCLUDES RETIREES

- A temporary employee who is in a stability period is immediately eligible for benefits.
What Is Required Now? TEMPS

Newly Hired Temporary Employee offer of Coverage Worksheet

MUST BE SAVED AND FILED IN EE FILE

<table>
<thead>
<tr>
<th>State of Oregon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Care Act (ACA)</td>
</tr>
<tr>
<td>Newly Hired Temporary Employee Offer of Coverage Worksheet</td>
</tr>
</tbody>
</table>

This worksheet is used to document the agency’s reasonable expectations regarding the “full-time” status of a newly hired temporary employee.

PLACE A COPY OF THIS COMPLETED FORM IN THE EMPLOYEE FILE

<table>
<thead>
<tr>
<th>AGENCY NAME</th>
<th>EMPLOYEE NAME</th>
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</thead>
<tbody>
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<table>
<thead>
<tr>
<th>1. DATE OF HIRE</th>
<th>2. EXPECTED DURATION OF EMPLOYMENT</th>
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</tbody>
</table>

4. Did the newly hired temporary employee work for another State of Oregon agency* in the last 12 months?

- YES - Proceed to #5
- NO - Proceed to #7

*Agency means any executive, judicial or legislative branch agency and the Lottery, Corrections Enterprises and Boards and Commissions. It does NOT include ODS, SAF or OSHL.

5. Was the newly hired temporary employee in a standard or initial measurement period at the other agency?

- YES - Proceed to #7. (Note total previous hours worked here)
- NO - Proceed to #6

If you are unsure, please contact the prior agency or run the ACA report on the Datalert. For Lottery (maybe others) who are not supported by PPDB and OPFS, you will have to call the prior agency.

6. Was the newly hired temporary employee in a current standard or initial stability period at another agency?

- YES - Employee continues to be eligible for benefits. Enter appropriate benefits eligible REPR in PPDB and provide PEIB enrollment form with immediate eligibility noted
- NO - Proceed to #7

Note: a break in service only ends the stability period if it was at 13 week break in service, or a break in service of at least four (4) weeks but longer than the prior period of employment.

7. Does the agency expect the newly hired temporary employee to work at least 30 hours per week at the time of hire?

- YES - The offer of coverage must happen to be effective the first of the 4th month*. Enter 167 or 168 PA code in PPDB. Pend 210 PA in accordance with ACA Calendar. Provide EE Temp Benefit Information and PEIB enrollment form with coverage eligible date noted. Document offer and keep file copy.
- NO - Proceed to #8

*See ACA Calendar of eligibility dates. IMPORTANT: The offer of coverage must be documented and captured in the employee file.

8. Is the newly hired temporary employee replacing a full-time (at least 30 hours) position?

Example: The temporary employee is filling in for a permanent position while the employee occupying that position is on leave.

- YES - The offer of coverage must happen to be effective the first of the 4th month*. Enter 167 or 168 PA code in PPDB. Pend 210 PA in accordance with ACA Calendar. Provide EE Temp Benefit Information and PEIB enrollment form with coverage eligible date noted. Document offer and keep file copy.
- NO - Proceed to #9

*See ACA Calendar of eligibility dates. IMPORTANT: The offer of coverage must be documented and captured in the employee file.

9. Was the position advertised as or otherwise documented as (through a contract or job description) as requiring hours of service that would average 30 (or more) hours of service per week?

- YES - The offer of coverage must happen to be effective the first of the 4th month*. Enter 167 or 168 PA code in PPDB. Pend 210 PA in accordance with ACA Calendar. Provide EE Temp Benefit Information and PEIB enrollment form with coverage eligible date noted. Document offer and keep file copy.
- NO - Proceed to #10

*See ACA Calendar of eligibility dates. IMPORTANT: The offer of coverage must be documented and captured in the employee file.

10. Is the position considered variable hour? A variable hour employee is defined as an employee for whom the agency cannot reasonably determine based on the facts and circumstances upon the date of hire will work on average at least 30 hours per week.

Example: The temporary employee will work 15 hours one week, 30 hours the next week and 20 hours the following week.

- YES - The agency will measure (during the Initial Administrative Period) the employee over the 12 month Initial Measurement (look back) Period. Enter 167 or 168 PA code in PPDB. Run the standard ACA report on a monthly basis to track.
- NO - Employee is considered a “part-time” temporary employee (works under 30 hours/week or 130 hours/month) and not eligible for benefits. Enter 167 or 168 PA code in PPDB.
What Is Required Now? TEMPS

Important Reminders:

- Any hours worked for a State of Oregon employer NOT in PPDB must be gained by calling the former agency.

- All ACA temps must be entered as appointment ‘T’ (no change) and FULL/PART CODE as ‘F’ regardless if employee is not working full time. Pay Basis will continue to be keyed as ‘H’ (hourly).

- Only the PA Code 210 will allow the current representation code to change to one of the new ACA representation codes to allow benefits to be processed on a temporary employee that is currently in PPDB.

- If a newly hired temporary employee is eligible immediately for ACA the employee will be entered in PPDB using the appropriate temp appointment PA Code 167 or 168 and entering them with one of the new ACA representation codes.
Making the Offer of Coverage - Process

- Temporary Offer of Coverage Template
- MUST Place copy of offer in employee file
- You may provide immediately
- Enrollments for temporary employees will be PAPER.
- Suggested use of the Office Use Only box for effective date
Making the Offer of Coverage - Time line

- Enrollments for temporary employees will be PAPER.
- Suggested use of the Office Use Only box for effective date

<table>
<thead>
<tr>
<th>ACA Temporary Employee PEBB Eligible Benefit Calendar</th>
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<tbody>
<tr>
<td><strong>Hire Date / Status Change Date</strong></td>
</tr>
<tr>
<td>January 1</td>
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<td>January 2 - February 1</td>
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<td>February 2 - March 1</td>
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<td>March 2 - April 1</td>
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<td>October 2 - November 1</td>
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<td>November 2 - December 1</td>
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<td>December 2 - January 1</td>
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</table>

* Note: The Agency must have documented the offer of coverage at least 30 days prior to the Coverage Effective Date.
LWOP - Benefits during LWOP

- Any employee who is in a **stability** period is eligible for the employer contribution to premiums during LWOP
  - 80 hour rule does not apply during stability period
  - COBRA does not apply until the end of the stability period

REMINDER: ANY TIME YOU WOULD HAVE NORMALLY REQUIRED 80 HOURS TO PAY BENEFITS AND/OR OFFERED COBRA. **STOP!** CHECK FOR STABILITY PERIOD FIRST. **STABILITY PERIOD = EMPLOYER PAY'S EMPLOYER PORTION**
80 Hour Rule and COBRA

- The 80 hour rule DOES NOT APPLY in a stability period.
  - Temporary
  - Permanent
  - Part-time
  - EVERYONE

- COBRA is offered to all employees who terminate coverage --- however if an employee has no regular paid hours and is in a stability period there is no need to offer COBRA

- Always check for stability period before requiring 80 hours or not paying insurance
Implementation Time Line & Process

All PPDB Temps who were employed during first standard measurement period (November 1, 2013 - October 31, 2014)

- CHRO sent all initial offers of coverage. Agencies have received lists and copies for the file
- CHRO will receive enrollments and review for completion and scan a copy and send to PEBB and the Agency
- DAS, EHRS HR Systems will do the PA code change in PPDB
- PEBB will do data entry for benefits
Implementation Time Line & Process

All PPDB temps hired November 1 - December 31, 2014
- CHRO will contact the agency and work through the worksheet
- The agency will do the subsequent PPDB and PEBB data entry
- The agency will communicate with the temporary employees
Implementation Time Line & Process

All PPDB temps hired January 1, 2015 forward

- Each agency is responsible for completing worksheet and ensuring all offers of coverage and data entry is complete
- Agency must monitor individual measurement periods
- CHRO is available for consulting
Implementation Time Line & Process

LWOP

- Effective January 1, 2015 any employee who is in a stability period is covered.
- Agency is responsible for ensuring compliance
All ACA temps must be entered as appointment ‘T’ (no change) and FULL/PART CODE as ‘F’ regardless if employee is not working full time. Pay Basis will continue to be keyed as ‘H’ (hourly).

Only the PA Code 210 will allow the current representation code to change to one of the new ACA representation codes to allow benefits to be processed on a temporary employee that is currently in PPDB.

If a newly hired temporary employee is eligible immediately for ACA the employee will be entered in PPDB using the appropriate temp appointment PA Code 167 or 168 and entering them with one of the new ACA representation codes.

PPDB processing instructions will be available on the DAS, Enterprise Human Resource Services website: [http://www.oregon.gov/DAS/EHRS/Pages/hrss.aspx](http://www.oregon.gov/DAS/EHRS/Pages/hrss.aspx)

PPDB processing questions call be emailed to: [Group.PPDB@state.or.us](mailto:Group.PPDB@state.or.us)

New ACA REPR Code and Benefit Package Codes:

<table>
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<tr>
<th>NEW ACA REPR CODES FOR TEMPORARY EMPLOYEES</th>
<th>TITLE</th>
<th>BENEFIT CODE</th>
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<td>ACA TEMPORARY EMPLOYEE</td>
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<td>ACA STATE ACTIVE DUTY MILITARY</td>
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<td>XBJQ</td>
<td>ACA TEMPORARY INDUSTRIES FOR BLIND LV</td>
<td>QB</td>
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OSPS

- How to run the query
- Datamart
Go To:

- File
- Open From Repository
- Select your OCE
Press the plus mark next to the “Standard Query with Reports” Folder
Scroll Down Until...
You see “OSP-ACA Hours”. Click “Open”
The query will return all hours under the Affordable Care Act (ACA), for an employee or multiple employees, for a user defined period of time.

It pulls data from all agencies, regardless of the user's access authority and will help the user to analyze the eligibility of an employee for benefits under the ACA.

**INSTRUCTIONS:**

Step 1: Press the "Process Query" button at the right.

Step 2: If prompted, enter your ODBC and DataSet Password in the 'Host User' and 'Host Password' fields respectively.

Step 3: Enter the beginning and ending pay periods you want to capture hours for in 'YYYY-YY' format separated by a comma. Make sure the 'Between' operator is selected on the drop down menu, then press the green check mark. Then press 'OK'.

Step 4: Choose desired filter number or numbers in the filter box that pops up. If you enter more than one make sure to separate them with a comma. Make sure that the start date OR end date is capitalized. Press the green check mark, then press 'OK'.

OK
Step 1 - Enter your desired OR number or numbers in the filter box that pops up. If you enter more than one, make sure to separate them with a comma. Also, make sure that the 'OR' is capitalized. Press the green checkmark then press 'OK'.

Step 2 - Click on the 'Print' section on the left to view your results.
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<td>184.00</td>
<td>168.00</td>
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</table>
How do I get access to the Datamart?

- **Software Needed:** Hyperion System 11 IR Studio.
- **Security Access Form:** fill out and submit to DAS SARS security group at SecuritySYSTEMS@oregon.gov, form can be found on DAS SARS webpage:


The authorized Agency Security Officer (ASO) must complete and submit this form for each user requesting access to the SFMA and OSPA standard Datamart views. For other Datamart access, please contact PPDB Security at group.ppdb@oas.state.or.us or PICS Security at orbit.help@das.state.or.us for assistance.

SFMA Datamart access is granted with all requests, even if only OSPA Datamart is desired. This form must be submitted electronically by the ASO who signs and dates the request using the 'Submit by E-mail' button provided. No scanned forms are accepted.

All Datamart access is subject to the six-month review process as stated in OAM 10.70.00.

```
User Information
Employee Name: Last, First, MI (as shown in PPDB)  ID:  Social Security Number

Agency Number: (6-digit)  Phone:  Ext.

Agency Name

Please indicate the standard view(s)
SFMA Table:  Yes

OSPA Table:  Yes
Agency only view

Brief description of job duties requiring access (Ex. To review expenditures for manager's reports)

Agency Security Officer Name
Last  First  Date

Submit by E-mail  Print Form
```
PEBB Coverage and Employer Shared Responsibility

Http://www.oregon.gov/DAS/PEBB/Pages/index.aspx
General Phone Number 503-373-1102
Inquiries. PEBB@Oregon.gov
Bobbie Barott
PEBB Plan Design Manager
Miriam Martinez
PDB Administrator
PEBB Topics for Today

- Nine PEBB OAR Summaries - Temporary
- Temporary Employee Benefits, Coverages, And Costs
- Enrollments And Terminations
PEBB
Oregon Administrative Rules (OARs)

- PEBB filed the following rules with the Secretary of State in November.
- The OARS are temporary and will remain in effect until the rule is permanently amended.
- We understand and expect changes and corrections before each rule is adopted as amended.
101-010-0005 DEFINITIONS

1. Added ACA period definitions
2. Changed active eligible Employee to identify permanent benefit eligible positions and non-permanent/temporary employees

101-015-0005 ELIGIBLE INDIVIDUALS

Added temporary or imperfect employees expected to work full time or variable hour temporary employees with a look back measurement period.
101-020-0002 PLAN EFFECTIVE DATES, EMPLOYEE ELIGIBILITY CONTINUATION AND PLAN TERMINATIONS DATES

1. Added Stability Period for on-going employees - Employees in current stability periods benefit eligible regardless of paid regular hours worked

2. Clarified benefit eligible but not within a stability period, must adhere to the 80 hour rule with limited exceptions, i.e. new employee first month, return to work, etc...

3. Added to Termination of Benefits:
   (a) Employment Termination - benefit termination date remains decided by the 80 hours rule, regardless of employee stability period
   (b) Temporary employee in stability period with no regular paid status hours for at least 13 weeks or a period of at least 4 weeks and longer than the prior period which the employee worked - benefits end the last day of the month of that period—if employee returns to work they are considered a new employee.
(c) Termination of benefits when employee is within a LWOP and in a Stability Period. A benefit retro termination is allowed when the employee’s premium share is 30 days or more late. The agency must follow these guidelines in order to retro term and have premium reconciled and refunded in the first month: (Rescission and refunding are both issues with this rule)

(1) Written notice sent to employee that payment was not received by agreed agency due date-notice must be mailed at least 15 days before coverage terminates and must advise the employee that coverage will be retro terminated on a specified date at least 15 days after the letter date unless the payment is received by the specified date (total 30 days).

Suggestion: Agency set employee’s premium due date before Run 1. Set the date of non-payment retro termination action before the next Run 1. This enables 30 days or more of non-payment and the employee notice guidelines to be met within the month’s coverage.

(2) When employee has received the 15 day notice and payment is not received by the due date, coverage can be retroactively terminated to the last day of the last month that the employee premium was received. 
(Note: COBRAAvailability notice should be sent to the employee - to be added to the OAR.)

(3) When coverage is terminated because of failure to pay and the employee later returns to paid regular status from leave within 12 months of coverage loss, benefits are reinstated. Employees returning outside of a stability period have the 80 hour rule.
OARs, cont.

101-020-0005 NEWLY HIRED AND newly eligiBLE EMPLOYEES

1. Clarified employees not in current a stability period must meet the requirement of a minimum of 80 hours paid regular status each month to receive benefits the following month.

2. Clarified employees in a current stability that are eligible for benefits, receive the following month regardless of the number of paid regular status hours.

101-020-0012 working in two or more positions for or two or more pebb participating organizations

Added Stability Period to eligibility
OARs, cont.

101-020-0045 RETURNING TO WORK

1. Added Stability periods to return to work eligibilities

2. Clarified stability period versus working 80 hours in month of return

3. Clarified returning to work within 30 days with no break in coverage and the stability period.

4. Clarified that a previously permanent benefit eligible employee returning to a permanent benefit eligible position within 12 months of core benefit termination - all possible benefits are reinstated for the following month regardless of hours worked in month of return

5. Clarified a temporary employee in stability with no hours of service 13 weeks (or 4 weeks longer than prior employment) is considered a new employee upon return.
OARs, cont.

THE FOLLOWING RULES ADDED EMPLOYEE PREMIUM PAYMENT REQUIREMENTS BEFORE A TERMINATION OCCURS:

101-030-0010 - CBIW

101-030-0015 - FMLA - needs a correction change section (6) (not COBRA when in stability period)

101-30-0020 OFLA - added continuation of benefits according to stability period
Temporary Employee Benefits, Coverages, and Costs

- **Benefits.** Full time temporary employees receive the same offer of full time core benefits (medical, dental, basic life, vision) and optional benefits as permanent position benefit eligible *full time* employees. This includes Opting Out of medical coverage in lieu of case. Guarantee issue in optional plans applies. (Temporary and permanent Seasonal employees are not eligible for Short Term or Long Term Disability coverages)

- **Coverage.** Family members eligible for coverage and eligibility requirements are the same as for permanent position employees. (Spouse, Domestic Partner, children, etc..)

- **Premium.** Employee premium contribution share for core benefits is dependent on the agency and collective bargaining agreement - the same as for permanent position employees. Optional benefit premiums are the employee’s responsibility.
Enrollments and Terminations

ENROLLMENTS

Processing enrollments for January 1, 2015 effective date for active temporary employees monitored between November 1, 2013 and October 31, 2014 is being done by PEBB staff.

NOTE: Some of these employees will be in a stability period, however most will be under the 80 hours paid regular each month for benefits in the following month.

Processing future enrollments for benefit eligible temporary employees will be done by paper form submitted to the individual’s agency. Temporary employees will not be able access the PEBB electronic system for enrollment. They will complete PEBB’s regular enrollment forms (flexible spending enrollment forms are sent to PEBB to process).
Enrollments and Terminations, cont.

- **Processing** full time temporary employee forms should be completed by agencies in the 3rd month of employment for benefits to be effective the first of the fourth month.

**TERMINATIONS:**

- Regardless of an employee’s employment type, if the employee has benefits they must be terminated in PEBB’s electronic system. PEBB’s system is the official enrollment/premium due record. When coverage is not terminated in the PEBB system, your agency is billed and must pay for the coverage regardless of the employee’s employment status.

  In general, coverage cannot be rescinded (retro actively terminated). Federal regulations regard rescission as an adverse benefit determination and in most cases is not allowed.
Enrollments and Terminations, cont.

PEBB’s OARs provide a mechanism for agencies to develop and implement a retro termination process for an employee whose payment is more than 30 days late.

The agency process must be applied consistently for all non-payment in order to avoid the interpretation as rescission.

- **Reminder:** Termination of an employee’s coverage or a family member’s coverage requires a COBRA eligibility notice to be sent to the last address of record.
Resources

- Chro.aca@Oregon.gov
- Call CHRO - Bridget Otto or Jessica Kneiling
- PEBB OARs
- Policy 50.070.01
- ACA Toolkit