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 IMPACTACA requirements

CHRO Policy

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. - INCLUDE RETURNING RETIREES
- A temporary employee and returning retiree 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

State	of Oregon		
Newly Hired Te Offer of Cov	emporary Employee erage Worksheet	8. Is th	ne nev
This worksheet is used to document the agency' status of a newly hirr PLACE A COPY OF THIS COMPL	's reasonable expectations regarding the "full-time" ed temporary employee. ETED FORM IN THE EMPLOYEE FILE	Exampl on leav	e: The e.
1.AGENCY NAME:	2. EMPLOYEE NAME:		YES
2. DATE OF HIRE:	3. EXPECTED DURATION OF EMPLOYMENT:		code PEBI
4. Did the newly hired temporary employee work for	r another State of Oregon agency* in the last 12 months?		NO
YES - Proceed to #5	another state of oregon agency in the tast 12 months.	*See AG	CA Cal
		employ	vee file
*Agency means any executive, judicial or legislative b and Boards and Commissions. It does NOT include OU	pranch agency and the Lottery, Corrections Enterprises S, SAIF or OHSU.	9. Was hours c	the p of servi
5. Was the newly hired temporary employee in a star agency?	ndard or initial <u>measurement</u> period at the other		YES
YES - Proceed to #7. (Note total previous I	hours worked here)		PEBE
NO - Proceed to #6			NO -
If you are unsure, please contact the prior agency or (maybe others) who are not supported by PPDB and C	run the ACA report on the DataMart. For Lottery DSPS, you will have to call the prior agency.	*See AG	CA Cale ree file
6. Was the newly hired temporary employee in a curragency?	rent standard or initial <u>stability</u> period at another	10. Is	the po
YES - Employee continues to be eligible for PPDB and provide PEBB enrollment form w	benefits. Enter appropriate benefits eligible REPR in it immediate eligibility noted	at least	t 30 hc
NO - Proceed to #7		Exampl followi	e: Th
Note: a break in service only ends the stability period service of at least four (4) weeks but longer than the 7. Does the agency expect the newly hired temporar time of hire?	d if it was at 13 week break in service, or a break in prior period of employment y employee to work at least 30 hours per week at the		YES
YES - The offer of coverage must happen to 168 PA code in PPDB. Pend 210 PA in accor Information and PEBB enrollment form wit keep file conv	b be effective the first of the 4 th month [*] . Enter 167 or rdance with ACA Calendar. Provide EE Temp Benefit h coverage eligible date noted. Document offer and		on a NO - hour

. 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 PEBB 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 PEBB 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.

NO - Proceed to #8

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

DATE TO: FROM:

IMPORTANT HEALTH BENEFITS INFORMATION/OFFER OF COVERAGE FOR TEMPORARY EMPLOYEES OF THE STATE OF OREGON

With the passage of the Affordable Care Act (ACA), temporary employees of the State of Oregon MAY, in some cases, become eligible for employee health benefits offered through the Public Employees Benefit Board (PEBB). Outlined below are some key facts that may assist you in understanding your potential rights and responsibilities.

The following information applies to temporary employees who are hired with the expectation to work an average of 30 or more hours per week:

- You may submit the PEBB benefit enrollment information at any time in the three months following your start date. HOWEVER, you will only get actual coverage IF you are still ACTIVELY employed on the 1st day of the fourth month following your hire. For example, if you are hired March 15, 2015, you can complete enrollment any time before June 15, but your coverage will only be effective on July 1, 2015 if you are still actively employed on July 1, 2015.
- An offer of coverage and/or enrollment in no way alters the temporary status of your assignment. Your employment may be ended at any time.
- If you chose to enroll and are employed on the 1st of the fourth month following your hire date you will receive coverage.
- PEBB's employee benefits are in whole month increments for coverage. Employees work one
 month to earn coverage for the following month. To continue your coverage for each month
 following your first effective month you must meet the requirement of 80 paid hours earned in
 the month.
- If you work less than 80 hours in a month you will not receive coverage (unless you are in a
 current stability period) the following month, however you will receive a COBRA notification.
- If you chose coverage and your employment later terminates your coverage will terminate (and you will receive a COBRA notification) as follows:

a) On the last day of the month, when you accrue less than 80 paid regular hours during the month that your employment terminates.

b) On the last day of the following month, when you accrue more than 80 paid regular status hours during the month that your employment terminates.

- In order to receive coverage, you must enroll in coverage during your New Employee Open Enrollment window. Late enrollment requires the submission of an appeal to PEBB.
- If you choose to not enroll in coverage when offered, opt out of medical in lieu of cash or decline all coverages, you will not be eligible to enroll at a later date unless you remain benefit eligible and have a qualifying midyear change event.

IMPORTANT: FAILURE TO SUBMIT YOUR PEBB ENROLLMENT BY THE END OF YOUR THIRD CALENDAR MONTH OF EMPLOYMENT WILL BE CONSIDERED A REJECTION OF THE OFFER OF COVERAGE.

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

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Hire Date / Status Change Date	Coverage Effective Date*	PPDB 210 Code Entry	Payroll Benefits Entry Date
January 1	April 1	First week of March	Second week of March
January 2- February 1	May 1	First week of April	Second week of April
February 2 - March 1	June 1	First week of May	Second weekof May
March 2 - April 1	July 1	First week of June	Second week of June
April 2 - May 1	August 1	First week of July	Second week of July
May 2 - June 1	September 1	First week of August	Second week of August
June 2 - July 1	October 1	First week of September	Second week of September
July 2- August 1	November 1	First week of October	Second week of October
August 2 - September 1	December 1	First week of November	Second week of November
September 2 - October 1	January 1	First week of December	Second week of December
October 2 - November 1	February 1	First week of January	Second week of January
November 2 - December 1	March 1	First week of February	Second week of February
December 2 - January 1	April 1	First week of March	Second week of March

ACA Temporary Employee PEBB Eligible Benefit Calendar

* Note: The Agency must have documented the offer of coverage <u>at least</u> 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 PAYS 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

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

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

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

LWOP

- Effective January 1, 2015 any employee who is in a stability period is covered.
- Agency is responsible for ensuring compliance

PPDB

- 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: <u>http://www.oregon.gov/DAS/EHRS/Pages/hrss.aspx</u>
- PPDB processing questions call be emailed to: <u>Group.PPDB@state.or.us</u>
- New ACA REPR Code and Benefit Package Codes:

NEW ACA REPR CODES FOR TEMPORARY EMPLOYEES	TITLE	BENEFIT CODE
XAQ	ACA TEMPORARY EMPLOYEE	QA
XAOQ	ACA SEIU TEMPORARY EMPLOYEE	QO
XAFQ	ACA TEMPORARY STATE FAIR WORKER	QA
XBAQ	ACA STATE ACTIVE DUTY MILITARY	QD
XBIQ	ACA TEMPORARY FIREFIGHTER AT FORESTRY	QF
XBJQ	ACA TEMPORARY INDUSTRIES FOR BLIND LV	QB

OSPS

- How to run the query
- Datamart





Open from Repository



Open from Repository

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Standard Query with Reports	Description Help	
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Dashboard		
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Query-ACA Hours		
Results - ACA Hours	It pulls data from all agencies, regardless of the user's access authority and will hep the user	
Ptvot-ACA Hours	to analyze the eligibity of an empoyee for benefits under the ACA.	
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	Step 2 - If prompted, enter your RACFID and Datamart Password in the 'Host Use(and 'Host Password' fields, respectively. If you are not prompted for this data, go to step 3.	
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ments		
•	Step 3 - Enter the beginning and ending pay periods you want to capture hours for in M W O D/YY format seperated by a comma. Make sure the	
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DEPARTMENTOF Financial Systems Security
ADMINISTRATIVE
SERVICES
FFCE-SARS - SFMA and OSPA Tables

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@das.state.or.us or PICS Security at orbits.help@das.state.or.us for assistance.

<u>SFMA Datamart access is granted with all requests, even if only OSPA Datamart is desired</u>. 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

CHIEF FINANCIAL OFFICE, SAR

User Information									
Employee Name: Last, First, MI (as shown in PPDB)	RACF ID:	Employee Number (je. OR##	(2222)						
E-mait	AgencyNumber: (5-digit)	Phone:	Ext.						
Agency Name									

Please indicate the standard view(s)		
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Yes			•
OSPA Tables Agency only view	Agency Group:	(Request only if multiple agency vie	w is required and your agency is part of the selected group.)
•			·
Brief description of job duties requ	iring access	(Ex. To review expenditur	res for manager's reports)
Agency Security Officer Name			
Last	First		Date:
		Subr	nit by E-mail Print Form

How do I get access to the

• Software Needed: Hyperion System 11 IR Studio.

• Security Access Form: fill out and submit to DAS SARS security group at

Security.SYSTEMS@oregon.gov, form can be found on DAS SARS webpage:

http://www.oregon.gov/DAS/C FO/SARS/pages/systems_securi ty.aspx

Revised 9-12-14

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 OARs may be found at <u>https://secure.sos.state.or.us/oard/dis</u> <u>playChapterRules.action?selectedChap</u> ter=36

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-payments 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 to the last address of record.

Resources

- CHRO.policy@oregon.gov
- Call the <u>CHRO Policy Team</u>
- PEBB OARs
- Policy 50.070.01
- ACA Toolkit