

# CVUSD Board Policy

BP 4154, 4254, 4354

## Personnel

### Health And Welfare Benefits

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240 - Bargaining Units)  
(cf. 4141/4241 - Collective Bargaining Agreement)

*Certificated management, supervisory and confidential 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, supervisory and confidential 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.*

(cf. 4300 - Administrative and Supervisory Personnel)

\*\*\*Note: Pursuant to Family Code 297.5, effective January 1, 2005, registered domestic partners have the same rights, protections, and benefits as spouses under the law. Therefore, to the extent that the district provides health benefit coverage to spouses of employees, the same coverage must be provided to domestic partners. AB 2208 (Ch. 488, Statutes of 2004) amended Health and Safety Code 1374.58 to require health care service plans and health insurers to provide coverage to registered domestic partners that is equal to the coverage provided to spouses.\*\*\*

To the extent that benefits are granted to spouses of employees, domestic partners registered in accordance with Family Code 297 shall have the same benefits. (Family Code 297.5)

\*\*\*Note: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) specifies actions that a health plan or health care provider must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. The extent to which a school district in its role as an employer is a "covered entity" under HIPAA is unclear; districts with questions should consult legal counsel.\*\*\*

The Superintendent or designee shall maintain the confidentiality of employee health records in accordance with law.

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

## Retired Employees

\*\*\*Note: Education Code 7000-7005 provides for continued health benefits for retired certificated employees and their spouses/domestic partners. For districts with 20 or more employees, continued health and disability benefits for former classified and certificated employees, their spouses/domestic partners and dependents are addressed in the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) program (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10). For districts with 2-19 employees, continued health and disability benefits for former employees are addressed by the California Continuation of Benefits Replacement Act (Cal-COBRA) (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs provide continuation coverage for limited time periods and under limited conditions. The following section reflects the general purposes of these programs, and major program requirements are summarized in the accompanying administrative regulation.\*\*\*

\*\*\*Note: Districts contracting to participate in the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the policy and regulation to reflect the requirements of that program.\*\*\*

Retired employees and other qualified persons may continue to participate in the district's group health and welfare benefit plan and dental care benefit plan in accordance with state and federal law *and collective bargaining agreements*.

\*\*\*Note: Covered employees, spouses/domestic partners and surviving spouses/domestic partners (i.e., qualified beneficiaries) who elect continuation coverage under the district's program for retired certificated employees may be required to pay all costs of the insurance plan as provided in Option 1 below (Education Code 7000; Health and Safety Code 1366.26; Insurance Code 10128.56; 26 USC 4980B). Either Option 1 or Option 2 may be revised to reflect district practice. The district contribution to retired employee health costs is a negotiable item.\*\*\*

### Legal Reference:

#### EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

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

#### FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

#### GOVERNMENT CODE

22750-22944 Public Employees' Medical and Hospital Care Act, especially:

22931 Application of education code provisions relating to inclusion of certain retirees in local health and welfare benefit plans

53200-53210 Group insurance

## HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

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

12670-12692.5 Conversion coverage

## LABOR CODE

2800.2 Notification of conversion and continuation coverage

## UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

## UNITED STATES CODE, TITLE 26

4980B COBRA continuation coverage

## UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

## UNITED STATES CODE, TITLE 42

1395-1395g Medicare benefits

## CODE OF FEDERAL REGULATIONS, TITLE 26

54.4980B-1-54.4980B-10 COBRA continuation coverage

## CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

## Management Resources:

### WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Employment Development Department: <http://www.edd.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

CSBA: (11/99 7/04) 3/05

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