



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – HEALTH AND WELFARE BENEFITS

BP 4354

The County Board of Education and the County Superintendent of Schools recognize 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 SBCEO 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 the registered domestic partner's child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The SBCEO shall offer full-time employees who work an average of 35 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 SBCEO shall not discriminate in favor of employees who are among the highest paid 25 percent of all SBCEO 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 SBCEO'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 SBCEO in administering the program.

Confidentiality

The County Superintendent or designee shall not use or disclose any employee's medical information the SBCEO 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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

1 USC 7
 26 CFR 1.105-11
 26 CFR 54.4980B-1-54.4980B-10
 26 CFR 54.4980H-1-54.4980H-6
 26 USC 105

 26 USC 4980B
 26 USC 4980H

 26 USC 5000A
 26 USC 6056
 29 USC 1161-1168
 42 USC 1395-1395g
 42 USC 300gg-16

 42 USC 300gg-300gg95
 45 CFR 164.500-164.534

Description

[Definition of marriage, spouse](#)
 Self-insured medical reimbursement plan
 COBRA continuation coverage
 Patient Protection and Affordable Care Act
 Self-insured medical reimbursement plan; definition of highly compensated individual
 COBRA continuation coverage
 Penalty for noncompliance with employer-provided health care requirements
 Minimum essential coverage
 Report of health coverage provided to employees
 COBRA continuation coverage
 Medicare benefits
 Group health plan; nondiscrimination in favor of highly compensated individuals
 Patient Protection and Affordable Care Act
 Health Insurance Portability and Accountability Act (HIPAA)

Management Resources

California School Boards Association
 Publication
 Internal Revenue Service Notification

 U.S. Department of Treasury Publication

 Website
 Website

 Website
 Website
 Website

Description

Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
 2011-1 Affordable Care Act Nondiscrimination Provisions
 Applicable to Insured Group Health Plans
 Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
[U.S. Department of Labor](#)
[U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#)
[Internal Revenue Service](#)
[CSBA](#)
[California Employment Development Department](#)

State

Civ. Code 56.10-56.16
 Civ. Code 56.20-56.245
 Ed. Code 17566
 Ed. Code 35208
 Ed. Code 35214

 Ed. Code 44041-44042
 Ed. Code 44986
 Ed. Code 45136
 Ed. Code 7000-7008
 Fam. Code 297-297.5

 Fam. Code 300
 Gov. Code 12940
 Gov. Code 22750-22944
 Gov. Code 53200-53210
 H&S Code 1366.20-1366.29

Description

[Disclosure of information by medical providers](#)
[Use and disclosure of medical information by employers](#)
 Self-insurance fund
 Liability insurance
 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
 Payroll deductions for collection of premiums
 Leave of absence, state disability benefits
 Benefits for classified employees
 Health and welfare benefits, retired certificated employees
 Rights, protections, benefits under the law; registered domestic partners
 Definition of marriage
 Unlawful discriminatory employment practices
 Public Employees' Medical and Hospital Care Act
 Group insurance
 Cal-COBRA program, health insurance

H&S Code 1367.08	Disclosure of fees and commissions paid related to health care service plan
H&S Code 1373	Health services plan, coverage for dependent children
H&S Code 1373.621	Continuation coverage, age 60 or older after five years with district
H&S Code 1374.58	Coverage for registered domestic partners, health service plans and health insurers
Ins. Code 10116.5	Continuation coverage, age 60 or older after five years with district
Ins. Code 10128.50-10128.59	Cal-COBRA program, disability insurance
Ins. Code 10277-10278	Group and individual health insurance, coverage for dependent children
Ins. Code 10604.5	Annual disclosure of fees and commissions paid
Ins. Code 12670-12692.5	Conversion coverage
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 4856	Health benefits for spouse of peace officer killed in performance of duties
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits

ADOPTED BY COUNTY BOARD:
REVISED:

September 1, 2022