

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 38

Bill No. 84-13

Introduced by Mr. Grasso  
(by request of the County Executive)  
and by Mr. Ladd

By the County Council, October 7, 2013

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Introduced and first read on October 7, 2013  
Public Hearing set for November 4, 2013  
Bill Expires January 10, 2014

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – County Employee and Retiree Health Benefits  
2 Program

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4 FOR the purpose of establishing the County Employee and Retiree Health Benefits Program;  
5 defining certain terms; establishing criteria governing the eligibility of employees,  
6 retirees, and their dependents and survivors for health insurance and related benefits  
7 offered by the County; describing the health insurance and related benefits offered by the  
8 County; providing for the manner in which the rates charged for the benefits are  
9 determined and, if applicable, negotiated; establishing certain transitional and permanent  
10 schedules for employer subsidies of benefits for current and future employees; specifying  
11 certain provisions applicable to Medicare supplements and for retirees not participating  
12 in Medicare; providing for the powers and duties of the Personnel Officer; and generally  
13 relating to the health insurance and related benefits offered by the County.

14  
15 BY repealing: § 6-1-308  
16 Anne Arundel County Code (2005, as amended)

17  
18 BY adding: § 6-1-308  
19 Anne Arundel County Code (2005, as amended)

20  
21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
22 That § 6-1-308 of the Anne Arundel County Code (2005, as amended) be and hereby is  
23 repealed.

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

1 SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County  
2 Code (2005, as amended) read as follows:

3  
4 **ARTICLE 6 PERSONNEL**

5  
6 **TITLE 1. CLASSIFIED SERVICE**

7  
8 **6-1-308. County Employee and Retiree Health Benefits Program.**

9  
10 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12  
13 (1) "ACTUAL PLAN SERVICE" HAS THE MEANING STATED IN § 5-1-101 OF THIS CODE  
14 DEFINING A TYPE OF CREDITED SERVICE RECOGNIZED FOR PURPOSES OF DETERMINING THE  
15 ENTITLEMENT TO A PENSION UNDER ARTICLE 5 OF THIS CODE.

16  
17 (2) "CHILD" INCLUDES AN ADOPTED CHILD, BIOLOGICAL CHILD, OR STEPCHILD.

18  
19 (3) "CREDITED SERVICE" HAS THE MEANING STATED IN § 5-1-101 OF THIS CODE  
20 DEFINING THE PERIOD OF SERVICE RECOGNIZED FOR PURPOSES OF DETERMINING THE  
21 ENTITLEMENT TO A PENSION UNDER ARTICLE 5 OF THIS CODE.

22  
23 (4) "DEPENDENT" MEANS A PERSON ENTITLED TO RECEIVE HEALTH INSURANCE  
24 BENEFITS UNDER THE PROGRAM BASED ON A FAMILIAL RELATIONSHIP WITH AN EMPLOYEE  
25 OR RETIREE RECEIVING HEALTH INSURANCE BENEFITS UNDER THE PROGRAM.

26  
27 (5) "EMPLOYEE" MEANS:

28 (I) A PERSON CURRENTLY EMPLOYED BY AN EMPLOYER;

29 (II) THE ANNE ARUNDEL COUNTY STATE'S ATTORNEY;

30 (III) THE ANNE ARUNDEL COUNTY SHERIFF; AND

31 (IV) AN EMPLOYEE OF THE ANNE ARUNDEL COUNTY BOARD OF LICENSE  
32 COMMISSIONERS ELIGIBLE TO PARTICIPATE IN THE EMPLOYEES' RETIREMENT PLAN UNDER  
33 ARTICLE 5 OF THIS CODE.

34  
35 (6) "EMPLOYEE HEALTH INSURANCE PLAN" MEANS A HEALTH INSURANCE PLAN  
36 AVAILABLE TO EMPLOYEES AND THEIR DEPENDENTS.

37  
38 (7) "EMPLOYER" MEANS:

39 (I) ANNE ARUNDEL COUNTY, MARYLAND;

40 (II) THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY;

41 (III) THE OFFICE OF THE ANNE ARUNDEL COUNTY STATE'S ATTORNEY;

42 (IV) THE OFFICE OF THE ANNE ARUNDEL COUNTY SHERIFF; AND

43 (V) THE ANNE ARUNDEL COUNTY SOIL CONSERVATION DISTRICT.

44  
45 (8) "EMPLOYER SUBSIDY" MEANS THAT PERCENTAGE OF THE ANNUAL COSTS OF  
46 PROVIDING BENEFITS UNDER A PLAN TO BE PAID BY AN EMPLOYER AS DETERMINED IN  
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1 ACCORDANCE WITH SUBSECTION (I).

2  
3 (9) "HEALTH INSURANCE BENEFIT OPTIONS" MEANS THE TYPES AND COMPONENTS OF  
4 HEALTH INSURANCE PLANS OFFERED TO EMPLOYEES AND RETIREES, INCLUDING:

5  
6 (I) THE STRUCTURES OF HEALTH INSURANCE PLANS, INCLUDING HEALTH  
7 MAINTENANCE ORGANIZATIONS, PARTICIPATING PROVIDER ORGANIZATIONS, POINT OF  
8 SERVICE PLANS, FEE FOR SERVICE PLANS, AND CONSUMER-DIRECTED HEALTH PLANS;

9  
10 (II) COVERED BENEFITS, INCLUDING MEDICAL, DENTAL, PRESCRIPTION DRUG,  
11 AND VISION BENEFITS, AND THE MANNER OF PROVIDING THE COVERED BENEFITS,  
12 INCLUDING GROUP HEALTH PLAN AND HEALTH INSURANCE EXCHANGES;

13  
14 (III) COST-SHARING PLAN FEATURES, INCLUDING DEDUCTIBLES, CO-PAYS,  
15 COINSURANCE, AND OUT-OF-POCKET MAXIMUMS; AND

16  
17 (IV) COST-CONTROLLING PLAN FEATURES, INCLUDING PRIOR APPROVAL  
18 REQUIREMENTS, PRESCRIPTION FORMULARIES, AND EXCLUSIONS OF COVERED TREATMENTS  
19 AND SERVICES.

20  
21 (10) "HEALTH INSURANCE PLAN" MEANS THE HEALTH INSURANCE BENEFIT OPTIONS  
22 AVAILABLE TO A PARTICIPANT UNDER THE PROGRAM.

23  
24 (11) "MEDICARE SUPPLEMENT" MEANS A HEALTH INSURANCE PLAN THAT  
25 SUPPLEMENTS THE BENEFITS AVAILABLE UNDER MEDICARE WITH THE COUNTY OR OTHER  
26 INSURER AS A SECONDARY PAYER INCLUDING A MEDICARE ADVANTAGE PLAN, A  
27 PRESCRIPTION DRUG PLAN, AND AN EMPLOYER GROUP WAIVER PLAN.

28  
29 (12) "PARTICIPANT" MEANS A PERSON RECEIVING HEALTH INSURANCE BENEFITS  
30 UNDER THE PROGRAM.

31  
32 (13) "PROGRAM" MEANS THE COUNTY EMPLOYEE AND RETIREE HEALTH BENEFITS  
33 PROGRAM.

34  
35 (14) "RETIREE" MEANS A FORMER EMPLOYEE OTHER THAN A SCHOOL CROSSING  
36 GUARD WHO RECEIVES A PENSION UNDER ARTICLE 5 OF THIS CODE, INCLUDING A PENSION  
37 BASED ON A SERVICE-CONNECTED OR NON-SERVICE-CONNECTED DISABILITY. "RETIREE"  
38 ALSO INCLUDES A FORMER EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE ANNE  
39 ARUNDEL COUNTY CIRCUIT COURT ELIGIBLE TO PARTICIPATE IN A COUNTY RETIREE  
40 HEALTH INSURANCE PLAN UNDER THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, § 2-  
41 501(E), OF THE STATE CODE.

42  
43 (15) "RETIREE HEALTH INSURANCE PLAN" MEANS A HEALTH INSURANCE PLAN  
44 AVAILABLE TO RETIREES AND THEIR DEPENDENTS AND TO SURVIVORS OF EMPLOYEES AND  
45 RETIREES, AND DOES NOT INCLUDE A MEDICARE SUPPLEMENT.

46  
47 (16) "SURVIVOR" MEANS A PERSON ENTITLED TO RECEIVE HEALTH INSURANCE  
48 BENEFITS UNDER THE PROGRAM BASED ON THE DEATH OF A FAMILY MEMBER WHO WAS AN  
49 EMPLOYEE OR RETIREE WHO PARTICIPATED IN THE PROGRAM.

50  
51 (17) "TERMINATED VESTED EMPLOYEE" MEANS A FORMER EMPLOYEE WHO, PRIOR  
52 TO TERMINATION, VESTED IN THE BENEFITS OF THE EMPLOYEES' RETIREMENT PLAN OR THE  
53 DETENTION OFFICERS' AND DEPUTY SHERIFFS' RETIREMENT PLAN AND IS ELIGIBLE TO  
54 RECEIVE A PENSION UNDER ARTICLE 5 OF THIS CODE ON THE DATE SPECIFIED IN THE PLAN.

55  
56 (18) "TRANSFERRED SERVICE" HAS THE MEANING STATED IN § 5-1-101 OF THIS CODE  
57 DEFINING A TYPE OF CREDITED SERVICE RECOGNIZED FOR PURPOSES OF DETERMINING THE  
58 ENTITLEMENT TO A PENSION UNDER ARTICLE 5 OF THIS CODE.

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**(B) Establishment and status of Program.**

(1) THERE IS A COUNTY EMPLOYEE AND RETIREE HEALTH BENEFITS PROGRAM ADMINISTERED BY THE PERSONNEL OFFICER THAT MAY INCLUDE INSURANCE FOR MEDICAL, DENTAL, AND VISION CARE AND FOR PRESCRIPTION DRUGS.

(2) NEITHER THE ESTABLISHMENT OF THE PROGRAM NOR THE OFFERING OF BENEFITS UNDER THE PROGRAM CREATES A CONTRACTUAL OBLIGATION ON THE PART OF THE COUNTY TO CONTINUE TO OFFER THE BENEFITS OF THE PROGRAM TO EMPLOYEES OR RETIREES IN THE FUTURE, AND THE COUNTY RETAINS THE DISCRETION TO MAKE CHANGES TO THE PROGRAM BY ORDINANCE OF THE COUNTY COUNCIL, INCLUDING THE DISCONTINUATION OF BENEFITS UNDER THE PROGRAM AND CHANGES TO EMPLOYER SUBSIDIES, AND TO APPLY THOSE CHANGES TO ALL PARTICIPANTS INCLUDING CURRENT EMPLOYEES AND RETIREES. THE PAYMENT OF ALL BENEFITS UNDER THE PROGRAM IS SUBJECT TO THE APPROPRIATION OF FUNDS SUFFICIENT TO PAY THOSE BENEFITS.

(3) NEITHER THE PROGRAM NOR THE HEALTH INSURANCE BENEFIT OPTIONS AND HEALTH INSURANCE PLANS OFFERED TO EMPLOYEES OR RETIREES AND THEIR COSTS SHALL BE SUBJECT TO COLLECTIVE BARGAINING OR BINDING ARBITRATION EXCEPT AS PROVIDED IN SUBSECTION (1)(3).

**(C) Participation in the Program; limitations on eligibility to participate because of other or duplicate health care insurance.**

(1) AN EMPLOYEE ELIGIBLE TO PARTICIPATE WHO IS THE SPOUSE OF ANOTHER EMPLOYEE WHO ALSO IS ELIGIBLE TO PARTICIPATE SHALL BE COVERED UNDER THE EMPLOYEE'S OWN PLAN UNLESS AN ELECTION IS MADE BY THE SPOUSE TO COVER THE EMPLOYEE UNDER THE SPOUSE'S PLAN, IN WHICH CASE THE EMPLOYEE SHALL BE COVERED AS A SPOUSE BUT IS NOT BE ENTITLED TO ANY PAYMENT OR CREDIT FOR DECLINING COVERAGE AS AN EMPLOYEE.

(2) A CHILD OR DEPENDENT GRANDCHILD ELIGIBLE TO PARTICIPATE MAY BE COVERED ONLY UNDER THE PLAN OF ONE PARENT.

(3) A RETIREE ELIGIBLE TO PARTICIPATE SHALL BE COVERED UNDER THE PLAN OF A SPOUSE WHO IS AN EMPLOYEE ELIGIBLE TO PARTICIPATE UNLESS THE RETIREE MAKES AN ELECTION IN THE MANNER REQUIRED BY THE OFFICE OF PERSONNEL TO PARTICIPATE UNDER THE PROVISIONS OF THIS SECTION APPLICABLE TO A RETIREE.

(4) IN NO EVENT SHALL THERE BE A DUPLICATION OF BENEFITS FOR ANY PERSON UNDER MULTIPLE HEALTH INSURANCE PLANS, AND IF A PARTICIPANT OTHER THAN AN EMPLOYEE ALSO IS COVERED BY A PLAN OTHER THAN A COUNTY PLAN THEN THAT OTHER PLAN SHALL BE CONSIDERED TO BE THE PRIMARY PAYER UNLESS PROHIBITED BY LAW.

(5) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (C)(6) AND (C)(7), THE FOLLOWING LIMITATIONS ON PARTICIPATION IN THE PROGRAM SHALL TAKE EFFECT ON JANUARY 1, 2015, AND SHALL APPLY REGARDLESS OF WHETHER A PERSON IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

(I) THE SPOUSE OF A RETIREE WHO RETIRED BEFORE JANUARY 1, 2014 IS NOT ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THE SPOUSE IS ELIGIBLE FOR EMPLOYER-SPONSORED HEALTH CARE INSURANCE ON THE BASIS OF THE EMPLOYMENT OF THE RETIREE OR THE RETIREE'S SPOUSE BY AN EMPLOYER OTHER THAN AN EMPLOYER DEFINED IN SUBSECTION (A)(7);

1 (II) A RETIREE WHO RETIRED ON OR AFTER JANUARY 1, 2014 AND THE SPOUSE OF  
2 THE RETIREE ARE NOT ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THEY ARE ELIGIBLE  
3 FOR EMPLOYER-SPONSORED HEALTH CARE INSURANCE ON THE BASIS OF THE EMPLOYMENT  
4 OF THE RETIREE OR THE RETIREE'S SPOUSE BY AN EMPLOYER OTHER THAN AN EMPLOYER  
5 DEFINED IN SUBSECTION (A)(7);

6  
7 (III) A CHILD OF A RETIREE IS NOT ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF  
8 THE CHILD IS ELIGIBLE FOR EMPLOYER-SPONSORED HEALTH CARE INSURANCE ON THE  
9 BASIS OF THE EMPLOYMENT OF THE CHILD OR THE RETIREE OR THE RETIREE'S SPOUSE BY  
10 AN EMPLOYER OTHER THAN AN EMPLOYER DEFINED IN SUBSECTION (A)(7); AND

11  
12 (IV) A SURVIVOR OF A RETIREE IS NOT ELIGIBLE TO PARTICIPATE IN THE  
13 PROGRAM IF THE SURVIVOR IS ELIGIBLE TO PARTICIPATE IN EMPLOYER-SPONSORED  
14 HEALTH CARE INSURANCE ON THE BASIS OF THE EMPLOYMENT OF THE SURVIVOR, THE  
15 SURVIVOR'S PARENT, OR THE SURVIVOR'S SPOUSE BY AN EMPLOYER OTHER THAN AN  
16 EMPLOYER DEFINED IN SUBSECTION (A)(7).

17  
18 (6) THE EXCLUSION FROM PARTICIPATION BECAUSE OF OTHER EMPLOYER-  
19 SPONSORED HEALTH CARE INSURANCE UNDER SUBSECTION (C)(5) SHALL APPLY ONLY IF  
20 THE EMPLOYER-SPONSORED HEALTH CARE INSURANCE IS AN ELIGIBLE EMPLOYER-  
21 SPONSORED PLAN THAT SATISFIES THE AFFORDABILITY STANDARDS UNDER THE PATIENT  
22 PROTECTION AND AFFORDABLE CARE ACT.

23  
24 (7) A SPOUSE, CHILD, OR SURVIVOR OF A RETIREE NOT GENERALLY ELIGIBLE TO  
25 PARTICIPATE UNDER SUBSECTION (C)(5) MAY PARTICIPATE IN COVERAGES OFFERED  
26 SEPARATELY UNDER A HEALTH INSURANCE PLAN AS DETERMINED BY THE PERSONNEL  
27 OFFICER, INCLUDING DENTAL AND VISION BENEFITS, IF THOSE COVERAGES ARE NOT  
28 INCLUDED IN THE EMPLOYER-SPONSORED HEALTH CARE INSURANCE.

29  
30 **(D) Participation; eligibility of employees and certain survivors.**

31  
32 (1) A PERSON IS ELIGIBLE TO PARTICIPATE IN AN EMPLOYEE HEALTH INSURANCE  
33 PLAN IF THE PERSON IS:

34  
35 (I) A FULL-TIME EMPLOYEE IN AN AUTHORIZED POSITION;

36  
37 (II) A PART-TIME EMPLOYEE IN AN AUTHORIZED POSITION WHO WORKS 50% OR  
38 MORE OF THE WORKWEEK FOR THE EMPLOYEE'S POSITION;

39  
40 (III) AN EMPLOYEE WHOSE ELIGIBILITY TO PARTICIPATE IS MANDATORY UNDER  
41 FEDERAL OR STATE LAW; OR

42  
43 (IV) AN EMPLOYEE PAID UNDER THE MISCELLANEOUS EXEMPT EMPLOYEES PAY  
44 AND BENEFIT PLAN WHO IS ELIGIBLE TO PARTICIPATE IN ACCORDANCE WITH THE RULES  
45 AND REGULATIONS FOR MISCELLANEOUS EXEMPT EMPLOYEES ADOPTED BY THE  
46 PERSONNEL OFFICER UNDER SUBSECTION (N)(9).

47  
48 (2) A SURVIVING SPOUSE OF AN EMPLOYEE WHO DIED WHILE EMPLOYED BY AN  
49 EMPLOYER IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IN A RETIREE HEALTH INSURANCE  
50 PLAN OR A MEDICARE SUPPLEMENT IF THE SPOUSE RECEIVES PERIODIC PAYMENT OF A  
51 DEATH BENEFIT AS A SURVIVING SPOUSE UNDER ARTICLE 5 OF THIS CODE, NOT INCLUDING  
52 PAYMENT OF A LUMP SUM DEATH BENEFIT, AND WAS ELIGIBLE TO PARTICIPATE IN AN  
53 EMPLOYEE HEALTH INSURANCE PLAN AT THE TIME OF THE EMPLOYEE'S DEATH.

54  
55 (3) A SURVIVING UNMARRIED MINOR CHILD OF AN EMPLOYEE WHO DIED WHILE  
56 EMPLOYED BY AN EMPLOYER IS ELIGIBLE TO PARTICIPATE IN A RETIREE HEALTH  
57 INSURANCE PLAN IF THE CHILD OR THE SURVIVING SPOUSE OF THE EMPLOYEE RECEIVES  
58 PERIODIC PAYMENT OF A DEATH BENEFIT AS A SURVIVING CHILD UNDER ARTICLE 5 OF THIS

1 CODE, NOT INCLUDING PAYMENT OF A LUMP SUM DEATH BENEFIT, AND THE CHILD WAS  
2 ELIGIBLE TO PARTICIPATE IN AN EMPLOYEE HEALTH INSURANCE PLAN AT THE TIME OF THE  
3 EMPLOYEE'S DEATH.

4  
5 **(E) Participation; eligibility of retirees and certain survivors.**

6  
7 (1) AN EMPLOYEE HIRED BEFORE JANUARY 1, 2014 OTHER THAN A SCHOOL CROSSING  
8 GUARD IS ELIGIBLE UPON RETIREMENT TO PARTICIPATE IN A RETIREE HEALTH INSURANCE  
9 PLAN OR A MEDICARE SUPPLEMENT IF THE EMPLOYEE IS ENTITLED TO RECEIVE A PENSION  
10 UNDER ARTICLE 5 OF THIS CODE, INCLUDING A PENSION BASED ON A SERVICE-CONNECTED  
11 OR NON-SERVICE-CONNECTED DISABILITY.

12  
13 (2) AN EMPLOYEE HIRED ON OR AFTER JANUARY 1, 2014 OTHER THAN A SCHOOL  
14 CROSSING GUARD IS ELIGIBLE UPON RETIREMENT TO PARTICIPATE IN A RETIREE HEALTH  
15 INSURANCE PLAN OR A MEDICARE SUPPLEMENT IF THE EMPLOYEE IS ENTITLED TO RECEIVE  
16 A PENSION UNDER ARTICLE 5 OF THIS CODE AND HAD AT LEAST TEN YEARS OF ACTUAL  
17 PLAN SERVICE AS DEFINED IN § 5-1-101 OF THIS CODE OR RETIRED AS A RESULT OF A  
18 SERVICE-CONNECTED OR NON-SERVICE-CONNECTED DISABILITY.

19  
20 (3) A SURVIVING SPOUSE OF A RETIREE WHO WAS ELIGIBLE TO PARTICIPATE IN A  
21 RETIREE HEALTH INSURANCE PLAN OR A MEDICARE SUPPLEMENT IS ELIGIBLE TO  
22 PARTICIPATE IN A RETIREE HEALTH PLAN OR A MEDICARE SUPPLEMENT IF THE SPOUSE  
23 RECEIVES A PENSION AS A SURVIVING SPOUSE UNDER ARTICLE 5 OF THIS CODE AND WAS  
24 ELIGIBLE TO PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN OR A MEDICARE  
25 SUPPLEMENT AT THE TIME OF THE RETIREE'S DEATH.

26  
27 (4) A SURVIVING UNMARRIED MINOR CHILD OF A RETIREE WHO WAS ELIGIBLE TO  
28 PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN OR A MEDICARE SUPPLEMENT IS  
29 ELIGIBLE TO PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN IF THE SURVIVING  
30 MINOR CHILD RECEIVES A PENSION AS A SURVIVING CHILD UNDER ARTICLE 5 OF THIS CODE  
31 AND WAS ELIGIBLE TO PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN AT THE TIME  
32 OF THE RETIREE'S DEATH.

33  
34 **(F) Participation; eligibility of dependents of employees and retirees.**

35  
36 (1) THE LEGAL SPOUSE OF AN EMPLOYEE OR RETIREE ELIGIBLE TO PARTICIPATE IN  
37 THE PROGRAM AS RECOGNIZED IN THE STATE OF MARYLAND, NOT INCLUDING A COMMON  
38 LAW SPOUSE, IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

39  
40 (2) THE CHILD OF AN EMPLOYEE OR RETIREE ELIGIBLE TO PARTICIPATE IN THE  
41 PROGRAM IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM UNTIL THE END OF THE MONTH IN  
42 WHICH THE CHILD TURNS AGE 26.

43  
44 (3) THE CHILD OF AN EMPLOYEE OR RETIREE ELIGIBLE TO PARTICIPATE IN THE  
45 PROGRAM IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF, REGARDLESS OF AGE:

46  
47 (I) THE CHILD IS PHYSICALLY OR MENTALLY INCAPABLE OF SELF-SUPPORT AND  
48 IS DEPENDENT FOR SUPPORT UPON THE EMPLOYEE OR RETIREE UNDER THE REGULATIONS  
49 PUBLISHED BY THE INTERNAL REVENUE SERVICE; AND

50  
51 (II) THE INCAPACITY OF THE CHILD BEGAN BEFORE THE CHILD TURNED AGE 26  
52 AND WHILE THE CHILD WAS ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

53  
54 (4) THE GRANDCHILD OF AN EMPLOYEE OR RETIREE ELIGIBLE TO PARTICIPATE IN  
55 THE PROGRAM IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM UNTIL THE END OF THE  
56 MONTH IN WHICH THE GRANDCHILD TURNS AGE 26 IF:

1 (I) THE GRANDCHILD IS THE LEGAL GUARDIAN OF AND RESIDES WITH THE  
2 EMPLOYEE OR RETIREE; AND

3  
4 (II) THE GRANDCHILD IS DEPENDENT FOR SUPPORT UPON THE EMPLOYEE OR  
5 RETIREE UNDER THE REGULATIONS PUBLISHED BY THE INTERNAL REVENUE SERVICE.  
6

7 **(G) Participation; participants eligible for Medicare.**

8  
9 (1) AN EMPLOYEE WHO OTHERWISE IS ELIGIBLE TO PARTICIPATE IN MEDICARE  
10 BECAUSE THE EMPLOYEE HAS REACHED AGE 65 MAY CONTINUE TO PARTICIPATE IN THE  
11 PROGRAM UNDER AN EMPLOYEE HEALTH INSURANCE PLAN.  
12

13 (2) AN EMPLOYEE'S SPOUSE WHO OTHERWISE IS ELIGIBLE TO PARTICIPATE IN  
14 MEDICARE BECAUSE THE SPOUSE HAS REACHED AGE 65 MAY CONTINUE TO PARTICIPATE IN  
15 THE PROGRAM UNDER THE EMPLOYEE'S EMPLOYEE HEALTH INSURANCE PLAN.  
16

17 (3) A RETIREE OR A RETIREE'S SPOUSE WHO IS ELIGIBLE TO PARTICIPATE IN  
18 MEDICARE BECAUSE THE RETIREE OR SPOUSE HAS REACHED AGE 65 IS NOT ELIGIBLE TO  
19 PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN AND MAY ELECT TO BE COVERED  
20 UNDER A MEDICARE SUPPLEMENT.  
21

22 (4) IF A RETIREE IS ELIGIBLE TO PARTICIPATE IN MEDICARE BUT HAS A DEPENDENT  
23 WHO IS NOT, THE RETIREE MAY ELECT TO HAVE THAT DEPENDENT COVERED UNDER A  
24 RETIREE HEALTH INSURANCE PLAN.  
25

26 (5) ALL PARTICIPANTS ARE REQUIRED TO ENROLL IN MEDICARE PARTS A AND B IN  
27 ORDER TO BE ELIGIBLE FOR COVERAGE UNDER A MEDICARE SUPPLEMENT.  
28

29 (6) EFFECTIVE JANUARY 1, 2015, A RETIREE WHO WAS HIRED BEFORE APRIL 1, 1986,  
30 DID NOT PARTICIPATE IN MEDICARE, AND HAS REACHED AGE 65 WILL NOT BE ELIGIBLE TO  
31 PARTICIPATE IN A RETIREE HEALTH INSURANCE PLAN. A RETIREE WITHIN THE SCOPE OF  
32 THIS SUBSECTION WHO IS NOT OTHERWISE ELIGIBLE TO PARTICIPATE IN MEDICARE ON THE  
33 BASIS OF THE RETIREE'S OTHER EMPLOYMENT OR THE EMPLOYMENT OF THE RETIREE'S  
34 SPOUSE MAY ELECT TO BE COVERED UNDER A MEDICARE SUPPLEMENT UPON ENROLLMENT  
35 IN MEDICARE PARTS A AND B WITH THE EMPLOYER PAYING 50% OF THE PREMIUM FOR PART  
36 A.  
37

38 **(H) Determination of annual costs of providing benefits.**

39  
40 (1) THE ESTIMATE OF THE ANNUAL COSTS OF PROVIDING BENEFITS UNDER THE  
41 VARIOUS HEALTH INSURANCE PLANS SHALL BE PREPARED BY THE PERSONNEL OFFICER,  
42 REVIEWED BY THE BUDGET OFFICER AND APPROVED BY THE CHIEF ADMINISTRATIVE  
43 OFFICER.  
44

45 (2) THE ANNUAL COST OF PROVIDING BENEFITS UNDER A HEALTH INSURANCE PLAN  
46 AS CALCULATED UNDER THIS SUBSECTION MAY NOT INCLUDE THE COST OF THE COST-  
47 SHARING PLAN FEATURES TO BE PAID BY A PARTICIPANT.  
48

49 **(I) Determination and amount of employer subsidy and rates paid by participants.**

50  
51 (1) THIS SUBSECTION APPLIES TO THE EMPLOYER SUBSIDIES FOR EMPLOYEE AND  
52 RETIREE HEALTH INSURANCE PLANS, BUT NOT TO THE MEDICARE SUPPLEMENT.  
53

54 (2) ALL EMPLOYER SUBSIDIES ESTABLISHED IN ACCORDANCE WITH THIS  
55 SUBSECTION SHALL BE APPLIED TO THE ESTIMATED ANNUAL COSTS OF PROVIDING  
56 BENEFITS DETERMINED UNDER SUBSECTION (H) IN ORDER TO DETERMINE THE RATES PAID  
57 BY PARTICIPANTS FOR PARTICIPATION IN HEALTH INSURANCE PLANS.

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2 (3) IN THE CASE OF OPTIONAL PLANS MADE AVAILABLE TO EMPLOYEES, RETIREES,  
3 AND THE SURVIVORS OF EMPLOYEES AND RETIREES FOR THE SAME TYPE OF COVERAGE,  
4 ALL EMPLOYER SUBSIDIES ESTABLISHED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE  
5 APPLIED TO THE COSTS OF PROVIDING COVERAGE UNDER THE PLAN WITH THE LOWEST  
6 ANNUAL COST TO THE COUNTY AS DETERMINED BY THE PERSONNEL OFFICER, AND  
7 EMPLOYEES, RETIREES, AND THE SURVIVORS OF EMPLOYEES AND RETIREES SHALL PAY ALL  
8 COSTS FOR THE PLANS IN EXCESS OF THE AMOUNT OF THE SUBSIDY AS APPLIED TO THE  
9 LOWEST COST PLAN. THIS PROVISION SHALL NOT BE CONSTRUED TO APPLY TO COLLECTIVE  
10 BARGAINING AGREEMENTS IN EFFECT ON JANUARY 1, 2014.

11  
12 (4) THE EMPLOYER SUBSIDY USED TO DETERMINE THE RATES FOR EMPLOYEES  
13 REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE SELECTED IN ACCORDANCE WITH TITLE  
14 4 AND ANY MONETARY CREDITS FOR OPTING OUT OF COVERAGES SHALL BE DETERMINED  
15 THROUGH COLLECTIVE BARGAINING AND, IF APPLICABLE, BINDING ARBITRATION. IF THE  
16 PERSONNEL OFFICER OFFERS MORE THAN ONE PLAN FOR THE SAME TYPE OF COVERAGE,  
17 DIFFERENT EMPLOYER SUBSIDIES MAY BE NEGOTIATED FOR THE DIFFERENT PLANS.

18  
19 (5) THE EMPLOYER SUBSIDY USED TO DETERMINE THE RATES FOR ALL OTHER  
20 EMPLOYEES AND FOR THE SURVIVORS OF EMPLOYEES AND RETIREES SHALL BE PROPOSED  
21 BY THE PERSONNEL OFFICER AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL.  
22 THE RESOLUTION ALSO SHALL INCLUDE THE RATES FOR PART-TIME EMPLOYEES AND FOR  
23 PERSONS COVERED UNDER THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT  
24 (COBRA) AND ANY MONETARY CREDITS GIVEN TO EMPLOYEES NOT REPRESENTED BY AN  
25 EXCLUSIVE REPRESENTATIVE FOR OPTING OUT OF COVERAGES.

26  
27 (6) THE EMPLOYER SUBSIDY EXCLUSIVE OF DENTAL AND VISION COVERAGE FOR  
28 RETIREES WHO RETIRED BEFORE JULY 1, 2014 SHALL BE 80%.

29  
30 (7) THE EMPLOYER SUBSIDY EXCLUSIVE OF DENTAL AND VISION COVERAGE FOR  
31 RETIREES WHO WERE HIRED BEFORE JANUARY 1, 2014 AND RETIRED ON OR AFTER JULY 1,  
32 2014 OTHER THAN RETIREES RETIRED AS THE RESULT OF DISABILITIES SHALL BE BASED ON  
33 THEIR YEARS OF CREDITED SERVICE AS OF THEIR DATE OF RETIREMENT AS FOLLOWS:

34  
35 **CREDITED SERVICE ON RETIREMENT**

36

5-9	10-14	15-19	20-24	25-29	30 or more
30%	40%	50%	65%*	75%*	80%

37  
38 \*IF AN EMPLOYEE IS A PARTICIPANT IN THE DEFERRED RETIREMENT OPTION PROGRAM ON  
39 JULY 1, 2014, THE EMPLOYER SUBSIDY SHALL BE 80%.

40  
41 (8) THE EMPLOYER SUBSIDY EXCLUSIVE OF DENTAL AND VISION COVERAGE FOR  
42 RETIREES RETIRED AS THE RESULT OF DISABILITIES WHO WERE HIRED BEFORE JANUARY 1,  
43 2014 AND RETIRED ON OR AFTER JULY 1, 2014 SHALL BE:

44  
45 (I) 50% OR THE PERCENTAGE DETERMINED IN ACCORDANCE WITH SUBSECTION  
46 (I)(6), WHICHEVER IS GREATER, FOR RETIREES RETIRED AS A RESULT OF NON-SERVICE  
47 CONNECTED DISABILITIES; OR

48  
49 (II) 80% FOR RETIREES RETIRED AS A RESULT OF SERVICE-CONNECTED  
50 DISABILITIES.

51  
52 (9) THE EMPLOYER SUBSIDY EXCLUSIVE OF DENTAL AND VISION COVERAGE FOR  
53 RETIREES WHO WERE HIRED ON OR AFTER JANUARY 1, 2014 OTHER THAN RETIREES RETIRED  
54 AS THE RESULT OF DISABILITIES SHALL BE BASED ON THEIR YEARS OF CREDITED SERVICE  
55 AS OF THEIR DATE OF RETIREMENT AS FOLLOWS, SUBJECT TO THE PROVISIONS OF



1 SUBSECTION (I)(10):

2  
3 **CREDITED SERVICE ON RETIREMENT**

4

10-14	15-19	20-24	25-29	30-39	40 OR MORE
30%	40%	50%	65%	75%	80%

5  
6  
7 (10) THE CREDITED SERVICE USED TO DETERMINE THE EMPLOYER SUBSIDY UNDER  
8 SUBSECTION (I)(9) MAY NOT INCLUDE MORE THAN 20 YEARS OF TRANSFERRED SERVICE.

9  
10 (11) THE EMPLOYER SUBSIDY EXCLUSIVE OF DENTAL AND VISION COVERAGE FOR  
11 RETIREES RETIRED AS THE RESULT OF DISABILITIES WHO WERE HIRED ON OR AFTER  
12 JANUARY 1, 2014 SHALL BE 50% OR THE PERCENTAGE DETERMINED IN ACCORDANCE WITH  
13 SUBSECTION (I)(9), WHICHEVER IS GREATER.

14  
15 (12) FOR PURPOSES OF THIS SUBSECTION, THE DATE THAT AN EMPLOYEE RETIRES  
16 SHALL BE THE DATE THAT AN EMPLOYEE TERMINATES EMPLOYMENT WITH THE COUNTY  
17 THAT IS ON OR AFTER THE EMPLOYEE'S NORMAL OR EARLY RETIREMENT DATE UNDER THE  
18 COUNTY RETIREMENT PLAN IN WHICH THE EMPLOYEE IS A PARTICIPANT OR, IN CASE OF A  
19 DISABILITY PENSION, ON THE DATE THAT THE EMPLOYEE IS RETIRED ON THE DISABILITY  
20 PENSION. A TERMINATED VESTED EMPLOYEE SHALL BE DEEMED TO RETIRE ON THE DATE  
21 THAT THE TERMINATED VESTED EMPLOYEE BECOMES ELIGIBLE TO RECEIVE A PENSION  
22 UNDER THE EMPLOYEES' RETIREMENT PLAN OR THE DETENTION OFFICERS' AND DEPUTY  
23 SHERIFFS' RETIREMENT PLAN.

24  
25 **(J) Employer subsidy; Medicare supplement.**

26  
27 (1) EFFECTIVE JANUARY 1, 2015, THE EMPLOYER SUBSIDY FOR THE MEDICARE  
28 SUPPLEMENT FOR RETIREES WHO RETIRED BEFORE JANUARY 1, 2014 SHALL BE 80%.

29  
30 (2) EFFECTIVE JANUARY 1, 2015, THE EMPLOYER SUBSIDY FOR THE MEDICARE  
31 SUPPLEMENT FOR RETIREES WHO RETIRED ON OR AFTER JANUARY 1, 2014 SHALL BE THE  
32 SAME PERCENTAGE AS THE EMPLOYER SUBSIDY DETERMINED IN ACCORDANCE WITH  
33 SUBSECTION (I).

34  
35 **(K) Replacement of Medicare supplement with cash subsidy or allowance.**

36  
37 (1) EFFECTIVE JANUARY 1, 2015, THE COUNTY MAY PROVIDE A CASH SUBSIDY OR  
38 ALLOWANCE IN LIEU OF A MEDICARE SUPPLEMENT.

39  
40 (2) THE AMOUNT OF THE SUBSIDIES OR ALLOWANCES SHALL BE PROPOSED BY THE  
41 PERSONNEL OFFICER AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL. THE  
42 PROPOSED SUBSIDIES OR ALLOWANCES SHALL BE CALCULATED BY APPLYING THE  
43 GRADUATED SCALE OF PERCENTAGES SET FORTH IN SUBSECTION (I) TO THE COST OF A  
44 MEDICARE SUPPLEMENT PLAN F IN ADDITION TO PRESCRIPTION DRUG COVERAGE AS  
45 DETERMINED BY THE PERSONNEL OFFICER.

46  
47 (3) THE SUBSIDIES OR ALLOWANCES MAY BE ADMINISTERED THROUGH A HEALTH  
48 REIMBURSEMENT ACCOUNT, AND THE COUNTY MAY CONTRACT WITH A CONNECTOR  
49 ENTITY FOR PURPOSES OF ESTABLISHING A NAVIGATOR PROGRAM FOR PARTICIPANTS.

50  
51 (4) THE COUNTY SHALL CONTINUE TO PROVIDE MEDICARE SUPPLEMENTS FOR  
52 PARTICIPANTS ELIGIBLE TO PARTICIPATE IN MEDICARE BEFORE AGE 65 BECAUSE OF  
53 DISABILITIES WHO ARE NOT ELIGIBLE FOR A NAVIGATOR PROGRAM.

54  
55 (5) THE MEDICARE SUPPLEMENT OR THE SUBSIDY OR ALLOWANCE IN LIEU OF A

1 MEDICARE SUPPLEMENT MAY INCLUDE A PROVISION FOR THE REIMBURSEMENT OF OUT-OF-  
2 POCKET COSTS TO PARTICIPANTS FOR PRESCRIPTION DRUGS AT THE THRESHOLD AND  
3 UNDER THE OTHER CONDITIONS PROPOSED BY THE PERSONNEL OFFICER AND RATIFIED BY  
4 RESOLUTION PASSED BY THE COUNTY COUNCIL.

5  
6 **(L) Application for and entitlement to benefits.**

7  
8 (1) AN EMPLOYEE, RETIREE, OR SURVIVOR SEEKING TO PARTICIPATE IN THE  
9 PROGRAM SHALL SUBMIT AN APPLICATION ON THE FORM PROVIDED BY THE OFFICE OF  
10 PERSONNEL AND SHALL PROVIDE THE REQUIRED THE INFORMATION, AND MAY NOT BE  
11 ENTITLED TO BENEFITS UNDER THE PROGRAM UNTIL THE PARTICIPATION IN THE PROGRAM  
12 IS APPROVED BY THE OFFICE OF PERSONNEL.

13  
14 (2) AN APPLICATION TO PARTICIPATE IN THE PROGRAM MAY BE FILED ONLY BY THE  
15 EMPLOYEE OR RETIREE ENTITLED TO PARTICIPATE IN THE PROGRAM AND SHALL INCLUDE  
16 APPLICATION FOR HEALTH INSURANCE BENEFITS FOR THOSE DEPENDENTS FOR WHICH THE  
17 EMPLOYEE OR RETIREE SEEKS PARTICIPATION.

18  
19 (3) AN EMPLOYEE OR RETIREE WHO ELECTS NOT TO PARTICIPATE IN THE PROGRAM  
20 IN A GIVEN PLAN YEAR SHALL NOT BE PROHIBITED FROM ELECTING TO PARTICIPATE IN ANY  
21 SUBSEQUENT PLAN YEAR.

22  
23 (4) A SURVIVOR MAY FILE AN APPLICATION IN THE SURVIVOR'S OWN NAME, EXCEPT  
24 THAT A SURVIVING SPOUSE SHALL FILE AN APPLICATION THAT INCLUDES APPLICATION FOR  
25 HEALTH INSURANCE BENEFITS FOR ANY SURVIVING CHILD OF THE SURVIVING SPOUSE ALSO  
26 ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

27  
28 (5) AFTER SUBMITTING AN APPLICATION AN EMPLOYEE OR RETIREE, OR A SURVIVOR  
29 WHO MADE APPLICATION FOR BENEFITS IN THE SURVIVOR'S OWN NAME, SHALL REPORT  
30 ANY CHANGE IN FAMILY, EMPLOYMENT, OR OTHER STATUS THAT AFFECTS A PARTICIPANT'S  
31 ENTITLEMENT TO BENEFITS UNDER THE PROGRAM TO THE OFFICE OF PERSONNEL.

32  
33 (6) AN EMPLOYEE, RETIREE, OR SURVIVOR WHO WILLFULLY MAKES A FALSE  
34 STATEMENT OR FALSE REPRESENTATION ON AN APPLICATION FOR BENEFITS UNDER THE  
35 PROGRAM OR WHO WILLFULLY FAILS TO DISCLOSE A CHANGE IN FAMILY, EMPLOYMENT, OR  
36 OTHER STATUS THAT AFFECTS A PARTICIPANT'S ENTITLEMENT TO BENEFITS UNDER THE  
37 PROGRAM IS GUILTY OF A MISDEMEANOR AS PROVIDED IN § 9-1-101 OF THIS CODE.

38  
39 **(M) Health Care Flexible Spending Account.** THE PROGRAM SHALL INCLUDE THE  
40 OPTION FOR AN EMPLOYEE TO ESTABLISH A HEALTH CARE FLEXIBLE SPENDING ACCOUNT.

41  
42 **(N) Duties and powers of the Personnel Officer.** IN ADDITION TO THE SPECIFIC DUTIES  
43 SET FORTH IN THIS SECTION, THE PERSONNEL OFFICER HAS THE GENERAL DUTY TO  
44 ADMINISTER THE PROGRAM AND HAS THE POWERS NECESSARY TO DO SO, INCLUDING THE  
45 POWER TO:

46  
47 (1) ESTABLISH THE HEALTH INSURANCE BENEFIT OPTIONS AND DESIGN THE HEALTH  
48 INSURANCE PLANS MADE AVAILABLE TO PARTICIPANTS, AND DESIGNATE THE PLAN YEAR;

49  
50 (2) PREPARE FORMS AND ESTABLISH PROCEDURES TO BE FOLLOWED IN ORDER TO  
51 OBTAIN HEALTH INSURANCE BENEFITS UNDER THE PROGRAM;

52  
53 (3) DETERMINE THE ELIGIBILITY OF PERSONS TO PARTICIPATE IN THE PROGRAM AND  
54 RECEIVE HEALTH INSURANCE BENEFITS UNDER THE PROGRAM;

55  
56 (4) APPROVE OR SUPERVISE THE APPROVAL OF THE PAYMENT OF CLAIMS FOR

1 HEALTH INSURANCE BENEFITS;

2  
3 (5) ESTABLISH A PROCESS FOR INTERNAL APPEALS AND EXTERNAL REVIEW OF  
4 DECISIONS THAT COMPLIES WITH THE FEDERAL AFFORDABLE CARE ACT;

5  
6 (6) REVIEW THE PAYMENT OF CLAIMS FOR HEALTH INSURANCE BENEFITS AND SEEK  
7 RECOVERY OF ANY OVERPAYMENT OF BENEFITS;

8  
9 (7) ESTABLISH AND ADMINISTER WELLNESS PROGRAMS AS PART OF THE PROGRAM;

10  
11 (8) ESTABLISH HEALTH SAVINGS ACCOUNTS AND HIGH-DEDUCTIBLE HEALTH PLANS  
12 AS PART OF THE PROGRAM; AND

13  
14 (9) ADOPT RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM AS  
15 SET FORTH IN THIS SECTION PROVIDED THAT SUCH RULES AND REGULATIONS ARE  
16 PUBLISHED ON THE OFFICE OF PERSONNEL WEBSITE AT LEAST 30 DAYS PRIOR TO TAKING  
17 EFFECT.

18  
19 SECTION 3. *And be it further enacted*, That if any provision of this Ordinance or the  
20 application thereof to any person or circumstance is held invalid for any reason in a court of  
21 competent jurisdiction, the invalidity does not affect other provisions or any other  
22 application of this Ordinance which can be given effect without the invalid provision or  
23 application, and for this purpose the provisions of this Ordinance are declared severable.

24  
25 SECTION 4. *And be it further enacted*, That this Ordinance shall be construed to apply  
26 retroactively as necessary to implement the effective dates of the various provisions set forth  
27 in Section 2 of this Ordinance.

28  
29 SECTION 5. *And be it further enacted*, That this Ordinance shall take effect 45 days  
30 from the date it becomes law.