

<p>Office of Employee Benefits Administrative Manual</p> 	<b>ACTIVE MILITARY DUTY</b>	<b>320</b>
	<p><b>INITIAL EFFECTIVE DATE: JULY 1, 2010</b></p>	
	<p><b>LATEST REVISION DATE:</b></p>	
	<p><b>PURPOSE:</b> To provide guidance on the University of Texas System Employee Group Insurance Program eligibility of Employees and Dependents called to duty in the armed services, including reservists.</p>	
	<p><b>SCOPE:</b> Employees of The University of Texas System and their Dependents who have coverage in the Employee Group Insurance Program</p>	
	<p><b>STATUTORY AND ADMINISTRATIVE REFERENCES:</b></p> <p>Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C., §4301</p> <p>Texas Government Code, Section 613.002, Reemployment Following Military Service</p> <p>Texas Government Code Chapter 413, State Militia</p>	

## 1.0 BACKGROUND

This policy provides guidance on access to the Employee Group Insurance Program (Program) by Employees who have been determined by the benefits office of the Employee's employing University of Texas (U.T.) institution to be eligible for military leave under applicable law and policies.

## 2.0 SUMMARY OF BENEFITS FOR ACTIVE MILITARY PERSONNEL

U.T. System complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). This policy shall be interpreted at all times to comply with USERRA. Under USERRA, Employees, who are called to Active Military Duty, may elect to continue Program health insurance coverage for themselves and their Dependents. In addition, other laws may give employees certain rights based on their military status.

Eligibility for Employee Program coverage under USERRA and other applicable law will be determined by the Office of Employee Benefits (OEB) based on the employing institution's designation of the appropriate leave or other employment status for an Employee called to Active Military Duty, reserve duty or other military duty. It is the responsibility of the employing institution to determine an Employee's status pursuant to USERRA and other applicable state law and policies.

**IMPORTANT:** Employees electing coverage to take effect while on military leave should be reminded that the medical insurance plan under the Program may exclude benefits for any services or supplies for injuries sustained while on military duty. Other types of insurance may also exclude coverage for claims for losses caused due to military or reserve duty. Employees should be advised to review plan information, including exclusions, carefully before making an election decision.

## **2.1 Eligibility for Premium Sharing**

### **2.2.1 Employee on Leave with Pay During All or Part of a Calendar Month**

An Employee is entitled to Premium Sharing during any month in which she or he works and/or receives paid leave due to Active Military Duty or reserve duty, even if he or she is also on unpaid leave due to Active Military Duty during the same month. However, the Employee remains responsible for all out-of-pocket premiums. If the Employee's paycheck for the month is insufficient to cover the out-of-pocket premiums, the Employee is responsible for ensuring that all out-of-pocket premiums are remitted to the benefits office of the employing institution. If out-of-pocket premiums are not paid, coverages will be cancelled.

### **2.2.2 Employee on Leave Without Pay**

During any month in which an Employee has been placed on leave without pay due to Active Military Duty for an entire calendar month, the Employee is not eligible for Premium Sharing for that month. The Employee is responsible for remitting to the institution Benefits Office the required premium amount for each month. If premiums are not paid, coverages will be cancelled.

## **2.2 Eligibility for Coverage While on Leave Without Pay**

An Employee on leave without pay due to Active Military Duty who chooses to continue Employee and/or eligible Dependent coverage may do so as long as premiums are fully paid during that time.

## **2.3 Termination of Leave without Pay Due to Active Military Leave**

An Employee whose employment status is terminated for exceeding the maximum length of leave of absence without pay allowable due to Military Duty also loses eligibility for Employee and Dependent Program coverage. Such an individual must be given the opportunity to continue individual coverage for up to 18 additional months and eligible Dependent coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to 36 additional months. It is the responsibility of the employing

institution to ensure that the required COBRA notice(s) are provided and to notify the Office of Employee Benefits of the termination of the individual's employment status.

### **3.0 DEPENDENT CALLED TO ACTIVE MILITARY DUTY**

If a covered Dependent of an Employee or Retired Employee goes on Active Military Status, the Dependent ceases to be an eligible Dependent and must be dropped from all Program coverage effective the end of the month that the Dependent begins Active Military Duty. It is the responsibility of the Employee or Retired Employee to make the request to drop the coverage to the benefits office of the employing institution within 31 days of the Dependent's loss of eligibility.

### **4.0 RE-EMPLOYMENT UPON DISCHARGE FROM ACTIVE MILITARY DUTY**

An Employee, whose employment ceases due to Active Military Duty and who is subsequently re-employed by the employing System institution, is eligible to reinstate all previously enrolled Employee and eligible Dependent coverages that were terminated or cancelled during any period of leave without pay due to active military service.

Evidence of Insurability (EOI) will not be required to re-enroll in any coverage in which the Employee previously was enrolled. No pre-existing condition exclusions or limitations will be applied.

The effective date of coverage will be the first day of the Employee's return to active employment at a System institution. There is no waiting period before the coverage becomes effective.

When a Dependent of an Employee/Retired Employee is discharged from active military duty, the Employee/Retired Employee is eligible to reinstate all coverages in which the Dependent was previously enrolled without EOI or pre-existing exclusions/limitations, as long as the Dependent still meets the definition of an eligible Dependent. It is the Employee's responsibility to request reinstatement from and provide all required documentation to establish eligibility to the benefits office of the employing institution.

### **5.0 IMPACT OF MILITARY LEAVE ON AVAILABLE COVERAGE**

Employees on leave due to Active Military Duty may elect to continue all Program coverages for themselves and/or their covered Dependents in which they were enrolled on the day immediately prior to the date they entered active military duty status as long as premiums are paid. However, the medical insurance plan offered by the Employee Group Insurance Program may exclude benefits for any services or supplies for injuries sustained while on active military duty and other coverage under other types of insurance, including but not limited to, the Accidental Death and Dismemberment plan, the Short-term Disability plan and the Long-term Disability plan limit coverages based on an insured's military service.

### **6.0 ELIGIBILITY CODING FOR EMPLOYEE GROUP INSURANCE RECORDS**

When an Employee begins leave due to Active Military Duty, the employment status code must be changed from Active (ACT) to Military (MIL). The Social Security Number (SSN) of the Employee should remain on the eligibility record because Dependents will continue to be tracked by the employee's SSN. If the Employee works one day or more in the month that he or she is called to active duty, the MIL status code should be sent on the dataset to the U.T. System Administration Office of Employee Benefits (OEB) the first of the following month.

The Status Effective Date and every Coverage Effective Date should also change to the first of the following month.

If the Employee chooses to continue insurance while on leave due to Active Military Duty, the coverage level will not change (but the status and effective dates will change as noted above). For example, if an Employee has Subscriber/Spouse (SSP) coverage and chooses to continue coverage, the Employee's level of coverage would remain at SSP but the status code and effective dates would change.

Each coverage must be included in the Employee record, even if the Employee has elected "family only" coverage

If the Employee chooses to drop Employee coverage but retain the Dependent coverage, the status code, effective dates, and level code must be changed as set forth below:

<b>ELIGIBILITY CODING</b>		
<b>Coverage Level Prior to Active Duty Status</b>	<b>Action Taken by Employee Being Called to Active Duty</b>	<b>Result on OEB Dataset</b>
SUB, SSP, SCH, or SFM	Employee chooses to retain coverage for self and dependents.	Level will not change but status should change from ACT to MIL, and effective dates should change to the first day of the first full month of military leave.
	Employee chooses to retain coverage for dependent spouse only.	Change level to SPO and status to MIL. Effective dates should change to the first day of the first full month of military leave. Do <u>not</u> change employee's SSN to spouse's SSN.
	Employee chooses to retain coverage for dependent children only.	Change level to CHD for one or more children. Change status to MIL. Effective dates should change to the first day of the first full month of military leave. Do <u>not</u> change employee's SSN to eldest child's SSN.
	Employee chooses to retain coverage for spouse and dependent children only.	Change level to FAM. Change status to MIL. Effective dates should change to the first day of the first full month of military leave. Do <u>not</u> change SSN of employee to spouse's SSN.
SUB=Subscriber Only; SSP=Subscriber and Spouse, SCH=Subscriber and Children, SFM=Subscriber and Family SPO=Spouse Only; CHD=Child(ren) Only (1 or more); FAM=Spouse and Child(ren) (1 or more).		

## 7.0 SUMMARY OF EFFECTIVE DATES

Date Active Duty Becomes Effective	Date Level and Status Change in OEB Eligibility Becomes Effective
First of the Month (assumes Employee does not work one or more days in the month.)	First day of the month active duty begins. Be sure to term previous record when/if a new record is created.
Second day of the month or later (assumes Employee does work 1 or more days in the month.)	First of the following month. Be sure to term previous record when/if a new record is created.

## 8.0 CHANGE IN STATUS

A covered Dependent of an Employee on leave due to Active Military Leave duty who experiences a Change in Status is subject to the requirements set forth in Policy 310 of this Administrative Manual.

## 9.0 PREMIUMS

As noted in Section 2.1 of this policy, Premium Sharing (for medical, basic group term life and basic AD&D) is available for any month in which the Employee is on paid leave due to active military duty. Premium sharing is not available for any month in which the Employee is on leave without pay for the entire month. Premiums will be calculated each plan year for the SPO, CHD and FAM coverage levels. Arrangements for payment of premiums must be finalized by the Employee with the institution Benefits Office prior to the commencement of the Employee's leave. Institutions should follow their currently established internal policies and procedures regarding premium collection for leave without pay situations.

## 10.0 TRACKING ACTIVE MILITARY

The employing institution remains responsible for maintaining all required records necessary to ensure compliance with USERRA reemployment eligibility requirements.

## 11.0 TRICARE

TRICARE is the federal health care program for active and retired United States military personnel and their eligible dependents and survivors. Information about TRICARE benefits while on active military duty is available at the TRICARE Web site at [www.tricare.osd.mil/](http://www.tricare.osd.mil/).