

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**SENATE BILL 6*
Pensions & Retirement and Aging Committee Substitute Adopted 3/24/15**

Short Title: State Health Plan/Rehired Retiree Eligibility.

(Public)

Sponsors:

Referred to:

February 2, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW RETIREES WHO RETURN TO WORK FOR THE STATE IN
3 NONPERMANENT POSITIONS TO RETAIN THEIR COVERAGE OPTIONS UNDER
4 THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES RATHER
5 THAN LIMITING SUCH RETIREES' COVERAGE OPTIONS TO THE "BRONZE
6 LEVEL" HIGH-DEDUCTIBLE HEALTH PLAN NECESSITATED BY THE
7 AFFORDABLE CARE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE
8 EDUCATION OVERSIGHT COMMITTEE.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 135-48.40 reads as rewritten:

11 "§ 135-48.40. Categories of eligibility.

12 ...

13 (b) Partially Contributory Coverage. – The following persons are eligible for coverage
14 under the Plan, on a partially contributory basis, subject to the provisions of G.S. 135-48.43:

15 (1) All permanent full-time employees of an employing unit who meet either of
16 the following conditions:

17 a. Paid from general or special State funds.

18 b. Paid from non-State funds and in a group for which his or her
19 employing unit has agreed to provide coverage.

20 Employees of State agencies, departments, institutions, boards, and
21 commissions not otherwise covered by the Plan who are employed in
22 permanent job positions on a recurring basis and who work 30 or more hours
23 per week for nine or more months per calendar year are covered by the
24 provisions of this subdivision.

25 (1a) All retirees who (i) are employed by an employing unit, (ii) do not qualify
26 for coverage under subdivision (1) of this subsection, and (iii) are
27 determined to be "full-time" by their employing unit in accordance with
28 section 4980H of the Internal Revenue Code and the applicable regulations,
29 as amended. The employing unit shall pay the employer premiums for
30 retirees who enroll under this subdivision.

31 ...

32 (e) Other Contributory Coverage. – Any employee of an employing unit is eligible for
33 coverage under this section on a contributory basis, subject to the provisions of G.S. 135-48.43
34 and of this section, if (i) the employee's employing unit determines that the employee is a
35 full-time employee and (ii) the employee does not qualify for coverage under subdivision (1),
36 (1a), (5), (6), (7), (8), (9), or (10) of G.S. 135-48.40(b). For the purposes of this subsection, the



1 full-time status of an employee shall be determined by the employing unit, in its sole discretion,
2 in accordance with Section 4980H of the Internal Revenue Code and the applicable regulations,
3 as amended. The coverage offered and the contribution required for coverage under this section
4 shall be determined by the Treasurer and approved by the Board of Trustees. Such coverage
5 shall do all of the following:

- 6 (1) Be designed to meet the requirements of minimum essential coverage under
7 the Patient Protection and Affordable Care Act, P.L. 111-148, and the
8 applicable regulations, as amended (Affordable Care Act).
- 9 (2) Provide no greater coverage than a bronze-level plan, as defined under the
10 Affordable Care Act.
- 11 (3) Minimize the required employer contribution in an administratively feasible
12 manner."

13 **SECTION 2.** G.S. 135-48.41(j) reads as rewritten:

14 "(j) If a retiree has been hired by an employing unit and is eligible for coverage under
15 subdivision (1), (1a), (5), (6), (7), (8), (9), or (10) of G.S. 135-48.40(b) or under
16 G.S. 135-48.40(e), then the hired retiree shall not, during the time of employment, be eligible
17 for retiree coverage under G.S. 135-48.40(a)(1), G.S. 135-48.40(b)(3), G.S. 135-48.40(c)(2), or
18 G.S. 135-48.40(d)(11)."

19 **SECTION 3.** This act becomes effective July 1, 2015.