




**New York State Correctional Officers
& Police Benevolent Association, Inc.**

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TO: NYSCOPBA Chief Sector Stewards

FROM: Sharon Smith, Health Benefits Specialist 

DATE: June 17, 2005

RE: Health Insurance Benefit Upon Discharge From a Lengthy
Period of Active Military Duty Related to the War on Terror

This memo is to advise you of a benefit enhancement for those state employees who return from military duty related to the war on terror.

Under current NYSHIP eligibility rules, an employee on "leave without pay (LWOP)" status must pay the employee and employer share of premium in order to continue their health insurance coverage. Under the new enhancement, NYS Executive Branch employees (and their covered dependents) who opt to take unpaid leave pursuant to the "Uniformed Services Employment and Reemployment Rights Act (USERRA)" following discharge from a lengthy period of active military duty related to the war on terror will receive contribution-free NYSHIP health insurance coverage (Empire Plan or HMO). Please see attached "Post Discharge" Health Insurance Benefit sheet for the specific parameters of this new benefit. Also attached is a copy of the form returning employees must complete when requesting such coverage.

We would appreciate your assistance in communicating this benefit to your membership; and should you have any questions, feel free to contact me.

cc: NYSCOPBA Joint Committee on Health Benefits
NYSCOPBA Executive Board and Business Agents

"Post-Discharge" Health Insurance Benefit

What is it?

The benefit provides contribution-free NYSHIP health insurance coverage (in an HMO or the Empire Plan) for NYS executive branch employees and their covered dependents while employees are on unpaid leave pursuant to USERRA following discharge from a lengthy military activation related to the war on terror.

Who is eligible?

In order to be eligible for the benefit, employees must be NYS executive branch employees who meet the following criteria:

1. Be in the National Guard or Reserves and completing a period of active military duty related to the war on terror that resulted in an absence from work in excess of 180 consecutive calendar days.
2. Be a NYSHIP contract holder before the beginning of the military activation in question.
3. During the period in which this benefit is received the employee must not be receiving pay from any NYS agency or public authority by virtue of working, charging leave credits or being in any leave with pay status.
4. The employee must actually be discharged from military duty (i.e., they cannot be on "terminal leave" during an ordered period of duty).

How will the benefit work?

Employees will have to request this benefit in order to receive it. Such requests will need to be made using the attached form. Employees who are aware of the availability of the benefit prior to their date of discharge from military duty will be allowed to arrange for such coverage in advance but must telephone the agency upon discharge to activate the coverage.

Once an employee notifies his/her agency that he/she will be taking unpaid leave during all or part of the 90-day post-discharge period provided by USERRA and that he/she wishes to use this new benefit, the agency will review eligibility in accordance with the criteria specified above. Once eligibility is verified, coverage will be available immediately as of the date of discharge from military duty.

In cases where eligible employees request the benefit after the date of discharge, but within the 90-day period, coverage is retroactive to date of discharge. Covered out-of-pocket expenses incurred by eligible employees between the date of discharge and the date on which coverage is restored will be reimbursed pursuant to applicable Plan rules.

In cases where family coverage was already being provided at no cost during the period of active military duty pursuant to our existing MOUs, the benefit is simply continued beyond the date of discharge upon employee request. In cases where the employee was an individual contract holder under NYSHIP prior to military activation, contribution-free individual coverage is re-started upon employee request as of the date of discharge. Absent a qualifying event under plan rules, employees who were individual contract holders prior to their period of military service cannot switch to family coverage under this benefit. Similarly, employees who were family contract holders cannot switch to individual coverage. Such coverage changes must be made during the annual open enrollment period or as appropriate under NYSHIP rules.

Coverage under this new benefit will be continued until (1) the employee returns to pay status (i.e., return to work, charging credits or placement in another paid leave status), at which point payment of employee share premiums resumes; or (2) the employee fails to apply for reemployment within 90 days of the date of discharge at which point coverage will be discontinued and the employee is deemed to be on an unauthorized leave without pay. Once application for reemployment is made, agencies are required to reinstate employees "promptly." Therefore, for any given employee, the maximum duration of this benefit is 90 days plus the time it takes for the employee's agency to get him/her back to work.



State of New York
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Employee Benefits Management
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NYSCOPBA, INC.

George E. Pataki, Governor

George H. Madison
Director

John V. Currier
Executive Deputy Director

June 6, 2005

Ms. Sharon Smith
NYSCOPBA
102 Hackett Blvd
Albany, New York 12209

Dear Ms. Smith:

I am seeking your agreement on a benefit enhancement for State employees returning from military duty related to the war on terror.

The benefit provides contribution-free NYSHIP health insurance coverage (Empire Plan or HMO) for NYS executive branch employees and their covered dependents when employees opt to take unpaid leave pursuant to the "Uniformed Services Employment and Reemployment Rights Act (USERRA)" following discharge from a lengthy period of active military duty related to the war on terror. Under the current NYSHIP eligibility rules, if an employee is in a "leave without pay" (LWOP) status and wants to continue their NYSHIP health insurance coverage they must pay the employee and employer share of premium (the LWOP rate).

A "Post-Discharge" Health Insurance Summary is attached for your reference. This document outlines, in detail, the specific parameters of this new benefit including "who is eligible" and "how will the benefit work". In addition, you have been provided with a copy of the form that returning employees will be asked to complete when requesting this coverage. Although it is not expected that the benefit will be widely used since an individual would not be receiving their State salary, we already have two situations where this paid coverage is appropriate.

Once I receive sign-off, GOER will work with the Department of Civil Service, DMNA, and other State agencies to communicate the availability of this enhancement to eligible employees. At that point, any help you can provide on getting the word out to your members will be appreciated.

Please sign on the line below to indicate your agreement with the proposal and return one signed original letter to me as soon as possible. If you have any questions regarding this benefit please contact me. Thank you.

Sincerely,


Priscilla E. Feinberg
Associate Director

Carl Canterbury
Signature

Ex Vice President
Title

6/10/05
Date