Title: Determining faculty eligibility for off-quarter/semester or for decreases in workload

PEBB Program Administrative Policy 17-3

Contact: Rules Specialist, ERB Division  Effective: January 1, 2019

Rescinded:

Associated RCW: 41.05.065 (4)(c)  41.05.065 (4)(k)

Supersedes:

Associated WAC: 182-12-109  182-12-114(3)  182-12-131

Owner: Policy, Rules, & Compliance Manager, ERB Division

Associated Procedures:

Associated Forms & Communication Worksheet C-3

Approved by:  

Position: Director of the PEBB Program

Date approved: 11/29/2018

Purpose:

To clarify when a faculty qualifies for the employer contribution toward insurance coverage during an off-quarter/semester or when there is a decrease in workload.

Policy:

1. Maintaining the employer contribution through the summer or off-quarter/semester.

   WAC 182-12-131 (3)(c): All benefits-eligible faculty (eligible as described in WAC 182-12-114 (3)(a) and (b)) who work an average of half-time or more throughout the entire instructional year or equivalent nine-month period and work each quarter/semester of the instructional year or equivalent nine-month period are eligible for the employer contribution toward summer or off-quarter/semester PEBB insurance coverage.

   Exception: Eligibility for the employer contribution toward summer or off-quarter/semester PEBB insurance coverage ends on the end date specified in an employing agency’s termination notice or an employee’s resignation letter, whichever is earlier, if the employing agency has no anticipation that the employee will be returning as faculty at any institution of higher education where the employee has employment. If the employing agency deducted the employee's premium for PEBB insurance coverage after the employee was no longer eligible for the employer contribution, PEBB insurance coverage ends the last day of the month for which employee premiums were deducted.

   a. In the exception in WAC 182-12-131 (3)(c) above and in the policy statements below, “anticipation that the employee will be returning” means that the employee will likely return to a faculty position based on the employer’s reasonable knowledge.
b. To maintain the employer contribution through stacking, faculty must notify employers whether they are working as faculty at other institutions of higher education (WAC 182-12-114 (3)(b) and PEBB Program Administrative Policy 11-1). If the faculty has made this notification, then employers must assess whether the employee will likely return to any of the employing institutions in order to determine eligibility for the employer contribution over the summer or off-quarter/semester.

c. A faculty who returns to a faculty position to work a second consecutive instructional year or equivalent nine-month period will be presumed to return after the off-quarter/season.

For example, a faculty works three consecutive quarters and averages half-time or more throughout the entire instructional year. The institution(s) does not anticipate that they will need the position filled the following instructional year, and so do not provide the employer contribution over the summer. The following fall quarter, the faculty returns to employment at any institution of higher education. If the faculty again works an average of half-time or more throughout the entire instructional year, then the institution(s) must provide the employer contribution for benefits the following summer.

d. Faculty who resign or retire after working an instructional year:

i. A faculty who resigns after working an instructional year or nine-month equivalent must still be considered for the employer contribution toward summer or off-quarter/semester benefits if they are anticipated to return under the criteria of (a) and (b) above. However, the resigning faculty will not be presumed to return as described in (c) above.

For example, a faculty retires after working for twenty years as a full-time faculty at a university. She submits a letter with a resignation date at the end of the instructional year. She is likely to teach a few classes at a community college the following fall quarter. The faculty would be anticipated to return under the criteria of (a) and (b) above, so the original institution must provide the employer contribution over the summer.

ii. If a faculty who resigns after working an instructional year or nine-month equivalent does not anticipate returning under the criteria of (a) and (b) above, then eligibility for the employer contribution ends the earlier of these two dates:

• On the date specified in the resignation letter as the date of resignation; OR
• At the end of the off-quarter/semester or summer.

2. Decrease in workload. The statements below apply only to temporary decreases in faculty workloads.

a. A decrease in workload does not include:

i. When the employee or employer terminates the employment relationship. See WAC 182-12-131(7) for rules about this circumstance.

ii. Renegotiations of the employment terms and conditions (i.e., the employee voluntarily moves to a new position). See WAC 182-12-131(7) for rules regarding this circumstance.
iii. A decrease in workload under a new contract (for instance, a decrease in
workload between contracts for different quarters/semesters).
iv. A decrease in workloads due to a layoff. See WAC 182-12-129 and
PEBB Program Administrative Policy 17-2 for eligibility criteria following a
layoff.

b. For benefits-eligible faculty who are not anticipated to work for the entire
instructional year (established eligibility under WAC 182-12-114 (3)(a)(ii) or (iii)):

i. When the employee decreases the workload such that they cannot
maintain the employer contribution under WAC 182-12-131, the
employer contribution ends the first of the month following the drop in
workload.
ii. When the employer decreases the workload, the faculty is eligible for the
employer contribution each month in which they are in pay status for 5%
of full-time until the end of the quarter or semester in which the faculty is
contracted to work. Note: Faculty with anticipated end dates are not
eligible for the layoff rights outlined in WAC 182-12-129 and PEBB
Program Administrative Policy 17-2.

c. For benefits-eligible faculty who are anticipated to work for the entire instructional
year (established eligibility under WAC 182-12-114 (3)(a)(i) or (iii)): Whether the
employee or employer initiates the decrease, the faculty is eligible for the
employer contribution each month in which they are in pay status for 5% of full-
time (see RCW 41.05.065 (4)(j)) until the end of the quarter or semester in which
the faculty was expected to work. Leave from the benefits-eligible position must
be approved by the employing agency. Note: Faculty with anticipated end dates
are not eligible for the layoff rights outlined in WAC 182-12-129 and PEBB
Program Administrative Policy 17-2.