Seasonal Guidance

According to WAC 182-12-109, a seasonal employee is defined as an employee hired to work during a recurring, annual season with a duration of 3 months or more, and anticipated to return each season to perform similar work.

According to WAC 182-12-114(2)(a), a season is any recurring, cyclical period of work at a specific time of year that lasts 3 to 11 months. A seasonal employee is eligible if he or she is:

- Anticipated to work an average of at least 80 hours per month, and
- Anticipated to work for at least 8 hours in each month of at least 3 consecutive months of the season.

IMPORTANT: When determining eligibility for a seasonal employee, use WAC 182-12-109's definition of a seasonal employee and only apply PEBB Program WAC and Policy—not language or rules used from another department, agency, or entity (for example, State HR or HRMS).

Employee's First Season

An employee may or may not receive benefits in their first season. According to Policy 15-1 (and if the employee meets eligibility criteria of WAC 182-12-114(2)):

- If an employee is anticipated to work for **more than 6 consecutive months**—regardless if the employer anticipates the employee will return each season—***the employer must provide benefits.***
- If an employee works between 3 and 6 consecutive months and it is **not** anticipated to return, ***the employer has the option to offer benefits***.
- If the employee works between 3 and 6 consecutive months and **is** anticipated to return, ***the employer must provide benefits.***

Determining Eligibility

Per WAC 182-12-114(2), a seasonal employee is eligible for PEBB benefits:

- **Upon employment**—If the employing agency anticipates that the employee will work according to the eligibility criteria.
- **Upon revision of anticipated work pattern**—If an employing agency revises an employee's anticipated work hours such that the employee meets the eligibility criteria, the employee becomes eligible when the revision is made.
- **Based on work pattern**—An employee who is determined to be ineligible for benefits, but later works an average of at least 80 hours per month and works for at least 8 hours in each month and works for more than 6 consecutive months, becomes eligible the first of the month following a 6-month averaging period.

Stacking

As long as the work is within one agency, employees may "stack" or combine hours worked in more than one position to establish eligibility and maintain the employer contribution (WAC 182-12-114(2)(c)). It is the employee's responsibility to notify their employer of their eligibility by virtue of stacking.

Employees have a few options for stacking:

- Concurrent stacking (work two or more positions or jobs at the same time).
- Consecutive stacking (move from one position or job to another).
- Combining hours from a seasonal position or job with hours from a nonseasonal position or job. (An employee who establishes eligibility by stacking hours from a seasonal position or job with hours from a nonseasonal position or job shall maintain the employer contribution toward PEBB insurance coverage as described in WAC 182-12-131(1)).

Note: *An employee may not consecutively stack when there is a break in PEBB coverage (at least one full calendar month in which the employee does not receive the employer contribution).*

Off-Season Coverage

Once an employee has established eligibility, they receive the employer contribution **during the months of the season in which they work**. If an employee works 9 months or more, they receive the employer contribution during their off-season, up to a maximum of 3 calendar months. The eligibility may not exceed a total of 12 consecutive calendar months for the combined season and off-season. For example, if an employee works an 11-month season, they have off-season coverage for 1 month only (not 3 months).

IMPORTANT: If an employee's season becomes 12 months or more, they no longer meet the definition of a seasonal employee and are not eligible for off-season coverage. For example, if an employee works a 10-month season and is extended for another 2 months, they have worked for a full year and are not eligible for off-season coverage (which is only available to *seasonal* employees who work 9 to 11-month seasons). However, when the employee returns the next season, they will be eligible for off-season coverage in that year (if their season is between 9 and 11 months).

Returning for Second Season and Beyond

Per Policy 15-1, seasonal employees who return for their 2nd consecutive season at the same agency are ***presumed to return each subsequent season*** and must receive benefits if they meet the eligibility criteria of WAC 182-12-114(2). Medical and dental are effective on the first day of the month the employee is in pay status 8 or more hours (WAC 182-08-197(3)). This includes if the employee returns prior to their next season for **training** (if training is anticipated to be part of the employee's regular work schedule or pattern), and the training month(s) are consecutive to the employee's season.

For example, if an employee's season is March–June and employee returns with:

- **10 hours of training in February,** the employee will regain eligibility in February.
- **10 hours of training in January**, the employee will regain eligibility in March, as there was a one-month gap between the training month (January) and the month in which the employee returns to their season (March).
- **7 hours of training in February,** the employee will regain eligibility in March, as the employee did not have 8 or more hours of pay status in February.

Some things to consider with returning eligible seasonal employees:

- They receive new elections for medical and dental (but not life or LTD).
- The D-5 worksheet will inform on when forms are due and if the employee may have their optional life and LTD reinstated. (The worksheet also includes instructions regarding this special open enrollment event).