



Rules of the Employee Benefit Plan Council

478-2-.02 Organization.

- (1) **Establishment of the Council.** The Governor shall appoint an Employee Benefit Plan Council consisting of the following members:
- (a) The five members of the State Personnel Board who shall serve for terms of office which correspond with their terms of office on the State Personnel Board;
 - (b) Two department heads who have employees eligible to participate in the employee benefit plans, which department heads shall serve for terms of office of four years provided, however, that the initial term of one of such appointees shall be two years; and provided, further, that the office of such a member shall be vacant if he ceases to be a department head;
 - (c) Two State employees who are eligible to participate in the employee benefit plans, which State employees shall serve for terms of office of four years, provided, however, that the initial term of one of such appointees shall be two years; and provided, further, that the office of such a member shall become vacant if he ceases to be a State employee; and
 - (d) One member from a corporation domiciled in the State of Georgia that insures or administers employee benefit plans, which member shall serve for a term of office of four years.
- (2) **Filling of a Vacancy.** Successors to the members of Council shall have the same qualifications and shall be appointed by the Governor for terms of office of four years and until their successors are appointed and qualified. A vacancy on the Council shall be filled by the Governor, who shall appoint a successor who possesses the same qualification as his or her predecessor and who will serve for the unexpired term.
- (3) **Organization of the Council.** The chair of the Council shall be appointed by the Governor.
- (a) Each year, the Council shall elect a vice-chair at the last scheduled meeting of the calendar year for a term of one year. A vice-chair shall be eligible for election to a successive term. If the office of the vice-chair is vacated for any reason before the expiration of his term, the Council shall elect a successor at its next meeting.

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- (4) **Meetings.** Meetings of the Council shall be scheduled at the discretion of the Council chair. Where feasible, the meetings will be scheduled in conjunction with the meetings of the State Personnel Board as provided in Georgia Law, Chapter 20, Title 45. All meetings of the Council shall be open to the public.
- (5) **Quorum.** Six members shall constitute a quorum. When fewer than ten members have been appointed to the Council, a quorum shall consist of the majority of the members currently serving on the Council. A majority of affirmative votes of the members in attendance is necessary for the transaction of any business or discharge of any duties by the Council.
- (6) **Minutes.** The time and place of each meeting of the Council, names of the Council members present, all official acts of the Council, and the votes of each member except when the acts are unanimous shall be recorded in the official minutes of the Council. When requested a Council member's approval or dissent, with the reasons therefore shall be recorded in the minutes. The Commissioner shall cause the minutes to be transcribed and presented for approval or amendment at the next meeting. The minutes or a true copy thereof, certified by a majority of the Council, shall be open to inspection by the departments and the public.
- (7) **Participation.** The Commissioner and the departments shall have the right to attend or be represented at, and to participate in meetings of the Council, but shall be without voting power.
- (8) **Compensation of Members.** The Employee Benefit Plan Council members shall receive no compensation, but shall receive reimbursement for expenses or an expense allowance per day as follows:
- (a) Council members who are also Board members shall receive the same expense allowance per day as that allowed in Georgia Law Chapter 20, Title 45, provided that only one allowance for the same day of Board meetings or official business shall be permitted.
 - (b) Council members who are in State employment shall be reimbursed by the State department in which employed for all necessary expenses that may be incurred in the performance of their duties. Such reimbursement shall be in conformity with regulations published by the appropriate State officials.
 - (c) Council members who are not in State employment shall receive an expense allowance in the same amount as that authorized for the General Assembly and shall be payable from the funds allocated to the Department of Administrative Services.
- (9) **Functions, Powers, and Duties of the Council.** The Employee Benefits Plan Council shall prescribe the general policies by which the Plan shall be administered. Specific functions of the Council are:
- (a) to adopt specific regulations to govern the administration of the Plans after review of

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proposed regulations for a minimum of thirty (30) days;

- (b) to adopt specific benefit plan features after a review of proposed benefit plan(s).
- (c) to approve the contractor(s) after evaluation of proposals from any qualified entity for providing any part of the benefits, other than health benefits, authorized by the Council;
- (d) to approve self-insurance or self-administration as permitted by law in whole or in part for flexible benefit plan features, other than for health benefits.
- (e) to adopt other employee benefit plans authorized for tax-advantage under IRC. All eligibility and administrative policies of other plans approved by this provision shall be incorporated into the respective plans.
- (f) to authorize DOAS to assess an administrative fee.
- (g) The Council delegates to the Commissioner authority to effect administrative changes to the Flexible Benefit Plan and applicable documents, as prescribed by rules, regulations and state and federal law.

(10) Functions, Powers, and Duties of the Commissioner. The Commissioner of the Department of Administrative Services shall be the Executive Secretary to the Council and shall provide the Council with staff support and other assistance as necessary in the performance of the Council's duties. He or she shall employ such personnel as may be necessary to carry out his or her duties and responsibilities and is authorized to delegate duties and responsibilities at his or her discretion.

- (a) Executive Officer. The Commissioner of Department of Administrative Services shall be the executive officer for the administration of the flexible benefit plans and shall administer the Flexible Benefits Program in accordance with the regulations and policies of the Council.
- (b) Custodian of Funds. The Commissioner shall be the custodian of all funds as may be required by the implementation of the Plan. The Commissioner shall establish procedures for accounting for all income from any source which shall constitute a fund in trust on behalf of the employees. Any amounts remaining in such fund after expenses have been paid shall be retained wholly for the benefit of the employees.
- (c) Recommend Regulation Amendments. The Commissioner shall recommend to the Council amendments to the regulations, cause all regulations to be published, made available to the employing entities, and maintained electronically. He or she shall

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distribute copies of proposed regulations and approved regulations in conformity with requirements of Georgia Law Chapter 20, Title 45.

- (d) Invite Proposals. The Commissioner shall, prior to entering into any contract to provide benefits, invite proposals from and allow a reasonable time for qualified corporations or entities to bid on providing approved Plan benefits.
- (e) Execute Contracts. The Commissioner is authorized to execute a contract or Contracts to provide the benefits as approved in the Plan. Such contract or contracts may be executed with one or more corporations licensed to transact business in Georgia.
- (f) Develop and Publish Plan Document(s). The Commissioner shall cause to be developed a summary plan document or certificate of coverage for each benefit or group of benefits. The plan document must include the approved schedule of benefits, eligibility requirements, termination of coverage, to whom claims should be submitted, and other administrative requirements. The Commissioner shall cause the plan document(s) to be available electronically on the Department of Administrative Services website and in print, upon request.
- (g) Establish Procedures for Administration. The Commissioner shall, in consultation with the departments, establish procedures for the effective administration of the Flexible Benefits Program. Such procedures shall be maintained electronically and available upon request to the employing entities.
- (h) Establish Procedures for Quality Assurance. The Commissioner shall, in consultation with the departments, establish procedures and criteria for assuring that Flexible Benefit Plan and employee records are maintained accurately and in compliance with These regulations and contract provisions, and that claims for benefits can be accurately and timely presented to the contractor.
- (11) Functions and Duties of the Employing Entities.** Each employing entity or agency is charged with complying with these regulations. Statements made by the staff of the departments that are in conflict with these regulations, the contracted schedule of benefits, or the summary plan document shall not be binding on the Administrator or Contractor.
 - (a) Liability Limited. The Council, the various departments, and their employees shall not incur any liability for errors or omissions made in the performance of the agreement between the departments and agencies and the employee.
 - (b) Enroll Eligible Employees. Each employing entity shall offer the Plan to all persons

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who are eligible under these regulations and adhere to the responsibilities in Rule3(4) of these regulations.

- (c) Retain Departmental Optional Plans. Each State Employer shall have the option to determine whether or not the employees within that employing entity shall continue payroll deductions for any optional plans that were in operation on January 1, 1986. Each Educational Institution shall have the option to determine whether or not the employees of that educational institution shall continue payroll deductions for any optional plans that were in operation on January 1, 1991. Continuation of any optional plan(s) shall be limited to the same type benefits and the same insurer. Departments may increase coverage amounts of various insurances but are not permitted to change the structure of the optional plan. Departments shall have the discretion of allowing continued enrollment in the optional plan(s). When continued enrollment is permitted, the departments shall be requested by the Administrator to convert, prior to April 1, 1988, enrollment in the optional plan(s) to the enrollment period as defined in Section 478-2-05. If the departments comply with the request, all future enrollment periods for that agency's sponsored optional plans shall be in accordance with these regulations.
- (d) Educational Institution Election. Each Educational Institution shall have the option to select to participate in the Plan, as announced by the Administrator. Such election shall be filed with the Administrator in sufficient time for conducting an open enrollment period consistent with the following Plan Year. Termination of an election may occur only at the end of a Plan Year and after a twelve-month written notice to the Administrator. Termination of the election cannot be effectuated for a minimum of twenty-four months following the first effective date of coverage under the Plan.
- (e) Educational Institution's Administrative Fee. Each Educational Institution that elects to participate in the Plan may pay a pro rata share of the administrative cost of operating the Plan. The Commissioner shall determine the fee on an annual basis and notify the Educational Institutions.

Authority:

O.C.G.A. Secs. 45-18-51 to 45-18-58.