



Rules of the Employee Benefit Plan Council

478-2-.03 General Provisions

- (1) **Applicability.** All employees who become eligible for coverage under the Flexible Benefit Plan shall be enrolled or permitted to change coverage type only in accordance with these regulations; all employing entities covered by the Act shall administer the Plan and any departmental sponsored optional plans in accordance with these regulations.
- (2) **Conformity with Federal Requirements.** This Plan shall be administered in accordance with the applicable federal laws, including but not limited to the Internal Revenue Code of 1986, as amended, and any other applicable federal laws and the regulations promulgated there under.
- (3) **Records.** The Plan records shall be maintained as directed by the Commissioner in accordance with the provisions of the Georgia Records Act and the applicable provisions of Title 33 of the Official Code of Georgia Annotated. Each employing entity shall maintain the employee personnel and payroll records in accordance with the Georgia Records Act.
 - (a) **Minimum Record Standards.** Employees complete their enrollment in the Third-Party Administrator's Enrollment Portal. Enrollment records are stored and maintained in the Third-Party Administrator's enrollment portal. Such records are maintained as confidential pursuant to Article 3 of Title 45 of the Official Code of Georgia annotated and shall not be disclosed except as necessary to accomplish the purposes of the administration of the plan or as otherwise authorized in writing by the employee.
- (4) **Employing Entity Responsibilities.** The employing entities must comply with the following responsibilities as outlined below.
 - (a) **Deduct Employee Premium and/or Contribution Amounts.** Each employing entity is authorized to deduct or reduce from salary or wages voluntarily designated amounts by the employees when enrolling in any option offered by the Council, unless participation in a specific benefit is not allowed by underwriting or other contractual requirements.
 - (b) **Collect Premiums for Employees on Suspension or Approved Leave Without Pay.** Each employing entity is responsible for informing an employee or suspension or approved leave without pay that the appropriate premium and contribution amounts must be paid in order to maintain coverage for the insurance and health care flexible spending account options selected by the employee. Employees on suspension or an approved leave of absence without pay shall remit the premiums and contributions to the Third-Party Administrator through the direct bill process in accordance with procedures

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established by the Administrator.

- (c) **Remit Employee Premium Amounts.** Each employing entity shall make every effort to remit the amount of premiums and/or contributions deducted or reduced from the employee's compensation within five (5) working days following the invoice/statement from the Third-Party Administrator.
 - (d) **Provide Certification of Employment Information.** Each employing entity, unless the Administrator instructs otherwise, shall provide certification of employment information to the benefit contractor at the time of an employee claim.
 - (e) **Modify Payroll Systems.** When applicable, the employing entity shall modify the payroll systems, manual or mechanized, to comply with the salary reduction aspects of the Plan. The employing entity shall also modify the process to apply the appropriate premiums from the Third-Party Administrator, calculate the taxable income applicable for each employee, report the taxable income to each employee, and report taxable income to the Internal Revenue Service.
 - (f) **Audit Employing Entity Subdivision Payrolls.** Any employing entity having organizational subdivisions shall audit the payroll systems including the enrollment participation, type of benefits, and effective date of coverage, for all participations of the employing entity and its organizational subdivisions. Such audits shall be conducted in accordance with generally accepted government auditing standards. Upon request of the Administrator or the Council, employing entities shall provide a copy of any such audit for review.
 - (g) **Protect the Privacy of Enrollment Information.** The Administrator and Third-Party Administrator shall share enrollment information only with designated employees of the employing entity who assist with the Flexible Benefit Program. Each employing entity shall ensure that the Third-Party Administrator is promptly notified whenever such an employee is no longer permitted to review and share enrollment and eligibility information about Participants. The employing entity shall ensure that designated employees are properly trained to protect the privacy and security of the enrollment information.
- (5) **Employee and Employing Entity Responsibilities.** The employee and employing entity share the responsibility for assuring that the premium payments and spending account contributions for the options selected are being accurately deducted or reduced from the employee's compensation. Both the employee and the employing entity share the responsibility for assuring compliance with all contractual and administrative requirements.
- (6) **Employee's Responsibility.** The Employee is responsible for the requirements as outlined below.

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- (a) **Benefit Enrollment for New Employees.** Each new employee must make benefits elections through the designated flexible benefits enrollment portal or by contacting the TPA's benefits center within thirty-one (31) calendar days of the hire date. If no elections are made, the employee's coverage will default to no coverage.
- (b) **Beneficiary Designation.** The employee is responsible for the accuracy of his Flexible Benefit Program beneficiary designation for the employee life, accident insurance, and accidental death and dismemberment options in the eligibility and enrollment portal. Benefits will be paid on the basis of the most recent update to the beneficiary section in the eligibility and enrollment portal. If there is a conflict regarding the payment of benefits, proceeds will be paid in accordance with applicable laws, regulations, policies and contracts.
- (c) **Medical Underwriting.** The employee is responsible for the completion of all phases of the medical underwriting process when required by contract for the requested type or level of insurance coverage. If the employee fails to complete all phases of the required process by the established deadlines, then the employee's request will remain at the current selection level or the guaranteed amount.
- (d) **Dependent Verification.** The employee is required to submit documentation as required by the Plan to verify the eligibility of Dependents within the timeframe allotted by the Plan. Any Dependents not verified within the Plan's allotted time shall not be eligible for Coverage until the next annual Open Enrollment period or subsequent Qualifying Life Event as described in these regulations. The third-party administrator shall process all requests for dependent verification.
- (7) **Eligibility and Enrollment Appeals.** An employee/participant may request an appeal of an eligibility or enrollment matter by contacting the Third-Party Administrator. All appeals are processed according to Administrator's published appeal procedures.
- (8) **Medical Underwriting Appeals.** The employee may appeal medical underwriting decisions in accordance with specific insurance contract provisions. Should the initial negative decision be reversed, coverage will be effective the first of the month following the approval of the appeal.
- (9) **Enrollment for Employees When Eligibility Information Not Provided.** If the Third-Party Administrator was not provided with eligibility information from the employing entity in order for an employee to make benefit selections, the employee shall be provided the opportunity to enroll under the same conditions that would have applied had the employee been offered benefits in accordance with these Regulations. The employee shall be given 31 days from the print date on the enrollment packet from the Third-Party Administrator to enroll.

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Authority:

O.C.G.A. § 45-18-52.

State Law References:

O.C.G.A. § 50-18-94