



State Personnel Board

Flexible Benefits Program Rules

Georgia Department of Administrative Services

478-2-.04 Eligibility. Amended.

- (1) **Active State Employees.** Employees who are actively at work, on approved leave with pay other than personal sickness or disability, or on suspension with pay may participate in the Flexible Benefit Plan if the employee is a regular full-time employee who works a minimum of thirty (30) hours per week and whose duties are expected to require at least nine (9) months of service. Contingent workers of the Labor Department, employees who are working on a temporary, seasonal, or intermittent basis, and employees working in sheltered workshop operated by a county family and children services, mental health subdivisions or other employing entities are not eligible to participate in the Program. eligible employees are as follows: (03-27-97/04-09-97)
- (a) a member of the General Assembly or a full-time employee of the General Assembly; (07-30-86/08-08-86)
 - (b) a person who works full time and receives his compensation in a direct payment from a state department, agency, community service board, authority, or institution of State government, exclusive of the Board of Regents of the University System of Georgia; (03-27- 97/04-09-97)
 - (c) a person who works full time and receives his compensation from a county department of family and children services or a county department of health which receives funds through the grant program of the Department of Human Resources; (07-30-86/08-08- 86)
- (2) **Active Educational System Employees.** Employees, who are not considered temporary or emergency employees, and who are actively at work or on approved leave with pay, other than sick or disability, may participate in the Flexible Benefit Plan if the employee receives pay from one of the educational institutions that has elected to participate in the Plan and who meets the work requirements, as follows: (12-18-90/01-01-91)



State Personnel Board Flexible Benefits Program Rules

Georgia Department of Administrative Services

- (a) Persons serving in a certificated position and who work at least 17.5 hours per week;
(03-27-97/04-09-97) (10-6-05/10-26-05)
 - (b) Employees who work at least 17.5 hours per week for a county or regional library;
(03-27-97/04-09-97) (10-6-05/10-26-05)
 - (c) Persons serving a non-certificated position and who work at least 20 hours per week or 60% of the time normally required for these positions , if that's more than 20 hours per week; and (03-27- 97/04-09-97) (10-6-05/10-26-05)
 - (d) Persons eligible for the Public School Employees Retirement System and who work at least Cifteen (15) hours per week or 60% of the time normally required for these positions. if that is more than fifteen (15) hours per week,
(O.C.G.A. 45-18-50; 45-18-52) (10-6-05/10-26-05)
- (3) **Employees on Leave without Pay.** Active employees who are eligible to participate in the Flexible Benefits Program may continue all insurance options in which enrolled by paying the required after-tax premium during a period of “approved leave of absence without pay” for a period up to twelve (12) months , subject to the conditions in these regulations. An employee will be considered to have one (1) continuous period of leave without pay if the employee returns to work for a period of time, and fails to have three (3) or more consecutive payroll deductions or reductions during the return to work.
(03-27-97/04-09-97)
- (4) **Employees on Suspension without Pay.** Employees who are eligible to participate in the Flexible Benefits Program may continue all insurance options in which enrolled by paying the require d after tax premiums during a period of “suspension without pay” for a period of up to twelve (12) months, subject to the conditions in these regulations.
(Authority O.C.G.A. 45-18-50) (06-28-90/07-01-90)



State Personnel Board Flexible Benefits Program Rules

Georgia Department of Administrative Services

- (5) **Employees on Military Leave.** Military leave is the period of time during which an employee is ordered to military duty or the period, as provided by law, during which an employee is attending military training. Employees who are eligible to participate in the Flexible Benefits Program may continue the coverages and options, consistent with policy and contractual limitations of each benefit option, not to exceed twelve (12) consecutive calendar months. (03-27- 97/04-09-97)
- (6) **Employees on Military Reservist Activation Leave.** Military Reservist Activation Leave is the period of time during which an employee is activated on an emergency basis. Employees who are eligible to participate in the Flexible Benefits Program may continue the coverages and options, consistent with policy and contractual limitations of each benefit option, not to exceed twelve (12) consecutive calendar months. (03-27-97/04-09-97)
- (7) **Employees on Reduced Working Hours Due to a Disability.** Employees who are eligible to participate in the Flexible Benefits Program, but due to disability are placed on reduced working hours by the employing entity, may continue the options for which enrolled by paying the required after-tax premiums during the period of reduced working hours. The premium payments for coverage shall not exceed twelve (12) calendar months, and will be subject to the following condition: (03-27-97/04-09-97)
- (a) Notification to the Administrator. The Administrator shall require documentation as necessary to provide certification that the employee is physically or mentally incapable of working the required hours to be considered full-time. (03-27-97/04-09-97)
- (b) Documentation and Approval. Appropriate documentation may include but is not limited to certification from a qualified medical practitioner that outlines the disability and the timeframe for which the employee is required to remain on reduced working hours. The Administrator may require periodic recertification of the disabling condition and circumstances in order to substantiate the period of coverage continuation.



State Personnel Board Flexible Benefits Program Rules

Georgia Department of Administrative Services

- (8) **Retired Employees Enrolled in the Dental Option.** Employees who were eligible to participate and were enrolled in the dental option of the Flexible Benefits Program at the time of retirement on or after April 1, 1997, shall be eligible to continue the dental coverage and option in which enrolled if: (03-27-97/04-09-97)
- (a) The employee is eligible to immediately receive an annuity from the Employees Retirement System, Legislative Retirement System, Teachers Retirement System, Public School Employees Retirement System, Superior Court Judges or District Attorney's Retirement System.
 - (b) A retired employee shall be entitled to continue dental coverage for the spouse upon retirement or may enroll the spouse in accordance with Section 478-2-.06. (03-27-97/04-09-97)
- (9) **Surviving Spouse of an Employee Enrolled in the Dental Option.** The surviving spouse of a deceased employee may continue dental coverage provided the spouse is immediately eligible to receive a monthly benefit from the Employees Retirement System, Legislative Retirement System, Teachers Retirement System, Public School Employees Retirement System, Superior Court Judges or District Attorney's Retirement System. The spouse may elect coverage as a surviving spouse, or if an active employee, through payroll reduction, but cannot elect double or dual coverage under this provision. (03-27-97/04-09-97)
- (10) **Surviving Spouse of a Retired Employee Enrolled in the Dental Option.** The surviving spouse of a retired employee may continue dental coverage provided the retired employee was enrolled in the family dental option through March 31, 1997, and the spouse is immediately eligible to receive a monthly benefit from the Employees Retirement System, Legislative Retirement System, Teachers Retirement System, Public School Employees Retirement System, Superior Court Judges or District Attorney's Retirement System. (03- 27-97/04-09-97)



State Personnel Board Flexible Benefits Program Rules

Georgia Department of Administrative Services

- (a) Restrictions on Surviving Spouse. The spouse may elect coverage as a surviving spouse, or if an active employee, through payroll reduction, but cannot elect double or dual coverage under this provision.
 - (b) Surviving Eligible Dependent Children. The surviving spouse may elect to continue coverage for surviving eligible dependent children.
- (11) **Continuation of Coverage for a Dependent Child of a Deceased Employee.** Upon the death of an active or retired employee, an eligible dependent child who was covered under the family dental coverage and is the principal beneficiary under one of the retirement systems may continue coverage consistent with these regulations and the insurance contracts. The dependent child may not be covered under this provision if he is a covered dependent child under another active or retired employee, or is eligible as an active employee. (03-27-97/04-09-97)
- (12) **Extended Beneficiaries.** Persons who meet the definition of Extended Beneficiaries are eligible to participate in the dental options and health care spending account by paying the required after tax premiums or contributions as established by the Council. (06-28-90/07-01-90)
- (13) **Judicial Reinstatement of Employees.** Employees who were eligible to participate in the Flexible Benefits Program who are reinstated to employment by the State Personnel Board or the judiciary shall have coverage reinstated for themselves and any eligible dependents in accordance with the following: (03-27-97/04-09-97)
- (a) If the employment reinstatement occurs within twelve (12) months of discharge and back-pay for continuous employment is awarded, all retroactive premiums for the insurance options must be collected and claims incurred during the period may be filed for processing. Retroactive contributions for the health care spending account may be waived by the Administrator; retroactive contributions for dependent care spending account are not to be made.



State Personnel Board Flexible Benefits Program Rules

Georgia Department of Administrative Services

(b) If the employment reinstatement occurs following a period longer than twelve (12) months after discharge and back-pay for continuous employment is awarded, coverage for the employee and previously covered dependents will be reinstated upon the employee's return to work or in accordance with judicial review. Medical underwriting and late entrant penalties will not apply for any reinstated coverages. (03-27-97/04-09-97)

(c) If employment reinstatement occurs either within or in excess of twelve (12) months of discharge and retroactive pay is not awarded, coverage may be reinstated with the employee's return to work. Medical underwriting and late entrant penalties will not apply for any reinstated coverages. (03-27-97/04-09-97)

Note: Dates following each paragraph represent (approval/effective) dates.
(07-30-86/08-08-86)

Authority O.C.G.A. Sec. 45-18-50.

History. Original Rule entitled "Eligibility" was filed on September 25, 1986; having become effective August 6, 1986, as specified by the Board.

Amended: F. Jan. 29, 1991; eff. July 1, 1990, as specified by the Board.

Amended: F. Feb. 14, 1991; eff. Jan. 10, 1991, as specified by the Board.

Amended: F. Apr. 22, 1997; eff. Apr. 9, 1997, as specified by the Board.

Amended: F. Nov. 15, 2005; eff. Oct. 26, 2005, as specified by the Board.