

Health Benefits for PEF-Represented Employees Activated for Military Duty

Benefits while on Active Duty

As provided for under Article 9.10(d) of the 2007-2011 PEF/NYS contract, and a Memorandum of Understanding between PEF and the State, health benefits will be continued for the dependents of those employees activated for military service related to the war on terror provided such employee has been enrolled in the New York State Health Insurance Program with dependent coverage for at least 30 days prior to being activated. Health benefits will be provided to covered dependents at no cost to the employee for the duration the employee is on active duty, less any period the employee is in full pay status due to paid Military Leave or use of accruals. Contribution-free benefits will cease to be provided at such time as the employee's active duty is terminated, the employee returns to State employment, or 12/31/09, whichever occurs first. Dental and Vision benefits will also be continued for dependents at no cost to the eligible employee during this period.

Q. Will my and my dependents' health insurance coverage continue while I am in full pay status due to paid Military Leave or use of accruals?

A. You will continue to pay the employee share of the health insurance premium (10% for Individual and 25% for Family coverage) during any period that you remain in full pay status including Military Leave with Pay, Supplemental Military Leave, and any period during which you charge leave accruals. Dental and vision care benefits will continue for you and your covered dependents at no cost.

Q. Will my dependents' health insurance coverage continue while I am on Military Leave at Reduced Pay?

A: Article 9.10(d) of the 2007-2011 PEF/State Agreement provides continuation of health insurance coverage for dependents of employees subject to a federal activation, by declaration of the President or Act of Congress. These benefits will be provided to covered dependents for up to twelve months from the date of activation with no employee contribution (less any periods of full pay status). Under this provision, health insurance for your family will continue without charge to you while you are on Military Leave at Reduced Pay.

In addition to dependents of employees in the Reserves who are federally activated for military service, the current Military Leave MOU extends contribution-free health, dental and vision coverage to dependents of employees in the National Guard activated by the Governor in connection with the war on terror.

The current Military Leave MOU also extends the 12-month limit for contribution-free health, dental and vision coverage for your dependents. If you are called up to active duty in connection with the war on terror, dependent coverage will continue until your active duty is terminated, you return to State employment, or 12/31/09, whichever comes first.

Coverage under these provisions is limited to dependents because the Federal government provides complete health insurance coverage to all reservists and members of the National Guard who are part of a federally sponsored activation. If you choose to enroll your dependents in the military health insurance program, coverage through the New York State Health Insurance Program will be cancelled for the period of your active duty.

Post-Activation Benefits

Pursuant to provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Section 243 of the New York State Military Law, eligible employees who have been absent from work to perform ordered military duty for more than 180 consecutive calendar days have up to 90 calendar days from the date of discharge from active duty (known as the post-discharge period) to notify their agency that they are ready to return to work. During the post-discharge period, such employees are eligible for contribution-free health, dental, and vision coverage under the New York State Health Insurance Program if they elect to take unpaid leave during all or part of this 90-day period.

Q: Am I eligible for contribution-free health, dental and vision coverage after my discharge from active military duty?

A: In order to be eligible for this benefit, employees must meet the following criteria:

- Be in the National Guard or Reserves and complete a period of active military duty related to the war on terror that resulted in an absence from work in excess of 180 consecutive calendar days;
- Be enrolled in the New York State Health Insurance Program for at least 30 days prior to being activated;
- Be on unpaid leave during all or part of the 90-day post-discharge period;
- The employee's discharge or separation from service must not be dishonorable;
- The employee must provide notice at any point within 90 days of discharge or release from active military duty of his or her intent to resume State employment and return to work as directed by the employing agency once a date of return to work is agreed upon.

Q: How do I request contribution-free coverage during the post-discharge period?

A: Employees have to request this benefit in order to receive it. Contact your agency health benefits administrator (HBA) to request an application form. The HBA is usually located in the Personnel Office.

Benefits during Family and Medical Leave

Under the Family and Medical Leave Act (FMLA), military families have special job-protected leave rights. FMLA for military families includes:

- Leave for family members caring for a service member with a serious injury or illness incurred in the line of duty while on active duty. These family members are able to take up to 26 workweeks of leave in a 12-month period.
- Leave for families of National Guard and Reserve personnel on active duty to manage their affairs, or what's called "qualifying exigencies". Qualifying exigencies are defined as: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities where the employer and employee agree to the leave.

Q: Will my health insurance coverage continue while I am on Family and Medical Leave (FMLA) for military families?

A: During the Family and Medical Leave, you may continue health insurance coverage at the employee share of the premium (10% for Individual and 25% for Family coverage). Dental and vision care benefits will continue for you and your covered dependents at no cost. Please note that you will be required to repay the employer share of the premium if you terminate employment following the FMLA leave period.