

Tribal Federal Employees Health Benefits (FEHB) Handbook Highlights

This document is an overview of the contents contained in the Tribal FEHB Handbook. More details can be found in the Handbook itself and within the FEHB 101, Eligibility, and Enrollment training modules.

Chapter 1: Introduction

The Federal Employees Health Benefits (FEHB) Program became effective in 1960. It is the largest employer-sponsored group health insurance program in the world.

The law governing the FEHB Program is chapter 89 of title 5, United States Code (U.S.C.). On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (ACA). Section 10221 of the ACA incorporated and enacted Senate Bill 1790, the Indian Health Care Improvement Reauthorization and Extension Act of 2009, resulting in the addition of section 409 to the Indian Health Care Improvement Act (IHCA). IHCA section 409 (codified at section 1647b of title 25, U.S.C.) entitles Indian tribes, tribal organizations, and urban Indian organizations (hereinafter tribal employer) to purchase FEHB coverage, rights, and benefits for their common law employees. Tribes or tribal organizations carrying out programs under the Indian Self-Determination and Education Assistance Act (ISDEAA) and urban Indian organizations carrying out programs under title V of the IHCA are entitled to purchase coverage for their common law employees, provided that the necessary employee deductions are made and contributions are paid.

Chapter 2: Cost of Insurance

Generally, tribal employees share the cost of their FEHB health benefits coverage with their tribal employer.

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| Is there a required amount that a tribal employer must contribute for premiums? | Yes, at a minimum, the tribal employer must contribute the same amount as most Federal agencies do for their employees. |
| How much do tribal employees pay in premiums? | Premiums vary by plan. Tribal employees may pay, at a maximum, approximately 30% of the premiums. Part-time tribal employees may pay a higher portion of their premium and receive pro-rated tribal employer contributions. |
| How do tribal employees pay premiums? | Salary deduction. |

Chapter 3: Types of Health Plans

The FEHB Program offers fee-for-service (FFS) plans and health maintenance organizations (HMOs). Both types offer several plan designs and options such as a point-of-service products, high deductible and consumer-driven options.

Chapter 4: Eligibility

IHCIA section 409, “Access to Federal Insurance,” under the ACA extends entitlement to purchase coverage in the FEHB Program to the following groups:

- 1) Urban Indian organizations carrying out programs under title V of the Indian Health Care Improvement Act; and
- 2) Indian tribes or tribal organizations carrying out programs under the Indian Self-Determination and Education Assistance Act.

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| If a tribal employer participates in FEHB, which tribal employees are eligible? | Full-time and part-time tribal employees who are considered common law tribal employees who meet FEHB eligibility requirements are eligible to enroll in FEHB. Also, seasonal tribal employees who work more than six months in a year are eligible to participate in FEHB. For more information on the common law standard, please refer to pages 2 through 5 of the following Internal Revenue Service (IRS) document http://www.irs.gov/pub/irs-utl/x-26-07.pdf . |
| Which tribal employees are <u>not</u> eligible? | Contract employees, tribal retirees, and volunteers are not eligible to enroll. Please refer to the Tribal FEHB Handbook for more information on the types of tribal employees that are not eligible to enroll in the FEHB Program |
| Are family members eligible? | Family members eligible for coverage under a tribal employee’s Self and Family FEHB enrollment are a spouse (including a valid common law marriage) and children under age 26, including legally adopted children, recognized natural children, and stepchildren. A foster child is included if the tribal employee certifies that the child meets the FEHB foster child requirements. Children age 26 or older who are incapable of self-support, if their disabling condition began before age 26, may also be eligible under a tribal employee’s Self and Family enrollment. Note: Because the FEHB Program is a Federal program, the Defense of Marriage Act (DOMA) is applicable. DOMA defines a marriage as the “legal union between one man and one woman as husband and wife.” Thus, same sex spouses and domestic partners are not eligible family members. |
| Which family members are <u>not</u> eligible? | A tribal employee’s grandchildren (unless the tribal employee certifies that the child meets foster child requirements); parents; siblings; and in-laws are <u>not</u> eligible. |

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| Are tribal retirees eligible to enroll? | No, tribal retirees are not eligible to enroll. |
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Chapter 5: FEHB Enrollment

There are two types of FEHB enrollment available:

- (1) A **Self Only** FEHB enrollment provides benefits only for a tribal employee as the enrollee.
- (2) A **Self and Family** FEHB enrollment provides benefits for a tribal employee and his/her eligible family members.

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| When can an eligible tribal employee enroll in FEHB? | A tribal employee may enroll in FEHB during the Initial Enrollment Opportunity, when he/she becomes a new or newly eligible employee, the annual Open Season, or if he/she experiences a qualifying life event (QLE) that allows him/her to enroll. |
| What is the Initial Enrollment Opportunity? | When a tribal employer chooses to participate in the FEHB Program, the Initial Enrollment Opportunity occurs. It is the time period for eligible tribal employees to enroll in the FEHB Program. |
| When can an eligible tribal employee make changes to their FEHB enrollment? | During the annual Open Season or if they experience a QLE |
| What is Open Season? | The annual time when eligible tribal employees can enroll, change, or cancel FEHB coverage. |
| What is a Qualifying Life Event (QLE)? | A QLE is an event deemed acceptable by the IRS that may allow eligible participants to change their participation election outside of an Open Season. For example, marriage, birth of a child, divorce, or loss of other group health insurance coverage. |
| Do tribal employees have to re-enroll each year? | No. |

Chapter 6: Leave Without Pay and Insufficient Pay Status

Leave without pay refers to a temporary nonpay status and nonduty status granted at the tribal employee's request. Granting leave without pay is a matter of tribal employer discretion and may be limited by tribal employer policy.

Generally, a tribal employee's FEHB enrollment may continue for up to 365 days of leave without pay unless he/she elects to terminate his/her FEHB enrollment or does not respond to the tribal employer's notice about continuing coverage during a period in leave without pay status. A tribal employee must pay the tribal employee share of premiums for every pay period that the FEHB enrollment continues. Also, the tribal employer must submit the total premium (both the tribal employee and the tribal employer shares) on a current basis. Insufficient pay refers to situations in which a tribal employee's pay is not enough for the tribal employer to withhold the tribal employee's FEHB premium.

Chapter 7: Termination and Conversion

Generally there are two ways FEHB enrollment can end:

- 1) Cancellation: When a tribal employee voluntarily cancels his/her FEHB enrollment, the tribal employee is not eligible for the 31-day extension of coverage or temporary continuation of coverage (TCC) and the tribal employee cannot convert his/her coverage to an individual conversion policy.

or
- 2) Termination: Common examples of termination are when a tribal employee separates from tribal employment or when a family member becomes ineligible for coverage (e.g., divorce; child turning age 26). Tribal employees and family members whose FEHB coverage terminates receive a 31-day extension of coverage, and are entitled to convert to an individual conversion policy with the tribal employee's FEHB carrier. Generally, the tribal employee who separates from employment or the tribal employee's family member who loses FEHB coverage may also be eligible to enroll in Temporary Continuation of Coverage (TCC). For more information on processing terminations, please refer to the Tribal FEHB Handbook.

Chapter 8: Temporary Continuation of Coverage (TCC)

If a tribal employee loses his/her FEHB coverage because he/she separates from tribal employment, the tribal employee may enroll for TCC to continue his/her coverage for up to 18 months. **Exception:** a tribal employee is not eligible for TCC if his/her separation is due to gross misconduct.

A tribal employee's family members who lose coverage because they are no longer eligible family members may enroll under TCC to continue FEHB coverage for up to 36 months.

Persons covered under TCC must pay both the tribal employee and tribal employer shares of the FEHB premium, plus a 2% administrative charge.

Chapter 9: Military Service

If a tribal employee enters one of the uniformed services for 30 days or less, that tribal employee's FEHB enrollment will continue without change. Tribal employer contributions will also continue, as long as the tribal employee is in pay status or until the tribal employee's military orders are changed so that the tribal employee's period of duty is more than 30 days.

If a tribal employee enters active duty or active duty for training in one of the uniformed services for more than 30 days, the tribal employee may continue his/her FEHB enrollment for up to 24 months. Or, the tribal employee may elect to terminate enrollment.

Chapter 10: Family Members

The tribal employer is responsible for making decisions about whether a family member is eligible for coverage. If the FEHB health plan has any questions about whether someone is an eligible family member, it may ask the tribal employer or the tribal employee for more information. The tribal employer may contact OPM if they have any questions regarding the eligibility of a tribal employee's family member.

Family members eligible for coverage under a tribal employee's Self and Family enrollment are the tribal employee's spouse (including a valid common law marriage), and the tribal employee's children under age 26, including legally adopted children, recognized natural children, and stepchildren. A foster child is included if the tribal employee certifies that the child meets the FEHB foster child requirements.

Note: Because the FEHB Program is a Federal program, the Defense of Marriage Act (DOMA) is applicable. DOMA defines a marriage as the "legal union between one man and one woman as husband and wife." Thus, same sex spouses and domestic partners are not eligible family members.

Chapter 11: Finance

Tribal employers are responsible for paying the entire premium for their tribal employees enrolled in the FEHB Program. Tribal employers are solely responsible for collecting their tribal employees' share of the premium amount. Tribal employers electing to purchase FEHB for their employees will be responsible for the administrative and other necessary costs associated with processing enrollments and paying premiums.

Premiums are paid in arrears. Premium collection occurs by an electronic funds transfer from a tribal employer's bank account.

Non-payment of premiums will result in the termination of FEHB coverage. If a tribal employer fails to pay the full premium amount to the paymaster for any month, the tribal employer is liable for premiums until it notifies its tribal employees of termination of FEHB coverage for non-payment of premiums or until OPM terminates the tribal employer from the FEHB Program for non-payment of premiums (whichever occurs sooner).

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