

Temporary Removal from the Payroll Including Preferred List Status

An employee in one of the following categories may continue coverage by making direct payments to his or her Participating Agency, subject to the policies described in this section:

- Authorized leave pursuant to the federal Family and Medical Leave Act of 1993
- Military leave
- Seasonal layoff
- An employee whose services have been terminated due to the abolition of his or her job or whose name has been placed on a Civil Service preferred list for reinstatement.

1. FMLA - Family Medical Leave Act

- a. With certain exceptions, such as employers which normally employ fewer than 50 employees, all Participating Agencies are subject to the provisions of the federal Family and Medical Leave Act (FMLA) of 1993. It is strongly recommended that a Participating Agency obtain advice from a legal advisor in administering the provisions of this law.
- b. Under the FMLA, an employee is entitled to 12 weeks of unpaid leave during any 12 month period to care for a newborn, adopted or foster child or because of a serious health condition of the employee or child, spouse or parent of the employee.

2. Abolition of Position / Preferred List

An employee whose services have been terminated due to the abolition of his or her job or whose name has been placed on a Civil Service preferred list for reinstatement may continue coverage for a maximum of one year or until reemployed by a public or private employer, whichever comes first, provided the Participating Agency elects administratively or through collective negotiations to provide such coverage.

3. Military Leave

Ordinarily, an employee who enlists in the Armed Forces will not wish to continue coverage under the New York State Health Insurance Program (NYSHIP). The employee will be provided health services by the Armed Forces, and his or her dependents will ordinarily be eligible for a plan of health insurance coverage for dependents of military personnel. **Further, the employee is not eligible for any benefits from NYSHIP while in military service.** However, if the dependents of an employee on military leave are not eligible for health care through the Armed Forces or if for other reasons the employee simply wishes to continue their enrollment in

NYSHIP during his or her military leave, the employee may continue Family coverage while on leave from the Participating Agency.

4. Enrollee Premium Contribution

The amount of payment due from the employee is determined by the reason for the employee's temporary removal from the payroll.

- a. An employee who is on authorized leave without pay, military leave without pay or on seasonal layoff must pay **both the employee and employer shares** of the premium while off the payroll; however, a Participating Agency can elect to pay all or part of military leave coverage.
- b. An employee who is on an authorized leave pursuant to the federal Family and Medical Leave Act of 1993 is required to pay **only the employee share** of the premium (the same amount the enrollee would pay if working).
- c. When a Participating Agency elects administratively or through collective bargaining to provide coverage for an employee whose services have been terminated due to the abolition of his or her job or whose name has been placed on a Civil Service preferred list for reinstatement, the employee is required to pay **only the employee's share** of the premium, if any.

5. When An Employee Is Going On Leave

- a. Prior to the employee's last day on the payroll, he or she should be provided with full information regarding eligibility for coverage, amounts of payments, payment due dates and remittance procedures.
- b. The Participating Agency must collect and establish internal controls for receipt of the required payments.
- c. The Participating Agency is responsible for processing the appropriate transactions on NYBEAS.
- d. If an employee fails to make the required payment while off the payroll, the employee has a 30 day grace period before coverage can be cancelled for non-payment.

6. Reinstating Coverage Following Cancellation for Non-Payment

If an employee whose coverage has been cancelled for failure to remit payments while off the payroll wishes to have coverage reinstated while still off the payroll, coverage may be reinstated as of the first day of the third month following the date he or she requests such reinstatement, provided the employee is still eligible for such coverage.

Note: See Section 3.5 for procedures to follow when an employee returns to the payroll.