

**Title: Providing a notice to an employee and an employer**

**PEBB Program Administrative Policy 11-1**

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| <b>Contact:</b>                             | Rules Specialist, ERB Division   | <b>Effective:</b>     | January 1, 2019                                   |
| <b>Associated RCW:</b>                      | 41.05.009(2)<br>41.05.065 (4)(c)(iii), (iv), & (v)                           | <b>Rescinded:</b>     | NA  |
| <b>Associated WAC:</b>                      | 182-12-113(2)<br>182-12-114 (1)(c)<br>182-12-114 (2)(c)<br>182-12-114 (3)(b) | <b>Supersedes:</b>    | NA  |
| <b>Assoc. fed law/reg:</b>                  | NA   | <b>Owner:</b>         | Policy, Rules, & Compliance Manager, ERB Division |
| <b>Associated Procedures:</b>               |  | <b>Approved by:</b>   | <i>[Signature]</i>                                |
| <b>Associated Forms &amp; Communication</b> | A, B, C, & D series worksheets   | <b>Position:</b>      | Director of the PEBB Program                      |
|   |  | <b>Date approved:</b> | 11/29/2018  |

**Purpose:**

To clarify the requirements of an employer-to-employee and employee-to-employer notice, as stated in RCW 41.05.009(2) and 41.05.065 (4)(c)(iii), (iv), and (v).

**Policy:**

1. An employer must send a written notice to an employee upon hire and when an employee becomes eligible for the employer contribution because of a change in work pattern. An employer may send this notice via email.

NOTE: PEBB eligibility worksheets in the ["A," "B," and "D" series](#) meet the notice requirements; an employer can use the worksheets or use them as templates to comply with this policy.

- a. The notice for an employee must include:
  - i. A determination of whether the employee is eligible for PEBB benefits;
  - ii. A description of any hours that are excluded when determining eligibility;
  - iii. A reference to PEBB rules WAC 182-12-114 (eligibility for benefits) and 182-12-131 (maintaining the employer contribution); AND
  - iv. A statement describing appeal rights for an employee and reference to chapter 182-16 WAC.

In addition to the above, the notice for faculty must include:

- v. When the faculty must notify the employer that they are working as faculty at another institution (stacking);
- vi. A statement summarizing eligibility criteria for off-quarter or summer coverage; AND

- vii. A statement summarizing eligibility criteria for 2-year averaging and the deadline for faculty to request to the employer to be considered for 2-year averaging.

NOTE: PEBB eligibility [worksheets A-3, B-2, B-3, C-3, and D-3](#) meet the notice requirements for faculty; an employer can use the worksheets or use them as templates to comply with this policy.

- b. The notice should be provided within a reasonable time frame as part of the hiring process.
  - c. For a new hire, an employer must keep a hard or electronic acknowledgement that the notice was received by the employee.
2. When an employee loses eligibility for the employer contribution toward insurance coverage due to termination or because their work pattern changed, the employer must notify the employee in writing that they have lost eligibility. An employer may send this notice via email.

NOTE: PEBB eligibility worksheets in the [“C” series, B-2a, B-3a, B-4, and B-5](#) meet the notice requirements; an employer can use the worksheets or use them as templates to comply with this policy.

3. An employee must notify their employer of their potential eligibility due to:
- a. Stacking (combining hours worked at a single agency for an employee, or combining workload at multiple higher-education institutions for faculty); OR
  - b. Layoff within the past 24 months.

If the notice is received by the employer more than thirty days after the date in which the employee became eligible through stacking or layoff, then the employer contribution toward insurance coverage begins the first day of the month after the notice is received.

NOTE: PEBB eligibility worksheets in the [“A” series](#) meet the notice requirements; an employee can use the worksheets or use them as templates to comply with this policy.

4. Faculty must notify their employers of their potential eligibility for maintaining the employer contribution through two-year averaging ([WAC 182-12-131\(3\)](#)).

NOTE: PEBB eligibility [worksheet B-3](#) meets the notice requirements; an employee or an employer can use the worksheet or use it as a template to comply with this policy.

- a. Faculty must provide written notification to their employers of their potential eligibility of two year averaging within the deadlines established by the employing agency or agencies.
- b. If the faculty works for more than one institution with different deadlines between them, then the faculty has until the latest deadline to notify all employers.
- c. If a faculty fails to notify their employers by this deadline, they will not receive the employer contribution for that academic year through two-year averaging. The faculty has the right to appeal or reapply for consideration the next academic year.