

Title: Determining faculty eligibility for off-quarter/semester or for decreases in workload

PEBB Program Administrative Policy 17-3

Contact:	Policy and Rules Coordinator, ERB Division	Effective:	January 1, 2021
		Rescinded:	
Associated RCW:	41.05.065 (4)(c) 41.05.065 (4)(k)	Supersedes:	
Associated WAC:	182-12-109 182-12-114(3) 182-12-131		
Assoc. fed law/reg:		Owner:	Policy, Rules, & Compliance Manager, ERB Division
Associated Procedures:			
Associated Forms & Communication	Worksheet C-3	Approved by:	<i>Ad 2 Liu</i>
		Position:	Director of the PEBB Program
		Date approved:	September 17, 2020

Purpose:

To clarify when a faculty member qualifies for the employer contribution toward Public Employees Benefits Board (PEBB) benefits during an off-quarter/semester or when there is a decrease in workload.

Policy:

1. **Maintaining the employer contribution through the summer or off-quarter/semester.**

WAC 182-12-131 (3)(c): All benefits-eligible faculty (eligible as described in WAC 182-12-114 (3)(a) and (b)) who work an average of half-time or more throughout the entire instructional year or equivalent nine-month period and work each quarter/semester of the instructional year or equivalent nine-month period are eligible for the employer contribution toward summer or off-quarter/semester PEBB benefits.

Exception: Eligibility for the employer contribution toward summer or off-quarter/semester PEBB benefits ends on the end date specified in an employing agency’s termination notice or an employee’s resignation letter, whichever is earlier, if the employing agency has no anticipation that the employee will be returning as faculty at any institution of higher education where the employee has employment. If the employing agency deducted the employee's premium for PEBB insurance coverage after the employee was no longer eligible for the employer contribution, PEBB benefits end the last day of the month for which employee premiums were deducted.

- a. In the exception in WAC 182-12-131 (3)(c) above and in the policy statements below, *“anticipation that the employee will be returning”* means that the employee will likely return to a faculty position based on the employer’s reasonable knowledge.

- b. To maintain the employer contribution through stacking, faculty must notify employers whether they are working as faculty at other institutions of higher education (WAC 182-12-114 (3)(b) and PEBB Program Administrative Policy 11-1). If the faculty member has made this notification, then employers must assess whether the employee will likely return to any of the employing institutions in order to determine eligibility for the employer contribution over the summer or off-quarter/semester.
- c. A faculty member who returns to a faculty position to work a second consecutive instructional year or equivalent nine-month period will be *presumed to return* after the off-quarter/season.

For example, a faculty member works three consecutive quarters and averages half-time or more throughout the entire instructional year. The institution(s) does not anticipate that they will need the position filled the following instructional year, and so do not provide the employer contribution over the summer. The following fall quarter, the faculty member returns to employment at any institution of higher education. If the faculty member again works an average of half-time or more throughout the entire instructional year, then the institution(s) must provide the employer contribution for benefits the following summer.

- d. Faculty who resign or retire after working an instructional year:
 - i. A faculty member who resigns after working an instructional year or nine-month equivalent must still be considered for the employer contribution toward summer or off-quarter/semester benefits if they are anticipated to return under the criteria of (a) and (b) above. However, the resigning faculty member will not be *presumed to return* as described in (c) above.

For example, a faculty member retires after working for twenty years as a full-time faculty at a university. She submits a letter with a resignation date at the end of the instructional year. She is likely to teach a few classes at a community college the following fall quarter. The faculty member would be anticipated to return under the criteria of (a) and (b) above, so the original institution must provide the employer contribution over the summer.

- ii. If a faculty member who resigns after working an instructional year or nine-month equivalent does not anticipate returning under the criteria of (a) and (b) above, then eligibility for the employer contribution ends the earlier of these two dates:
 - On the date specified in the resignation letter as the date of resignation; OR
 - At the end of the off-quarter/semester or summer.

2. **Decrease in workload.** The statements below apply only to temporary decreases in faculty workloads.

- a. A decrease in workload does not include:
 - i. When the employee or employer terminates the employment relationship. See WAC 182-12-131(7) for rules about this circumstance.

- ii. Renegotiations of the employment terms and conditions (i.e., the employee voluntarily moves to a new position). See WAC 182-12-131(7) for rules regarding this circumstance.
 - iii. A decrease in workload under a new contract (for instance, a decrease in workload between contracts for different quarters/semesters).
 - iv. A decrease in workloads due to a layoff. See WAC 182-12-129 and PEBB Program Administrative Policy 17-2 for eligibility criteria following a layoff.
- b. For benefits-eligible faculty who are not anticipated to work for the entire instructional year (established eligibility under WAC 182-12-114 (3)(a)(ii) or (iii)):
 - i. When the employee decreases the workload such that they cannot maintain the employer contribution under WAC 182-12-131, the employer contribution ends the first of the month following the drop in workload.
 - ii. When the employer decreases the workload, the faculty is eligible for the employer contribution each month in which they are in pay status for 5% of full-time until the end of the quarter or semester in which the faculty is contracted to work. Note: Faculty with anticipated end dates are not eligible for the layoff rights outlined in WAC 182-12-129 and PEBB Program Administrative Policy 17-2.
- c. For benefits-eligible faculty who are anticipated to work for the entire instructional year (established eligibility under WAC 182-12-114 (3)(a)(i) or (iii)): Whether the employee or employer initiates the decrease, the faculty is eligible for the employer contribution each month in which they are in pay status for 5% of full-time (see RCW 41.05.065 (4)(j)) until the end of the quarter or semester in which the faculty was expected to work. Leave from the benefits-eligible position must be approved by the employing agency. Note: Faculty with anticipated end dates are not eligible for the layoff rights outlined in WAC 182-12-129 and PEBB Program Administrative Policy 17-2.