

**Human Resources
DRAFT as of 8/8/15**

AP 7380 RETIREE HEALTH BENEFITS

References:

Education Code Sections 7000 et seq.

NOTE: This procedure is **legally required**. Local practice may be inserted. BP 7380 titled *Retiree Health Benefits—Academic Employees* contains the minimum necessary to meet statutory requirements, and may be repeated here, with additional procedures on how retirees opt for retiree health benefits.

NOTE: Due to the level of prescriptive detail contained in current CLPCCD Policies 4032, 4033, and 4034, and based on the recommendation of the Policy and Procedure Service, it has been struck from board policy and reflected in this new administrative procedure (AP 7380 Retiree Health Benefits)."

Section A. Group Medical Insurance for Retirees with the following hire dates:

- For Confidential/Supervisory Personnel Hired Before October 1, 1984
 - For Management Hired Before April 1, 1986
1. The District will continue to pay the full cost of the District's group medical insurance plan(s) for each employee and spouse or approved domestic partner defined by California Family Code section 297 following retirement of the employee, provided that the employee has rendered full-time service to the District at the age of retirement, including the five (5) years immediately preceding retirement, as follows:

Full-time Service

15 years
14 years
13 years
12 years
11 years
10 years

Minimum Age at Retirement

55 years
56 years
57 years
58 years
59 years
60 years

The employee is responsible for any costs associated with deductibles or co-payments.

A District-approved leave of absence to a maximum of one (1) school year within the past five (5) years shall be computed as fulfilling one (1) year of full-time required service. Further, an employee who is released from his or her position for reasons other than for cause and who is subsequently rehired by the District within one year of release shall not have the intervening time counted as a break in service.

2. A "retired" employee shall be defined as one who has retired from service and who is eligible for or is receiving a retirement allowance from CalSTRS or the California Public Employees' Retirement System (CalPERS).

Benefits will continue during the life of the retiree. Upon the death of the retiree, the spouse may continue group coverage at his/her own expense and with advance payments as determined by the District. When two (2) employees of this employer who are married retire, the District will pay the cost of only one (1) medical insurance plan, to continue during their lifetimes.

The retired employee may pay the additional premium(s) necessary to provide coverage for eligible dependents other than spouse.

Effective January 1, 1998 the following process shall be followed:

- a. When an eligible employee notifies the District of his/her intent to retire, the District will provide the employee information relating to retirement benefits. At the time of retirement, the retiree must be enrolled in a District group medical insurance plan, and be eligible for continuance under any special requirements which are part of that plan.
- b. When a retired employee or spouse who has been determined to be Medicare A eligible reaches the age of sixty-five (65), it is understood that they must enroll in both Medicare Part A and Part B and any other required Parts of Medicare during his/her initial enrollment period as specified by the Social Security Administration. To be eligible for the District paid Medicare Risk HMO or the Medicare Supplement (PPO), the retiree or spouse must enroll in the District program at the time of enrollment in Medicare Part A and Part B and any other required Parts of Medicare. The District will pay for Part B. If the retiree and/or his/her spouse are ineligible, he/she must show proof of the ineligibility.

Medical insurance plans can be changed from one company to another by the retiree under age 65 years once during the annual enrollment-period established by the District. Changes between companies for retirees age 65 years and older will be subject to the policies in effect at that time by the insurance companies providing medical coverage.

Retirees who waive their rights to insurance benefits are ineligible for future reenrollment for benefits.

It is the retiree's responsibility to notify the District of family status changes which may affect insurance coverage. Failure to notify the District of such changes shall cause the retiree to be responsible for the cost of the insurance coverage for any period of time from the change thereafter.

Section B. Group Medical Insurance for Retirees with the following hire dates:

- For Confidential/Supervisory Personnel Hired On or After October 1, 1984 through December 31, 2012
- For Management Personnel Hired On or After April 1, 1986 through December 31, 2012

A "retired" employee shall be defined as one who has retired from District service and who is eligible for, or is receiving a retirement allowance from CalSTRS or CalPERS.

Effective January 1, 1998 all eligible employees shall be able to participate in District group medical retirement benefits under the conditions stated, subject to the following understanding:

- I. When an eligible employee notifies the District of his/her intent to retire, the District will provide the employee with information relating to retirement benefits. At the time of retirement, the retiree must be enrolled in a District group medical insurance plan, and be eligible under any special requirements which are part of that plan.
 - II. The District recognizes that carriers, plans, and coverages available to retirees may change in the future. Retirees will be allowed to continue enrollment in District plans that are available to active employees at any time in future years, subject to any restrictions imposed as stated in Section A.2a. It is understood that if in some future year, any of the current carriers are changed, the District does not have an obligation to replicate the coverage provided by a lost carrier. Additionally, it is understood that the District's obligation does not include maintenance of a particular coverage that was available when the retiree left the District.
1. The coverage limits for eligible retirees under the age of sixty-five are follows:
 - a. District premium payment limits are based upon paid medical coverage provided to active employees. The District contribution to the payment of health benefits for an active employee is limited to an amount equivalent to the cost of the most expensive Health Maintenance Organization (HMO) plan(s) available to active employees during any particular year.
 - b. The District contribution toward group medical coverage for the retiree and spouse, until the effected retiree or spouse reaches age sixty-five or otherwise becomes eligible for Medicare coverage, shall be limited to a

percentage of the maximum health benefits premium as cited below. This percentage is determined from the table shown below. This table, based upon years of service in the District and age at retirement, shows the percentage of the premium to be paid by the retiree. Beginning July 1, 2002 the retiree's co-payment shall continue at this percentage level until the retiree reaches age sixty (60) or age of retirement, whichever is later, at which time the premium cost to employee shall freeze and remain at that maximum amount and not be increased. Any required co-payments must be made in advance to the District in order for coverage to continue.

Schedule of Percentage Co-payments
Based on Active Employee-Paid Level of Medical Premium

Years of Service

<u>A</u> <u>G</u> <u>E</u> <u>A</u> <u>T</u> <u>R</u> <u>E</u> <u>T</u> <u>I</u> <u>R</u> <u>E</u> <u>M</u> <u>E</u> <u>N</u> <u>T</u>	<u>Years of Service</u>																					
	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	<u>29</u>	<u>30</u>	
<u>55</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>
<u>56</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>57</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>58</u>	<u>X</u>	<u>X</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>59</u>	<u>X</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>60</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>61</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>62</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>63</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>64</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>20</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>65</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

The table is based on the following rule:

If age plus years of service >= 85, then there is no co-payment. Each decrease of one year in either age or years of service, increases co-payment by 5%.

Squares that show an X mean that the retiree does not qualify for retirement medical coverage. (See paragraph c below.)

Example: An employee retires at age 60 with 23 years of service. The co-payment is ten-percent (10%) of the covered cost of medical benefits. (See 31. for limits in coverage). This co-payment continues until age 65. At age 65, the retiree must enroll in Medicare Parts A and B. The District pays for Medicare Part B, and a District-approved Medicare Risk HMO plan.

- c. It is further understood that all retirees must meet the same conditions for continuous service before retirement in order to qualify for District group medical benefits, namely, that the employee has rendered full-time service to the District at the age of retirement, including the five (5) years immediately preceding retirement, as follows:

Full-time Service

Minimum Age at Retirement

15 years

55 years

14 years

56 years

13 years

57 years

12 years

58 years

11 years

59 years

10 years

60 years

The employee is responsible for any costs associated with deductible or co-payments.

- d. District-approved leave of absence to a maximum of one (1) school year within the past five (5) years shall be computed as fulfilling one (1) year of full-time required service.
2. The medical coverage for eligible retirees upon reaching age sixty-five is understood that Medicare regulations under Federal Law may change over time, and that these regulations take precedence over this agreement in case of conflicting language.

A retiree must enroll in Medicare Parts A and B during his or her initial Enrollment period as specified by the Social Security Administration. If the retiree and/or his/her spouse are ineligible, he/she must show proof of the ineligibility. The District shall pay for Medicare Part B and a District-approved Medicare Risk HMO plan. The District's payment will be limited to the highest Medicare Risk HMO. If the retiree wants the Medicare Supplement (PPO), the retiree must pay the difference.

If a retiree fails to enroll in Medicare Parts A and B and any other required Parts of Medicare during the Medicare Initial Enrollment Period, as specified above, he or she must cover all penalties, financial and otherwise for this delay.

Furthermore, upon reaching age sixty-five (65), the spouse of a retiree must also enroll in Medicare Parts A and B during his or her initial enrollment period as specified by the Social Security Administration, if the spouse wishes to continue group coverage under a District-sponsored group plan.

If the spouse of a retiree fails to enroll in Medicare Parts A and B and any other required Parts of Medicare during his/her Medicare Initial Enrollment Period, as specified above, he or she must cover all penalties, financial and otherwise, for this delay.

If the retiree or spouse enrolls in Medicare and the other is not yet eligible for Medicare, then the one who is not eligible can continue group coverage at the

rates charged the retiree under 3b until the spouse reaches age 65 or otherwise becomes eligible for Medicare coverage.

3. Benefits will continue during the life of the retiree. Upon the death of the retiree, the retiree's spouse may continue group coverage at his/her own expense and with advance payments as determined by the District, subject to the following:

Upon reaching age sixty-five (65), the spouse of a deceased retiree must also enroll in Medicare Parts A and B and any other required Parts of Medicare during his or her initial enrollment period as specified by the Social Security Administration, if the spouse wishes to continue group coverage under a District-sponsored group plan at his/her own expense.

If the spouse of a deceased retiree fails to enroll in Medicare Parts A and B during his/her Medicare Initial Enrollment Period, as specified above, he or she must cover all penalties, financial and otherwise, for this delay.

4. When two District employees who are married retire, the District will pay the cost of only one medical insurance plan, to continue during their lifetimes. Should one or both employees be required to make a co-payment, this co-payment shall be the lesser of the two. If one is deceased, then the spouse can continue the District insurance plan based on his/her own earned rights for insurance.
5. The retired employee may pay the additional premium(s) necessary to provide coverage for eligible dependents other than the spouse.
6. Medical insurance plans can be changed from one company to another by the retiree once each year during the annual opening enrollment period established by the District. Changes between health carriers for retirees will be subject to the policies in effect at that time by the carriers providing medical coverage.
7. Retirees who waive their rights to insurance benefits are ineligible for future reenrollment for benefits.
8. It is the retiree's responsibility to notify the District of family status changes which may affect insurance coverage. Failure to notify the District of such changes shall cause the retiree to be responsible for the cost of the insurance coverage for any period of time from the change thereafter.

Section C. Group Medical Insurance for Retirees with the following hire dates:

- Confidential/Supervisory Personnel Hired On or After January 1, 2013
 - Management Personnel Hired On or After January 1, 2013
- a. An employee hired on or after January 1, 2013, who retires before reaching Medicare eligibility, may, at their option, participate in the District's group medical

retirement benefits, by paying the full cost of premiums. It is understood that said premiums may be specially priced to the retiree's age class, and may be considerably more expensive than those paid for active employees.

- a. After enrolling in Medicare, the retiree may, at their option, participate in the District's group medical retirement benefits, by paying the full cost of premiums.
- b. The District established a Health Retirement Savings Plan, or Health Reimbursement Account (HRA) for employees hired after January 1, 2013.
 - i. The District shall contribute \$200 monthly to the HRA of each full-time confidential, supervisory, and management employee.
 - ii. The monies placed in each employee's account will earn interest which will be credited to his/her account.
 - iii. An employee's rights to the money the District deposited in the HRA shall vest in five (5) years from the permanent hire date of the employee.
 - iv. If there is a forfeiture of the HRA, based on the employee leaving District service before vesting, the monies which the District deposited on behalf of the employee shall revert to the District for use in paying future contributions for eligible HRA members.
- c. The District shall offer retired eligible employees the opportunity to participate in the District's group dental plans and vision plans, subject to plan provisions. The retiree shall be responsible for the full cost of the premiums.

Section D. Group Medical Insurance for Retirees Due to Disability:

1. The District will continue to pay the cost of a District group medical insurance plan for each Confidential, Supervisory or Management employee and spouse or approved domestic partner following retirement of the employee from District service due to disability, provided that the employee has attained the age of fifty (50) and has rendered ten (10) years' full-time service to the District at the age of retirement, including the five (5) years immediately preceding retirement. A District-approved leave of absence to a maximum of one (1) school year within the past five (5) years shall be computed as fulfilling one (1) year of full-time required service.
2. A "disability-retired" employee shall be defined as one who has involuntarily retired from service and resigned from the District due to disability and who is receiving a disability retirement allowance from CalSTRS or CalPERS.
3. A disability retiree who meets the minimum service requirements of ten (10) years' full-time service, including the five (5) years immediately preceding retirement, but who has not attained the age of fifty (50) years at the time of retirement, may continue to receive medical insurance coverage from the District if the employee chooses to continue coverage and agrees to pay monthly the full

amount of premium due to the District in twelve (12) advance monthly payments. If such premium payments are continued without break by the employee until attainment of age fifty (50), the District shall contribute towards the payment of health benefits in accordance with Sections A and B above.

4. Benefits will continue during the life of the disability retiree. If said retiree's spouse or approved domestic partner is employed by the District, in no instance will the District contribute more than the specified District contribution for one (1) medical plan covering employee and spouse.
5. The disability-retired employee may pay the additional premium(s) necessary to provide coverage for eligible dependents other than spouse or approved domestic partner, to be made by monthly advance payments to the District.
6. The District medical plans will be limited to the coverage provided for active employees or to the premiums which will replace or supplement Medicare, for disability retirees at the time the disability retiree becomes Medicare-eligible. Disability retirees eligible for Medicare must enroll in all parts for which they are eligible.

The requirements cited in Section A and Section B apply to employees who are planning to take disability retirement.

Specific Medicare Regulations and protections apply to disability retirements and an employee who is retiring under CalPERS or CalSTRS disability provisions must consult the Social Security Administration for details.

7. Changes between companies for disability retirees will be subject to the policies in effect at that time by the insurance companies providing medical coverage.

Section E. Change in Family Status Notification:

It is the retiree's responsibility to notify the District of family status changes which may affect insurance coverage. Failure to notify the District of these changes shall cause the retiree to be responsible for the cost of the insurance coverage for any period of time from the change thereafter.

Section F. Waiver of Rights by Retirees:

Retirees who waive their rights to insurance benefits are ineligible for future re-enrollment for benefits.

Information on retiree health benefits for represented employees can be found in the respective collective bargaining agreement.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from the current CLPCCD Policy 4032 titled Group Medical Insurance for Retirees adopted on March 19, 1996 and revised on May 20, 2003; current CLPCCD Policy 4033 titled Group Medical Insurance for Retirees adopted on February 16,

1999 and revised on February 19, 2013; and current CLPCCD Policy 4034 titled Group Medical Insurance for Retirees Due to Disability adopted on March 19, 1996. Due to the heavy detail, the board policy language was determined to be more appropriate for incorporation into this administrative procedure, and was removed from the proposed board policy and incorporated into this procedure on August 6, 2015.

Date Approved:

(This is a new procedure recommended by the Policy and Procedure Service)

Legal Citations for AP 7380

Education Code Sections 7000 et seq.

7000. (a) Notwithstanding Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government **Code**, a county superintendent of schools, a school district, or a community college district, which provides health and welfare benefits or dental care benefits for the benefit of its certificated employees, shall permit enrollment in, respectively, the health and welfare benefit plan or dental care benefit plan currently provided for its current certificated employees by any former certificated employee thereof who retired therefrom under any public retirement system and his or her spouse and by any surviving spouse of a former certificated employee thereof who either retired therefrom under any public retirement system or was, at the time of death, both employed thereby in a position requiring contributions to the State Teachers' Retirement System and a member of the State Teachers' Retirement System.

This subdivision does not apply to either the new spouse upon the remarriage of a surviving spouse of a former certificated employee or the children of a certificated or former certificated employee.

(b) A county superintendent of schools or district may develop an experience claims rating for the persons specified in subdivision (a) and may, if appropriate, require those persons to pay different rates as a class. Any plan pursuant to this article shall provide separate single and two-party rates for at least the following classes: for those under 65, for those over 65 who have Medicare A and B, & for those over 65 who do not have Medicare A.

(c) The county superintendent of schools, school district, or community college district shall annually select a one-month period during which persons described by subdivision (a) may elect to enroll in, respectively, the health and welfare benefit plan or the dental care benefit plan or change their enrollment from one to another health and welfare plan or dental care benefit plan, respectively.

(d) A certificated school employee who retired on or before August 24, 1986, the effective date of Chapter 561 of the Statutes of 1986, or the surviving spouse of a certificated employee retired as of August 25, 1986, shall be permitted to enroll in any district health and dental care plan during the 1986, 1987, and 1988 enrollment periods.

(e) A certificated school employee who retires after August 24, 1986, the effective date of Chapter 561 of the Statutes of 1986, or the surviving spouse of a certificated employee retired as of August 25, 1986, shall be allowed to enroll in the coverage provided by this article within 30 days of losing active employee coverage, but if the retiree does not enroll in a district health or dental care plan during this initial enrollment period, the retiree may be denied further opportunity to do so.

The enrollment period for retirees under this subdivision shall correspond to that provided to active employees, unless a district chooses to offer an additional enrollment period.

(f) This article shall permit enrollment into any district health and dental care plan only once. A retiree or spouse or surviving spouse of a certificated employee who has been previously covered under this article and who has voluntarily terminated that coverage, thereafter may be excluded from obtaining coverage under this article. This subdivision does not apply to a person who is changing plans within a dist. during an open enrollment period.

(g) Retirees or surviving spouses of certificated employees may be enrolled in a medical care plan pursuant to this section during periods other than those specified therein if they lose their coverage. With documentation

of prior coverage, they may be allowed to enroll in a medical care plan, if they do so within 31 days of losing their other coverage.

(h) Any person described by subdivision (a) who elects, pursuant to this article, to be covered by, respectively, a health and welfare benefit plan or dental care benefit plan, may be required to pay all premiums, dues, and other charges, including any increases in the rate of premiums or dues for these persons, and all costs incurred by the district or county superintendent of schools in administering this article.

7000.3. Enrollment in Medicare A shall not be a prerequisite for enrollment in any district health plan pursuant to this article. However, the purchase of Medicare B may be required for enrollment if the participant qualifies to purchase it. In addition, a district health plan may be restructured to pay benefits as if each participant is enrolled in Medicare B as soon as the participant qualifies to purchase Medicare B.

A health plan may condition eligibility for enrollment on the effective assignment of any Medicare benefits for which the enrollee would be eligible.

7000.5. (a) Any health benefits plan provided by any county superintendent of schools, school district, or community college district pursuant to this article may contain a preexisting condition exclusion, as follows:

(1) The coverage of any person who has a break in coverage, may, for the first three months after reenrollment, exclude any care received for a condition which is caused by, or results from, a condition existing at the time of reenrollment or for which the person received medical advice or treatment during the six-month period immediately preceding reenrollment.

(2) Coverage of any person who is confined to a hospital or his or her home for medical treatment at the time of enrollment in a health plan pursuant to this section shall exclude any benefits until the period commencing on the 15th day following the termination of that confinement.

(b) This section does not apply to any entity which provides a health benefits plan which contains a preexisting condition exclusion.

(c) This section does not apply to any changes in enrollment by a person currently enrolled in a school district's health benefits plan or due to any change in enrollment or coverage caused by the retirement of a person.

7002.5. (a) This article does not create a vested retirement right in health and dental care benefits.

(b) The individual districts, the county office, a health plan, an entity proving or arranging a health plan, and the State Teachers' Retirement System do not have any legal duty to contact retired teachers or surviving spouses of certificated employees with regard to this article.

7003. (a) Nothing in this article shall be construed as requiring or permitting the impairment of any contract, board rule, or regulation affecting retired certificated personnel, in existence on the effective date of this article.

(b) Nothing in this article is intended to reduce or conflict with any benefit provided in the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law 99-272).

(c) Nothing in this article mandates the provision of life insurance or vision care.

7004. As used in this article:

(a) "Certificated employee" means a member, as defined by Section 22146, of the State Teachers' Retirement System.

(b) "School district" means that district from which the member of the State Teachers' Retirement System last made contributions to the system before retirement.

(c) "Spouse" means a spouse as defined by Section 22171.

7005. This article does not apply to persons receiving benefits pursuant to the Public Employees' Medical and Hospital Care Act (Chapter 1 (commencing with Section 22750) of Part 5 of Division 5 of Title 2 of the Government **Code**) and to the employers on which their benefits are based.

For purposes of this section, "employer" means a county superintendent of schools, a school district, or a community college district irrespective of whether employees may be represented by different bargaining groups. Notwithstanding any other provision of this part, this article does not apply to employers for those groups of employees for whom coverage under the Public Employees' Medical and Hospital Care Act (Part 5 (commencing with Section 22750) of Division 5 of Title 2 of the Gov't **Code**) is provided by contract.

7007. (a) Any qualified organization, as defined in subdivision (b), in cooperation with the Public Employees' Retirement System, may develop a health benefits plan which would be available to persons who are members of those organizations, with equal premiums for both active and retired teachers. The plan would be available, on an optional basis, to each school district, county board of **education**, and a county superintendent of schools which becomes a contracting agency with the Public Employees' Retirement System pursuant to Section 22857 of the Government **Code**.

(b) "Qualified organization" means an exclusive representative of the certificated or classified employees, as defined by Section 3540.1 of the Government **Code**, or any organization with a membership of at least 1,000 members who are retirees of the State Teachers' Retirement System, or any organization with a membership of at least 1,000 members who are faculty members in the California Community Colleges.

(c) This section shall not apply to any contracting agency unless and until the agency elects to be subject to this section pursuant to Section 22857 of the Government **Code**.

7008. (a) Notwithstanding any other provision of law, a member of the Defined Benefit Program of the State Teachers' Retirement Plan who is disabled as a result of an injury that is a direct consequence of a violent act perpetrated on his or her person while performing duties in the scope of employment, and the employment is creditable under the provisions of the Teachers' Retirement Law (Part 13 (commencing with Section 22000)), may, upon qualifying for a disability under Section 24001 and while receiving an allowance under Section 24002, continue in the district's health care plan and dental care plan by paying all of the employer's and employee's premiums and all of the related administrative costs of the employer.

(b) Notwithstanding any other provision of law, a school member as defined in Section 20370 of the Government **Code**, or a local police officer as defined in Section 20430 of the Government **Code**, who is disabled as a result of an injury that is a direct consequence of a violent act perpetrated on his or her person while performing duties in the scope of employment, and the

employment is creditable under the Public Employees' Retirement Law (Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government **Code**), may, upon qualifying for a disability and while receiving an allowance under Chapter 12 (commencing with Section 21060) of Part 3 of Division 5 of Title 2 of the Government **Code**, continue in the employer's health care plan and dental care plan by paying all of the employer's and employee's premiums and all of the related administrative costs of the employer.

(c) Subdivisions (a) and (b) do not apply to any member who is employed by a school district that contracts with the Public Employees' Retirement System for health care coverage under the Public Employees' Medical and Health Care Act, (Part 5 (commencing with Section 22750) of Division 5 of Title 2 of the Government **Code**).