

***Distribution of this Bulletin***

*Please ensure that this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.*

**Standard Provincial Extended Health Plan Termination Age –  
Grievance Settlement**

BCPSEA has recently reached a settlement with the BCTF regarding the coverage termination provision of the Standard Provincial Extended Health Benefit Plan. Locals in various districts had filed grievances with respect to members losing EHB coverage upon reaching age 70. BCPSEA has also been advised that many other locals were readying similar grievances but have put them on hold pending the outcome of these settlement discussions.

The coverage termination provision of age of 70 was included in the Standard Provincial Extended Health Benefit Plan implemented during the 2012/2013 school year. The settlement reached between BCPSEA and the BCTF includes extending coverage to BCTF members until “June 30<sup>th</sup> following an employee attaining age 75 or upon earlier retirement”. Any term of the settlement only applies to employees employed by your school district as of January 1, 2016. The settlement applies only to the Standard Provincial Extended Health Benefit Plan. No other benefit plans are amended by this settlement. Districts not participating in the Standard Plan are not affected.

**Immediate Action Items:**

**Employees approaching age 70 and up to age 75:**

We recommend all districts review employee demographic data and initiate specific, directed communications with each teacher approaching age 70 and up to age 75, to inform them that EHB coverage is now available up to the new coverage termination provision.

**Employees who have been terminated from EHB as a result of reaching age 70:**

Between July 1, 2012 and now, your district may have had some teachers reach age 70 and as a result those teachers had their EHB coverage terminated. If those teachers have since retired or resigned from your district, no action needs to be taken and those teachers are not entitled to any retroactive payment or benefit. However if those teachers remain employed by you now, the following will apply:

1. If these teachers have not yet reached the new coverage termination provision, they are now eligible for coverage under the EHB plan. They should be re-enrolled in the plan for a January 1, 2016 effective date, as long as they meet all regular enrolment and eligibility criteria. For

example, their FTE must meet the minimum threshold for participation in the plan. If, because of the winter break, it is not possible for district payroll / benefits staff to reasonably meet the January 1, 2016 date, please enroll these affected teachers in the EHB plan as soon as possible after that date. Coverage would then be retroactive to January 1. Please be in touch with Morneau Shepell to facilitate this re-enrolment process with PBC as required.

2. These teachers are eligible for reimbursement of premiums paid if they obtained alternate replacement EHB coverage during the time they were ineligible for district EHB coverage as a result of the previous age 70 coverage termination provision. Teachers must show evidence of premium costs actually incurred, and will be entitled only to the difference in costs between the premium costs actually incurred and the employee contributions the teacher would have paid (if any) under the district EHB plan. This reimbursement is limited to the time period before a teacher reaches the new coverage termination provision.

### **Employees between ages 70 – 75 currently enrolled in EHB:**

Where districts had employees aged 70 or over when the new EHB plan came into effect in the 2012/2013 school year, a bridging agreement may have been made to allow those employees to retain their EHB eligibility until retirement. Those bridging agreements are to remain in place and no action is needed at this time.

If a bridging agreement provided for employees to retain EHB eligibility until a date or age that is inferior to the new coverage termination provision, that bridging agreement will now end and the employees will be subject to the new termination coverage provision.

If an employee retained EHB coverage after age 70 and was not subject to a bridging agreement, and has not yet reached the new coverage termination provision, the employee shall now be subject to the new coverage termination provision.

### **Employees over age 75**

Employees who are beyond the new coverage termination provision, who are not currently enrolled in the EHB plan will remain ineligible for coverage.

If an employee retained EHB coverage after age 70 and was not subject to a bridging agreement, and is now beyond the new coverage termination provision, the employee shall retain EHB eligibility until June 30, 2017 or earlier retirement or resignation.

### **Other Settlement Terms:**

- Notwithstanding any other collective agreement provision, BCPSEA and the BCTF agree there is no collective agreement or other legal obligation to provide extended health care benefits to employees after the employees reach the date for the new coverage termination provision.
- As of the date of signing of the Memorandum, all grievances related to the application of the Age 70 coverage termination provision are hereby deemed withdrawn. Where such a grievance relates to other matters in addition to the Age 70 coverage termination provision, the grievance is deemed to be amended to exclude the matters covered by the Memorandum of Agreement.
  - a. As soon as possible after the signing of this Memorandum, the BCTF will provide BCPSEA and affected school districts with the list of grievances affected.

- As of the date of signing of the Memorandum, the BCTF will not initiate a grievance or any other legal proceeding on behalf of members who:
  - a. are not eligible for the Plan because of the application of the new coverage termination provision.
  - b. have their coverage terminated as a result of the application of the new coverage termination provision or the June 30, 2017 date in clause 8.

## **Questions**

If you have any questions, please contact your BCPSEA liaison.