

Amendment in the nature of a substitute for clerk item # 349-06 (calendar item #2)

ORDINANCE NO. 82 – 2006

AN ORDINANCE TO AMEND ORDINANCE NO. 543-1995, AS AMENDED BY ORDINANCE NO. 26-1998, ORDINANCE NO. 243-1999, ORDINANCE NO. 46-C-2000, ORDINANCE NO. 126-A-2002, AND ORDINANCE NO. 4-2002, FIXING AND REGULATING LEAVE AND OTHER EMPLOYMENT BENEFITS AND MATTERS FOR CERTAIN OFFICERS AND EMPLOYEES OF THE COUNTY OF NASSAU.

WHEREAS, the purpose of this legislation is to provide the families of Ordinance employees with one, but not more than one, health insurance policy per family; and

WHEREAS most County employees are enrolled in the New York State Health Insurance Program ("NYSHIP") for health insurance and NYSHIP charged the County \$13,514.28 for each family and \$6,357.12 for each individual covered in 2006 and has advised the County that costs will raise 11 percent for active employees and 12.9 percent for retired employees in 2007; and

WHEREAS, the County desires that current Ordinance employees will be in the same position with respect to health insurance coverage after enactment of this legislation as before and, therefore, will reimburse employees who can demonstrate they have paid more out of pocket because they can no longer be covered under two health insurance plans; and

WHEREAS, NYSHIP permits an employee who loses eligibility for coverage under another employee's family plan to continue health insurance coverage in his or her own right;

NOW THEREFORE, BE IT ORDAINED, by the County Legislature of the County of Nassau as follows:

FORM APPROVED
MAJORITY COUNSEL

8

Passed by Nassau County Legislature
on SEP 13 2006
votes for / 9 votes against 0 Abstained 0 Recused 0
Became an ordinance on SEP 20 2006
With the approval of the Deputy County
Executive acting for the County Executive

Section 1. Section 4.1 of Ordinance No. 543-1995, as amended by Ordinance No. 26-1998, Ordinance No. 243-1999, Ordinance No. 46-C-2000, Ordinance No. 126-A-2000, and Ordinance No. 4-2002, is amended to add a new subsection (c) as follows:

4.1(c) (i) Where two or more County officers or employees and their dependants are eligible for coverage under the same family health insurance plan, such officers or employees shall be entitled to receive only one family health insurance plan and no individual health insurance plan. If, within 30 days of the effective date of this Ordinance, the County officers or employees eligible for coverage under the same family health insurance plan fail to designate which County officer or employee will be the policy holder, the County officer or employee with the earlier birthday in the calendar year will be deemed the policy holder. If a County officer or employee and his or her dependants are eligible for coverage under the family health insurance plan of an employee of the Nassau Community College, the Nassau Health Care Corporation or a County employee who does not receive his or her benefits pursuant to this Ordinance, such officer or employee may not receive either a family health insurance plan or an individual health insurance plan unless he or she demonstrates, during each open enrollment period that his or her spouse has declined health insurance coverage.

(ii) A County officer, employee or retiree, who is covered by the family health insurance plan of another County officer or employee, an employee of the Nassau Community College, the Nassau Health Care Corporation or a County employee who does not receive his or her benefits pursuant to this Ordinance, and who therefore may not receive benefits pursuant to section 4.1(c)(i) of this Ordinance, may participate in the Health Insurance Buy Back Program (as described in section 4.6) and, if the officer or

employee is eligible, he or she may allocate the annual buy back amount to a flexible spending account to cover medical costs not reimbursable under the family health insurance plan. Upon submission of proof of claim and subject to audit of the Comptroller, any County employee who, prior to the effective date of section 4.1(c) of this Ordinance was covered under a second family health insurance plan, will be reimbursed by the County for any costs that exceed the gross buy back amount if those costs would otherwise have been covered by the second family health insurance plan. The County Executive or his or her designee may, in his or her discretion, waive the restriction on dual coverage in this section upon a determination that an economic justification exists for such waiver, or that economic or other compelling hardship would result to an officer or employee subject to such restriction.

(iii) For purposes of section 4.1(c), the terms and “officer” and “employee” shall include retirees.

(iv) Nothing in this section shall be construed to apply to eligibility for such plans as may be provided pursuant to this Ordinance for dental or optical benefits.

§ 2. This ordinance shall take effect on January 1, 2007.


APPROVED
SEP 20 2006
County Executive

DEPUTY COUNTY EXEC.
CHRISTOPHER HAHN

10