



**City of Cincinnati Retirement System
Benefits Committee**

**January 8, 2009 12:00 PM
Committee Room B
AGENDA**

Members:

Michael Rachford – Chair
Brian Pickering – Vice Chair
Don Beets
Michael Fehn
Bryan Schmitt

Call to Order

Guests

Approval of Minutes:

- December 4, 2008

New Business:

Pending Business:

1. Defining Disability
2. Eligible Family Members for CRS Health Insurance
3. Adhoc Committee follow-up
4. Benefits Committee Pending List

Disability Report

Willie Smith:	Appeal Denied
Myra Madison:	Appeal Denied
Diana Jordan:	Application Denied
Tim Helphinstine	Application Denied
Shirley Joiner:	Appeal Approved

Adjournment

Next Meeting: January 29, 2009: 12:00PM / Committee Room B

I move that in the instance that a retiree, spouse and or any dependent of a retiree and or beneficiary receiving medical, pharmaceutical, dental and eye care coverage paid for by the Cincinnati Retirement System having such other medical, pharmaceutical, dental and eye care coverage that the medical, pharmaceutical, dental and eye care coverage paid for by the Cincinnati Retirement System, shall become secondary.

Donald C. Cook
1-08-09

I move that the Cincinnati Retirement System authorize the submission of a "insurance coverage form" annually to every retiree and or beneficiary receiving a retirement pension.

Said insurance coverage form shall require the retiree and or beneficiary to completely fill out such form and return within 14 days.

Such form shall require the retiree and or beneficiary to provide the complete legal name, gender, age, relationship and the name of any other coverage for medical, pharmaceutical, dental and eye care of every person receiving medical, pharmaceutical, dental and eye care coverage paid for by the Cincinnati Retirement System.

Failure to return the insurance coverage form, may result in the temporary suspension of medical, pharmaceutical, dental and eye care coverage paid for by the Cincinnati Retirement System, as determined by the CRS Board or authorized representative.

Falsification of the insurance coverage form, may result in the temporary suspension or reduction in benefits of medical, pharmaceutical, dental and eye care coverage paid for by the Cincinnati Retirement System, as determined by the CRS Board or authorized representative

Donald C. Cook
1-8-09

I received your request to assist in developing a standardized definition of "disability" for CRS. Below I have provided the standard definitions used for Social Security, ADA and FMLA. We can use any one of these, or merge these or others in a way that fits your needs. Let me know what you think and whether you are already familiar with these definitions. The actual definition will need to be crafted to meet the purposes of CRS. Let me know if you have questions. Thanks, Deb

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Social Security Disability Definition - 42 U.S.C. 416i(1)

...the term "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months...

Americans with Disabilities Act ("ADA") Definition - 42 USC 12102(2)

The term "disability" means, with respect to an individual means-

- (A) a physical or mental impairment that substantially limits one or more of the
- (B) major life activities of such individual;
a record of such an impairment; or
- (C) being regarded as having such an impairment.

Family Medical Leave Act ("FMLA") Definition – PL 103-3 Section 101

The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves

- inpatient care in a hospital, hospice, or residential medical care facility;
or
- continuing treatment by a health care provider.

CRS Health Insurance Benefits for Eligible Retiree Dependant Family Members

Enrollment for Health Insurance by the Effective Date of Retirement

1. If you are eligible to receive a monthly age and service or disability benefit, only the following Dependents as defined and in accordance with the Ohio Administrative Code 145-4-09, Ohio Revised Code 3109.19, and Internal Revenue Code Section 152 may be enrolled for health insurance purposes by effective date of retirement:
 - a. Your legal spouse: this must be a person of the opposite gender and you must have a valid marriage certificate recognized by Ohio law;
 - b. Your biological or legally adopted pre-retirement children.
2. In order for a child to be eligible for coverage the child must be under 19 or under age 25, never married and attending an accredited school on a fulltime basis for at least 7 months of the calendar year.
3. Coverage shall be extended if the child is permanently and totally disabled (as per OAC 145-4-09 A2a) prior to the limiting age listed above and maintains his/her residence within the household of the retiree. This means the child is not able to work in any substantial gainful activity because of a physical or mental impairment, which has lasted or is expected to last for at least 12 months. Evidence of the incapacity shall be required, and shall be subject to approval by the CRS Board.

Enrollments for Health Insurance After Effective Date of Retirement

4. You may enroll the retiree's biological child/ren born after the effective date of retirement subject to paragraphs 2 and 3 of this document and paying 100 % of the full Premium.
5. A legal spouse: this must be a person of the opposite gender and you must have a valid marriage certificate recognized by Ohio law: may be added by paying 100 % of the full cost of the Premium.

6. Legally adopted child/ren, stepchild/ren, and /or minor grandchild if the minor grandchild is born to an unmarried, un-emancipated minor child of the Retiree may be added by paying 100 % of the full cost of the Premium.

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For All Children

7. You must be allowed to claim this child as a dependent on your federal tax return in accordance with 152 of the Internal Revenue Code. The child cannot provide more than 50% of his or her own support for the calendar year. The child must reside with you for more than 50% of the calendar year (unless residing at school) with the following exceptions:
 - a. You are divorced, legally separated, separated under a written separation agreement, or are living apart at all time during the last 6 months of the calendar year and you are the parent;
 - b. The child is in the custody of you and his/her parent for more than 50% of the calendar year;
 - c. You provide over 50% of the child's support, subject to the provisions of section 152 of the Internal Revenue Code regarding multiple support agreements.

Additional Items

8. If you receive a monthly benefit as an optionee of a deceased retiree of the CRS, you may enroll only the biological children of the retiree, subject to paragraphs 2 and 3 of this policy.
10. If you have not selected a payment option that covers dependants, CRS Medical Insurance coverage for your dependant spouse and eligible biological or legally adopted dependant children terminates upon death of Retiree.
11. It is your responsibility to notify the CRS, in writing, within 30 days of the date your dependent fails to meet eligibility requirements. Failure to notify CRS may result in overpaid health care claims for which you shall be responsible.
12. The CRS maintains the right to conduct compliance-related audits of dependent eligibility and to impose penalties for non-compliance. Penalties for non-compliance with the rules for health insurance eligibility may include termination of retiree's health insurance.

Questions

1. Starting on the effective date of approval for new retirees only. Is this only choice?
2. **Retro-active to all retirees as of the effective date of approval i.e. must respond to compliance audit for dependence as outlined in this document and comply with new policy from this day forward. Can we legally do this ?**
3. **Do we need to wait 365 day before implementation so that one open enrollment cycle passes for people who choose to get into another health plan have time to do so?**
3. **Please check for compliance with CMC Sections 203-43,44,49, and 63 and any other relevant Sections, rule, and /or regulations.**

Please find included my research documents

Thank you

Mike Fehn 352-1911 office
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