

1 **Public Employees' Benefit Board**

2 **Division 10 Definitions**

3 **101-010-0005**

4 **Definitions**

5 Unless the context indicates otherwise, as used in OAR chapter 101, divisions 1 through 60, the
6 following definitions will apply:

7 (1) "Actively at work" means:

8 (a) For medical and dental insurance coverage, an active eligible employee at work, in paid regular status
9 and scheduled for work during the month of requested insurance coverage, or using accrued leave on
10 the effective date of coverage.

11 (b) For life, disability and accidental death and dismemberment insurance coverage, an active eligible
12 employee who is physically on the job and receiving pay for the first scheduled day of work and
13 performing the material duties of the employee's occupation at the employer's usual place of business. If
14 an active eligible employee is incapable of active work because of sickness, injury, or pregnancy on the
15 day before the scheduled effective date of his or her insurance coverage or increase in insurance
16 coverage, the insurance coverage or increase is not effective until the first of the month after the active
17 eligible employee completes one full day of active work.

18 (2) "Affidavit of Dependency" means a notarized document that attests a dependent child meets the
19 criteria in section ~~(78)~~.

20 (3) "Affidavit of Domestic Partnership" means a notarized document that attests the eligible employee
21 and one other individual meet the criteria in OAR 101-15-0025(2).

22 (4) "Benefit amount" means the amount of money paid by a PEBB participating organization on behalf
23 of active eligible employees for the purchase of benefit plans.

24 (5) "CBIW" means Continuation of Benefits for Injured Workers.

25 (6) Certificate of Registered Domestic Partnership means the certificate issued by an Oregon county
26 clerk to two individuals of the same sex after they file a Declaration of Domestic Partnership with the
27 county clerk.

28 (7) "COBRA" means the federal Consolidated Omnibus Reconciliation Act.

29 (8) "Dependent child" means any child who meets the criteria in this section. In defining dependent child,
30 PEBB follows Internal Revenue Code (IRC) 152 as revised by the Working Families Tax Relief Act of
31 2004:

32 (a) The child must be a US citizen, national or resident of the US or a resident of Canada or
33 Mexico. When an adopted child or child placed for adoption fails this requirement they can still be
34 the employees dependent child if the child has the employee's home as his principal home and is a
35 member of the employees household, and the employee is a citizen or national of the US.

36 ~~(a)~~ (b) The child is not married and does not have a domestic partner; and

37 (A) Is under the age of 19 at the end of the calendar year; or

- 1 (B) Meets the IRC 152(f)(2) definition of a dependent child between the ages of 19 and up to age 24
2 attending school full time, excluding foreign students; or
- 3 (C) Is between the ages of 19 and up to age 24, living in the home of the eligible employee over six
4 months of the calendar year, and the eligible employee provides over half the yearly support; or
- 5 (D) Is between the ages of 19 and up to age 24, and is incapable of self-sustaining employment because
6 of a developmental disability, mental illness, or physical disability. The attending physician must submit
7 documentation of the disability to the insurance plan for approval. Once certified, the insurance plan may
8 review dependent certification to determine continued eligibility; or
- 9 (E) Is a child age 24 or older, and is incapable of self-sustaining employment because of a developmental
10 disability, mental illness, or physical disability. Except in the case of a child who previously qualified
11 under (a) (D) of this section, the attending physician must submit documentation of the disability to the
12 insurance plan for approval. The insurance plan may review dependent certification to determine
13 continued eligibility. If the child is terminated from PEBB insurance coverage after age 24 for any
14 reason, the eligible employee cannot re-enroll the child. A disabled dependent child, age 24 or older,
15 must also meet the following criteria:
- 16 (i) The disability must have existed prior to attaining age 24.
- 17 (ii) The child must have had continuous medical insurance coverage, group or individual, prior to
18 attaining age 24 and until the time of the PEBB insurance effective date.
- 19 (bc) The child must not qualify as any other person's dependent child, except that a child of divorced or
20 separated parents meeting conditions under IRC 152(e) can be treated as a dependent of both parents.
- 21 (ed) A dependent child must also meet one of the following criteria:
- 22 (A) Is a biological child of, an adopted child of, or a child placed for adoption with the eligible employee,
23 spouse, or domestic partner; or
- 24 (B) Is a legal ward by court decree, a dependent by Affidavit of Dependency, or is under legal
25 guardianship of the eligible employee, spouse or domestic partner, and is living in the home of the
26 eligible employee.
- 27 (d) As referenced in OAR 101-015-0025 (1) and (2) (e)(h) a child of a domestic partner meeting the
28 definition of a dependent child is eligible to receive insurance coverage subject to imputed value tax.
- 29 (9) "Domestic partner" includes an eligible employee's partner in a registered domestic partnership under
30 Chapter 99 Oregon Laws 2007 or unmarried partner of the same or opposite sex that meets the
31 requirements as outlined in OAR 101-015-0025(2).
- 32 (10) "Eligible employee" means and includes:
- 33 (a) "Active eligible employee" means an employee of a PEBB participating organization, including state
34 officials, in exempt, unclassified, classified and management service positions who are expected to work
35 at least 90 days; and who work at least half-time or are in a position classified as job share.
- 36 (b) "Retired eligible employee" means a previously active eligible employee, who meets retiree
37 eligibility as defined in OAR 101-050-0005. A retired eligible employee is eligible only for those benefit
38 plans established in division 50 of this chapter.

- 1 (c) "Other eligible employees" mean individuals of self-pay groups as established by ORS 243.140 and
2 243.200. This group is eligible only for medical or dental benefits as approved.
- 3 (11) "Family member" means a spouse or dependent child.
- 4 (12) "FMLA" means the federal Family Medical Leave Act.
- 5 (13) "FTE" means full time equivalent classified job position.
- 6 (14) "Half-time" means an eligible employee who works less than full time but at least:
- 7 (a) Eighty paid regular hours per month; or
- 8 (b) .5 FTE for Oregon University System (OUS) employees; or
- 9 (c) As defined by collective bargaining.
- 10 (15) "Imputed value" means a dollar amount established yearly for an insurance premium at fair market
11 value. The IRS views the imputed value as taxable income. The imputed value dollar amount is added to
12 the eligible employee's taxable wages.
- 13 (16) "Ineligible individual" means an individual ~~or employee~~ who does not meet the definition of an
14 eligible employee, spouse, domestic partner, or dependent child as established in this rule.
- 15 (17) "Job share" means two eligible employees sharing one full time equivalent position. Each eligible
16 employee's percentage of the total position determines the benefit amount the employee receives. The
17 employees need not be classified as half-time. They cannot donate their portion of the benefit amount to
18 the other job share co-worker. The monthly benefit amount percentage remains the same regardless of
19 individual hours worked.
- 20 Example 1: John and Jill share one full time equivalent position. When they were hired into the position
21 in July, John's percentage of the total position was 40 percent; Jill's percentage was 60 percent. John
22 worked 70 percent of the available hours in September. John's benefit amount percentage for September
23 remains at 40 percent. Jill's benefit amount percentage remains at 60 percent.
- 24 (18) "OFLA" means the Oregon Family Leave Act.
- 25 (19) "Open enrollment period" means an annual period chosen by PEBB when both active and other
26 eligible employees and COBRA participants can make benefit plan changes or elections for the next plan
27 year.
- 28 (20) "Paid regular" means in current payroll status, payment for work time including vacation, sick,
29 holiday or personal leave and compensatory time.
- 30 (21) "Pebb.benefits" means the automated internet benefit management application sponsored by PEBB.
31 The system allows electronic enrollment and termination of the eligible individual's benefit plans,
32 personal information updates, and the transmittal of benefit plan data to insurance plans and payroll
33 centers.
- 34 (22) "PEBB participating organization" means a state agency, board, commission, university, or other
35 entity that receives approval to participate in PEBB benefit plans.
- 36 (23) "Plan change period" means a period chosen by PEBB when retirees can make limited benefit plan
37 changes.

- 1 (24) "Plan year" means a period of twelve consecutive months.
- 2 (25) "Qualified status change" (QSC) means a change in family or work status that allows limited mid-
3 year changes to benefit plans consistent with the individual QSC.
- 4 (26) "Reinstatement" or "reinstated" means to reactivate the benefit amount and enrollment in previous
5 medical, dental, life, and disability insurance coverage, if available, ~~on a guaranteed basis~~ when returning
6 to eligible status within a specific time frame.
- 7 (27) "Spouse" means a person of the opposite sex who is a husband or wife. A relationship recognized as
8 a marriage in another state will be recognized in Oregon even though such a relationship would not be a
9 marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse
10 does not include a former spouse and a former spouse does not qualify as a dependent.

11 Stat. Auth.: ORS 243.061 - 243.302

12 Stats. Implemented: ORS 243.061 - 302, 659A.060 - 069, 743.600 - 602 & 743.707

13 Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-
14 2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-
15 03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05,
16 cert. ef. 9-1-05; PEBB 2-2006(Temp), f. & cert. ef. 12-14-06 thru 6-12-07; PEBB 1-2007(Temp), f. &
17 cert. ef. 6-11-07 thru 12-8-07; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. &
18 cert. ef. 2-4-08 thru 8-1-08

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