

SPDOC 22-04 Proposed Rule Amendments

1-8 Prohibited Discrimination

1-8.1 Prohibited Discrimination

Neither civil service staff nor an appointing authority shall do any of the following:

- (a) Fail or refuse to hire, recruit, or promote; demote; discharge; or otherwise discriminate against a person with respect to job application procedures, employment, job training, compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or consistent with state and federal law, ~~a~~ disability or genetic information ~~that is unrelated to the person's ability to perform the duties of a particular job or position.~~
- (b) Limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity or otherwise adversely affects the status of an employee or applicant because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or consistent with state and federal law, ~~a~~ disability or genetic information ~~that is unrelated to the person's ability to perform the duties of a particular job or position.~~

1-8.2 Accommodation of Disabilities

Civil service staff and appointing authorities shall accommodate a person with a disability, consistent with state and federal law ~~as provided in the civil service rules and regulations.~~

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3-1 Examinations

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3-1.4 Reasonable Accommodations

Appointing authorities shall make reasonable accommodations for the known physical or mental limitations in their application and appraisal methods for a person with a disability, consistent with state and federal law ~~who makes a request for reasonable accommodation in advance. Appointing authorities may offer an alternative evaluation method for a person with a disability if the person cannot participate in the regular appraisal method. Appointing authorities are not required to make an accommodation that would cause undue hardship.~~

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5-11 Group Insurance Plans

5-11.1 ~~Types of Group Insurance Plans~~

- (a) ~~Types of group insurance plans.~~ The ~~civil service~~ commission has approved the following group insurance plans for eligible employees:
 - (1) ~~[A] One m~~Medical benefit plan for employees hired before April 1, 2010, and ~~[B] a separate medical plan for employees hired on or after April 1, 2010.~~
 - (2) ~~A d~~Dental benefit plan.

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- (3) ~~A vision benefit plan.~~
 - (4) ~~A life insurance plan.~~
 - (5) ~~An accidental death benefit plan.~~
 - (6) ~~A long-term disability income protection plan.~~
- (b) **Recommendations.** The employer, limited-recognition organizations, and nonexclusively represented employees may annually recommend changes in the group insurance plans in the coordinated compensation process. The coordinated compensation panel shall make a final recommendation to the civil service commission.
- (c) ~~Action by the commission.~~ **Commission action.** The ~~civil service~~ commission shall review ~~the final recommendation of the coordinated compensation panel~~ and may approve, reject, or modify the ~~recommendation of the~~ coordinated compensation panel's recommendation.
- (d) **Publication.** The ~~state personnel~~ director or plan provider shall make available ~~to employees documentation~~ documents describing each group insurance plan approved by the ~~civil service~~ commission.
- (e) **Administration.** The ~~state personnel~~ director ~~is responsible for implementing~~ shall implement and ~~administering~~ administer the approved group insurance plans ~~approved by the civil service commission~~.
- (1) **Complaints.** The ~~state personnel~~ director shall provide an expedited administrative review of employee complaints ~~regarding~~ over group insurance benefits. The director's ~~administrative review~~ process is the exclusive procedure for ~~reviewing~~ employee complaints ~~regarding~~ over group insurance ~~plan~~ benefits. An employee aggrieved by ~~a~~ the ~~director's final administrative~~ decision may appeal ~~the decision~~ to the ~~civil service~~ commission as provided in the civil service rules and regulations.
 - (2) **Agreements with other public entities.** The ~~state personnel~~ director may approve agreements with other public entities to permit their employees to participate in approved group insurance plans ~~authorized by the civil service commission if 100 percent of any additional total cost of participation is paid by~~ if the participating ~~public entities~~ or ~~and their~~ its employees pay all additional total costs from participation.
- (f) **Other benefits.**
- (1) The ~~state personnel~~ director may establish and administer flexible spending accounts authorized under federal law.
 - (2) The ~~state personnel~~ director may authorize payroll deduction of premiums for other insurance or benefit programs if the employee pays 100 percent of the total costs.

5-11.2 Eligibility ~~for Group Insurance Plans~~

~~Classified employees~~ Employees are eligible for approved group insurance benefits ~~approved by the civil service commission~~ in accordance with the ~~following eligibility~~ table below:

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Benefit Plan ↓	Employee Status				Noncareer Appointments
	Career Appointments (Indefinite and Limited-term):				
	Full-time	Part-time	Intermittent	Seasonal	
Health Plan A: [Hired before 4-1-10]	Eligible	Eligible	Eligible	Eligible	Not Eligible
Health Plan B: [Hired after 3-31-10]	Eligible	Eligible	Eligible	Eligible	Not Eligible
Dental Plan	Eligible	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible if working full-time at least 8 months per year	Ineligible Not Eligible
Vision Plan	Eligible	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible if working full-time at least 8 months per year	Ineligible Not Eligible
Life Insurance Plan	Eligible	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible (if working <u>at least</u> > 40% of full-time)	Ineligible Not Eligible
Accidental Duty Death	Eligible	Eligible	Eligible	Eligible	Ineligible Not Eligible
Long-term Disability Plan	Eligible	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible (if working <u>at least</u> > 40% of full-time)	Eligible if working full-time	Ineligible Not Eligible

5-11.3 Costs of Group Insurance Plans

- (a) **Costs.** The ~~state personnel~~ director shall annually determine the total cost per employee to provide each group insurance plan benefit approved by the ~~civil service~~ commission. During the coordinated compensation process, the employer may propose that the cost of each group insurance plan be paid in part or in whole by an employee.
- (b) **Costs for part-time employees hired after December 31, 1999.** ~~Notwithstanding any apportionment of costs approved by the civil service commission, a~~ An eligible part-time career employee is required to pay one-half of the total cost of the medical, dental, vision, and life insurance plans if (1) the employee has a regular work schedule of ~~less than~~ 50 percent or less of full-time and (2) the employee was hired into the classified service after December 31, 1999.

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9-1 Definitions

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Disability

~~(a) — *Disability* means a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment, as defined in state or federal law. any of the following:~~

~~(1) — A determinable physical or mental characteristic of a person, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:~~

~~(A) — substantially limits one or more of the major life activities of the person, and~~

~~(B) — is unrelated to (1) the person's ability to perform the duties of a particular job or position or (2) the person's qualifications for employment or promotion.~~

~~(2) — A history of a determinable physical or mental characteristic described in subsection (a)(1).~~

~~(3) — Being regarded as having a determinable physical or mental characteristic described in subsection (a)(1).~~

~~(b) — *Disability* does not include either of the following:~~

~~(1) — A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by the person.~~

~~(2) — A determinable physical or mental characteristic caused by the use of alcohol by the person if that physical or mental characteristic prevents the person from performing the duties of the person's job.~~

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Genetic Information

~~*Genetic information* means an individual's genetic information, as defined in state or federal law about a gene, gene product, or inherited characteristic of an individual derived from the individual's family history or a genetic history.~~

Genetic Test

~~*Genetic test* means the analysis of human DNA, RNA, chromosomes, and those proteins and metabolites used to detect heritable or somatic disease-related genotypes or karyotypes for clinical purposes. A genetic test must be generally accepted in the scientific and medical communities as being specifically determinative for the presence, absence, or mutation of a gene or chromosome in order to qualify under this definition. *Genetic test* does not include a routine physical examination or a routine analysis including, but not limited to, a chemical analysis of body fluids unless conducted specifically to determine the presence, absence, or mutation of a gene or chromosome.~~

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Group Insurance Benefits

Group insurance benefits means eligibility, enrollments, premiums, coverages, exclusions, costs, reimbursements, payments, copayments, deductibles, [coinsurance](#), [out-of-pocket maximums](#), coordination of benefits, or other benefits authorized under the group insurance plans.

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~~Unrelated to the Person's Ability~~

~~*Unrelated to the person's ability* means, with or without accommodation, a person's disability does not prevent the person from performing the duties of a particular job or position.~~