

Active Health Summary Plan Description as of September 1, 2017

ARTICLE 17: EIGHT FEDERAL LAWS YOU SHOULD KNOW ABOUT >>

17.8 Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") was enacted by Congress to provide protections to individuals who are eligible individuals of the "Uniformed Services." "Uniformed Services" is defined as the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty for training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or national emergency.

A. Military Leaves of Absence for a Period Less Than 31 Days

USERRA provides that if an Employee is on a military leave of absence from his employment, and the period of military leave is less than 31 days, he will continue to be eligible for health care coverage under this Plan during the leave with no self-payment required, provided he is eligible for benefits under this Plan at the time his military leave begins.

B. Military Leaves of Absence for Period More Than 30 Days

1. If an Employee is on a military leave of absence from his employment, and the period of military leave is more than 30 days, USERRA permits the Employee to continue coverage for himself and his Dependents at his own expense at a cost of 102% for up to 24 months so long as he gives the Administrative Office advance notice (with certain exceptions) of the leave, and so long as his total leave when added to any prior periods of leave does not exceed five (5) years.
2. The maximum period of continuation coverage for health care under USERRA is the lesser of:
 - a. 24 months (beginning from the date the Employee leaves work due to military leave); or
 - b. The day after the date the Employee fails to timely apply or return to a position of employment with an Employer participating in the Plan.

C. Release from Active Service

Upon release from active service, the Employee's coverage will be reinstated on the day he returns to work or registers for dispatch with IBEW Local Union 11 as if he had not taken leave, provided he is eligible for re-employment under the terms of USERRA and provided he returns to work within:

1. One hundred and twenty (120) days from the date of discharge if the period of service was 31 days or more;
2. At the beginning of the first full regularly scheduled working period on the first calendar day following discharge (plus travel time and an additional eight (8) hours) if the period of service was less than 31 days;
3. If the Employee is hospitalized or convalescing from an injury caused by active duty, these time limits are extended for up to two (2) years.

A copy of the Employee's separation papers must be submitted to the Administrator Office to establish his period of service.

D. Continuation of Coverage Under USERRA

If the Employee continues coverage under USERRA, he will be required to submit any required self-payment necessary, which may include Plan Administrative costs. If the Employee does not elect to continue coverage during his military leave, upon his return to work his coverage he will be reinstated at the same benefit level immediately preceding his service before his leave if he is eligible for re-employment under the criteria established under USERRA.

E. COBRA Continuation Coverage

If the Employee does not return to work at the end of his military leave, he may be entitled to purchase COBRA continuation coverage as provided in the section above. Coverage will not be offered for any illness or injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the Uniformed Services. The Uniformed Services and the Department of Veterans Affairs will provide care for service-connected injuries or illness.

The rights to self-pay are governed by the same conditions described in the COBRA section of this Summary Plan Description. If election is made for continuation coverage under USERRA, the COBRA and USERRA coverage periods will run concurrently.

Notwithstanding the foregoing, the Board of Trustees has adopted the following extraordinary USERRA benefit as outlined below. The Trustees in their sole discretion may eliminate the extraordinary benefit with a 60-day notice of same to Plan Participants.

1. Benefits as contained in this Summary Plan Description as of September 1, 2017, as amended from time to time, will be continued for Participants and their eligible Dependents for a period not to exceed five (5) years.
2. USERRA coverage will be provided at no cost to the Participant or his eligible Dependents.
3. Upon cessation of active employment and entitlement to coverage under USERRA, a Participant's Hours Bank Reserve will be frozen. The Hours Bank Reserve will be reinstated for the Participant on the day he returns to work or registers for dispatch with IBEW Local Union 11.

This extraordinary benefit will terminate for Employees and their eligible Dependents at the end of the Employee's military leave. At the end of the military leave, the above sections (Section B(2): Military Leaves of Absence for Period More Than 30 Days, Section C: Release from Active Service or Section E: COBRA Continuation Coverage) will apply as appropriate.