

## **Health Insurance During A Faculty Strike**

### **Revised November 11, 2018**

What will happen to our health care coverage if we strike? The administration could choose to cease paying for faculty health care. However, this does not mean faculty must lose health care coverage. This is a summary of available health care options.

#### **1. Continue your existing health coverage through COBRA.**

Fortunately, you can still maintain coverage for you and your family, thanks to the health benefit provisions in the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986. COBRA enables the temporary continuation of health coverage at group rates. Please read this in its entirety, because this may be your best option.

This is important to know: **you have 60 days to elect COBRA, and if elected, the coverage is retroactive to the first day of the qualifying event** (that is the day the administration makes the determination you are on strike, see below). If you do not anticipate any need to use your health insurance, there is no reason to spend any money on premiums unless health care costs are incurred. COBRA coverage, when elected, is retroactive to the day the administration ceases to provide you with coverage. If your current coverage includes dependents, your COBRA coverage will as well.

To get covered under COBRA, do the following:

- 1) Wait for the administration to make the determination you are on strike. If they cannot provide evidence that you, and not “the faculty” are on strike, they cannot stop providing your health care. Participation in a picket line is not evidence that you are on strike.
- 2) If the administration determines you are on strike, **they will instruct HR to mail COBRA enrollment forms to your home address within 14 days.**

### 3) WAIT

- 4a) If the strike ends within 60 days, and no significant medical events took place, then do nothing - you will not incur any COBRA costs, or
- 4b) If the strike ends within 60 days, and a substantial medical bill was incurred, weigh the costs and benefits, and return the completed COBRA election form. Then, make the initial COBRA premium payment. Member is responsible for all COBRA premiums until they terminate COBRA coverage/return to WSU healthcare plan. You can learn more about COBRA, including current pricing for Bargaining Unit Faculty, at the [WSU HR COBRA website](#).

**Other general considerations:** If you have a specific medical condition that will likely need to be addressed around the time of the strike (scheduled surgery, impending birth, etc.), be aware that you cannot lose your health insurance if you are on sick leave. And although you *may* pay your COBRA premium as soon as you get the forms, you do not need to.

**A special note about medications:** If you or members of your family take daily medications, please note that these medications are covered under COBRA. AAUP advises you to fill your prescriptions before the start of a strike. If your doctor will prescribe for more than 30 days, you can elect to receive 90-day prescriptions by mail. Under this scenario, you could receive a 90-day supply regardless of whether you elect COBRA coverage. More information about mail order pharmacy services is available through Anthem or HR.

**2. Switch to a spouse or partner's health care plan.** Under federal law, the loss of health care benefits is called a "qualifying event," which makes you eligible to enroll in health care outside of the normal annual open enrollment period. If switching is an option for you, explore it with the HR department where your spouse or partner works. However, if a

faculty member transfers to their spouse's coverage following the qualifying event of a strike, then the faculty member will likely have to wait until the spouse's open enrollment period to relinquish that coverage. To illustrate this, if an employee loses their job and elects their spouse's coverage, and then subsequently finds a new job with health insurance, the new job is not considered a "qualifying event" allowing the individual to drop off their spouse's coverage prior to open enrollment.

Less recommended options:

3. **Obtain coverage through the state health care exchange.** You have the option of immediately purchasing your own insurance through an Affordable Care Act exchange.
4. **Obtain a short-term health insurance plan.** You can obtain a short-term (1-3 month) health insurance policy. While their premiums are less expensive, they are not required to provide the minimum essential coverage mandated by the Affordable Care Act, including prescriptions, pregnancy, and pre-existing conditions.

## **Q and A**

Question: When I return to my regular WSU healthcare coverage after the strike, will my out-of-pocket maximums and deductibles be "reset"?

Answer: Because there is little case law on strikes and insurance coverage, we cannot provide a definitive answer to this question. It is unknown.

Question: I'm enrolled in Medicare Part A, what should I do in the event of a strike? In order to be fully covered, should I enroll in Medicare Part B, or should I enroll in COBRA? What about prescriptions (Part D)?

Answer: Questions concerning Medicare and COBRA are rather complex. We encourage affected members to seek answers to their questions at these links. If you have additional questions not addressed, contact us with specific questions.

<https://www.medicareinteractive.org/get-answers/coordinating-medicare-with-other-types-of-insurance/cobra-and-medicare/cobra-and-medicare-coordination>

<https://www.aarp.org/health/medicare-qa-tool/cobra-and-medicare-at-the-same-time/>

Question: If the CBA is not resolved before the current open enrollment has closed, what will happen?

Answer: Admin could extend the period of open enrollment, although that now seems unlikely. If we negotiate a new CBA, the administration would have to provide us 60 days notice before a new plan would take effect. That is, they would have to re-open Open Enrollment if it had closed, and **your new plan would take effect 60 days after the first day of that new Open Enrollment period.**