

6100. ANNUITANT LEGAL PLAN

6101. Introductions and Definitions

The UC-sponsored group Legal Plan provides basic legal services for eligible Annuitants and their eligible Family Members, as described below. Such coverage is subject to change or termination at the time of contract renewal or at any other time by UC or other governing authorities. UC also reserves the right to negotiate new premiums at any time. Health and Welfare benefits, including Legal Plan coverage, are not accrued or vested benefit entitlements.

- A. **Definitions** - Defined terms are listed in the Annuitant Medical and Dental Section of the GIRs, Section 6001, or as referenced in Part 1, Section 2 of the GIRs.

6102. Eligibility

- A. **Annuitant Requirements** - Annuitants receiving monthly Retirement Income or Disability Income from UCRP or another Qualifying Plan with an effective date within 120 days of their separation from UC employment or, in the case of survivor income within 120 days of the death of an Active, Disabled or Retired Member, are eligible for Annuitant Legal Plan coverage, provided that:
1. Effective with Retirement, Disability or Survivor Income commencing on or after January 1, 2019, the Annuitant maintains eligibility for UC Annuitant Medical and Dental coverage (including suspension) as described in Article 6000 of these GIRs.
 2. Annuitants maintain eligibility for and continue to receive a monthly payment from UCRP or another Qualifying Plan;
- B. **Family Members** - The Family Member eligibility requirements are set forth in Part II, Section 1.C of these GIRs.
- C. **Ineligible Categories** - Individuals in certain categories are not eligible. These categories include, but are not limited to:
1. individuals only receiving an annuity or installment payments from a University-sponsored defined contribution plan;
 2. Inactive Members;
 3. guardians or custodians of survivor Annuitants; and
 4. spouses of survivor annuitants.

6103. Continuation of Coverage, Subsequent Enrollment and Disenrollment

Clerical error, by itself, will not be the basis for including or excluding individuals.

A. Continuation of Coverage

If Legal Plan coverage was in effect as of the Active Member's last day of UC employment or date of death, or as of an Annuitant's date of death, the coverage for the newly Retired or Disabled Annuitant and enrolled Family Members, or the Survivor Annuitant and enrolled Family Members, will continue to remain in effect provided that:

1. The Annuitant and Family Members meet the eligibility requirements in Section 6102, and
2. Coverage is continuous.

Continuation is initially limited to the plan in effect and eligible Family Members enrolled as of the Active Member's separation from UC employment or, in the case of survivor income, the plan in effect at the time of the Active, Disabled or Retired Member's date of death. The Annuitant is not required to continue coverage for enrolled eligible Family Members.

B. Subsequent Enrollment

1. During a **Period of Initial Eligibility** as described in Section 6104. Once the enrollment form is processed by the Retirement Administration Service Center (RASC) in the Office of the President, enrollment changes generally cannot be made until:
 - a. there is a new PIE, or
 - b. there is an Open Enrollment Period (see 2 below).

An Annuitant already enrolled in a family plan may add additional eligible Family Members at any time after the PIE. Retroactive coverage is limited to a maximum of 60 days preceding the later of: the date the request is received by RASC; or the date the Family Member became eligible.

2. During an **Open Enrollment Period** (OEP) announced by the Plan Administrator, Office of the President. An OEP allows Annuitants to enroll him/herself and/or add eligible Family Members to Annuitant Legal Plan coverage. The Annuitant

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Legal Plan may not be open to new Annuitant enrollment during every annual OEP.

C. Duplicate University-Sponsored Coverage is not allowed.

1. If an Annuitant and a spouse/domestic partner are eligible to enroll in the Legal Plan as either an Employee or an Annuitant:

- a. each may enroll separately, or
- b. one may enroll and cover the other as a Family Member.

If they both enroll separately,

- c. neither may cover the other as a Family Member, and
- d. their eligible children may be covered as Family Members by one parent, but not by both.

2. Children who are eligible to be covered as Family Members and who also are Employees or Survivor Annuitants may:

- a. enroll separately, or
- b. if both parents are also eligible for coverage, be covered as Family Members by one parent, but not by both.

3. Individuals eligible in more than one category (e.g., as an Employee and as an Annuitant, as an Employee's Family Member and as an Annuitant's Family Member) may be covered as one or the other but not both.

4. Where duplicate coverage has occurred, benefits will be paid under the coverage with the earliest effective date unless there were claims submitted, in which case, benefits will be paid under the coverage for which there were claims submitted. The coverage that is determined to be duplicative will be deemed ineffective.

D. Disenrollment

1. **Ineligibility** - Ineligible individuals must be disenrolled and UC reserves the right to permanently disenroll ineligible individuals.

2. **Misuse of the Plan - The Plan Administrator reserves the right to disenroll individuals who misuse the plan.**

Misuse of the Plan is defined in the Definitions and Abbreviations section (Part I, Section 2 of these GIRs) and includes, but may not be limited to, actions such as falsifying enrollment or claims information, intentionally enrolling individuals who are not eligible Family Members, allowing another individual to use the Annuitant's plan identification card, threats or abusive behavior toward plan providers or representatives

6104 Period of Initial Eligibility

- A. Definition Of Period of Initial Eligibility** – A period of initial eligibility (PIE) is a period during which an Annuitant may enroll him/herself and/or add eligible Family Members in Annuitant Legal Plan coverage, subject to the eligibility rules described in Section 6102.

NOTE: An Employee's retirement, disability or death, or an Annuitant's death, do not automatically result in a PIE (see Section 6103).

- B. Timing of a Period of Initial Eligibility** – A PIE begins under the circumstances described below and ends 31 calendar days from the first date of eligibility. If the last day of a PIE falls on a weekend or holiday, the PIE is extended to the following business day when enrolling with forms.

1. **Involuntary Loss of Other Group Coverage** – In the following situation, there is a new PIE:
 - a. the Annuitant and/or Family Members are enrolled in a group legal plan; and
 - b. the Annuitant and/or Family Members lose group coverage involuntarily for reasons such as termination of employment, loss of eligibility, death, divorce, or cancellation of the group contract.

The PIE begins on the date following the date the group coverage is involuntarily lost. The Annuitant may enroll him/herself and/or add eligible Family Members who were covered on the lapsed plan. (NOTE: Annuitants receiving survivor income may not enroll a spouse/domestic partner.) The UC enrollment form must be accompanied by the appropriate form certifying loss of other group coverage, including the begin/end dates of member(s) covered.

There is no PIE if the Annuitant or Family Member voluntarily cancels the other group plan. Loss of other group coverage does not include loss due to failure to pay premiums on a timely basis or for cause (such as making a fraudulent claim or intentionally misrepresenting a material fact in connection with the coverage provided).

2. **Acquisition of Eligible Family Member** – An Annuitant enrolled in the Legal Plan has a PIE to enroll newly eligible Family Members. It begins with the date the Family Members first become eligible (as described in Part II, Section 1.C of these GIRs). Annuitants receiving Retirement Income or Disability Income may enroll a spouse or eligible domestic partner and eligible children. Annuitants receiving survivor income may only enroll eligible children.

If a legally adopted child is not enrolled during the PIE beginning with the date physical custody starts or the date the Annuitant or the Annuitant's spouse/domestic partner has the legal right to control the child's health care, there is a second PIE beginning the date the adoption is final.

3. **Loss of UC Coverage Due to Misuse of Plan** – There is no PIE if the Annuitant or Family Members are disenrolled due to misuse of the plan.

- C. **Extensions for Illness/Accident** – The UC Plan Administrator may grant an extension to Annuitants unable to enroll during their PIE due to illness or accident. The extension begins on the first day after the PIE ends. The extension ends 31 days later.

If the last day of a PIE falls on a weekend or holiday, the PIE is extended to the following business day when enrolling with forms.

IMPORTANT: Extensions cannot be granted to Annuitants only because they failed to obtain information about their PIE.

6105. Effective Date

Coverage begins on the dates listed below:

- A. During a **Period of Initial Eligibility** – If the appropriate enrollment form is submitted during the PIE, coverage is effective the date the PIE began.
- B. During an **Open Enrollment Period** – The date announced by the Plan Administrator, Office of the President. (Normally, the first day of the next calendar year.)

Coverage ends on the dates listed below:

- C. Annuitants may cancel coverage or delete a Family member from coverage at any time. Coverage ends on the last day of the month in which the form to cancel coverage or delete a Family Member is received by the RASC.

6106. University Contribution

There is no University Contribution for Annuitant legal coverage.

6107. Premiums

- A. **Payment** – Premiums are paid in advance by monthly deduction from the Annuitant's UCRP monthly benefit payment.

Eligible Annuitants in other retirement systems are set up through the direct pay process with the Office of the President.

There is no charge for the first full or partial month's coverage or for the first partial month's premium difference, if any, when a Family Member is added to the plan.

Premiums will not be refunded retroactively if the Annuitant should have, but did not file a form to cancel coverage or delete a Family Member.

When the plan is cancelled or a Family Member is deleted, any premium adjustment is made on the effective date of the change if it falls on the first of the month; otherwise, it is made on the next following first of the month.

- B. **Rate Changes** – are made when the contract is renewed, when required by contract amendments or when the Annuitant makes changes in coverage.

6108. Actions Which Affect Coverage

The following provisions apply:

- A. **Insufficient Monthly Benefit** – If premiums cannot be taken from UCRP monthly benefits (i.e., Retirement/Survivor Income and Disability Income) for two consecutive months and the Annuitant fails to submit premium payments to the Office of the President, coverage lapses retroactively to the first day of the first month for which a premium was missed.

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- B. Loss of Eligible Family Member Status** – The Annuitant may not continue to cover a Family Member who loses eligibility. Coverage for children will be automatically deleted from the Annuitant Legal Plan; otherwise, the Annuitant must complete and submit a form to delete ineligible Family Members.
1. **Divorce/ Legal Separation/Annulment** – Eligibility of a spouse stops at the end of the month in which the divorce/legal separation/annulment is final.
 2. **Ineligible Domestic Partner** – Eligibility of a domestic partner stops at the end of the month in which the domestic partnership is terminated and/or the individual ceases to meet any one of the eligibility requirements (described in Part II, Section 1.C of these GIRs).
 3. **Overage/Ineligible Child or Grandchild or Step Grandchild**
Eligibility stops at the end of the month in which the child reaches age 26 (18 for a Legal Ward) or ceases to meet any one of the eligibility requirements (described in Part II, Section 1.C of these GIRs).

This age provision may not apply to qualifying disabled children, provided such children were disabled prior to age 26 and appropriate carrier certification is submitted to RASC. (See “To Continue Coverage for an Overage Disabled Child” and “To Apply for Coverage for an Overage Disabled Child” in Part II, Section 1.C of these GIRs.)
- C. Termination of Monthly Benefits** – Coverage ends on the last day of the month in which the person is last eligible for UCRP monthly benefits (i.e., Retirement/Survivor Income or Disability Income).
- D. Voluntary Cancellation of Coverage** – An Annuitant may voluntarily cancel coverage for him/herself or eligible Family Members at any time. Coverage ends on the last day of the month in which a form to cancel coverage or delete a Family Member is received by the RASC.

6109. Termination of Coverage

Coverage ends on the earliest of the following dates:

- A. the last day of the month in which the Annuitant is last eligible for UCRP monthly benefits (i.e., Retirement/Survivor Income or Disability Income) and premiums are paid;

- B.** the last day of the month in which an individual is eligible for coverage as a Family Member;
- C.** the last day of the month in which a form to cancel coverage or delete a Family Member is received by RASC;
- D.** the day the group contract between the University and the carrier is terminated or on such other date as is specified in the contract.

Clerical error, by itself, is not the basis for extension of coverage past the date it would otherwise end.

Annuitants may cancel Annuitant Legal Plan coverage or delete a Family Member from the plan at any time by submitting a cancellation or change form. Once the Legal Plan coverage as an Annuitant is cancelled, coverage cannot be reinstated unless the Plan is offered in a future OE period or the Annuitant receiving the monthly UCRP benefit experiences a PIE from an involuntary loss of other group legal plan coverage.

6110. Continued Group Coverage (COBRA)

COBRA continuation does not apply.

6111. Conversion

When coverage ends due to loss of eligibility, the Annuitant Legal Plan may be converted to an individual plan offered by the carrier. The Annuitant or Family Member(s) must apply for conversion. The carrier must receive the conversion application and the required premium within 31 days of the date the group coverage ends.