

SICK LEAVE CREDIT CONVERSION PROGRAM



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General Information.....	1
Calculating Accumulated Sick Leave Conversion Credits (ASLCC)	2
Calculating Supplemental Health Insurance Conversion Credits (SHICC)	3
Eligibility to Use Sick Leave Credits to Pay Health Insurance Premiums.....	5
Escrowing Sick Leave Credits	7
Re-enrolling in Health Insurance	8
Rehired Annuitants	9
State Employees Married to, or in a Domestic Partnership With, Another State Employee.....	11
Spouse or Domestic Partner and/or Dependent Eligibility After Your Death	12
Annual Statement.....	14
Related Publications.....	14

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General Information

Sick leave is an important fringe benefit available to State of Wisconsin employees. Most employees earn and, depending on usage, will accumulate hours of unused sick leave while they are employed with the state. If eligible, upon retirement (regular or disability), layoff or death, you can use your unused sick leave credits to pay post-termination state group health insurance premiums for you, your spouse or domestic partner and/or dependents. However, once your sick leave credits are exhausted, you are responsible for the full amount of the premiums. Consequently, the value of your unused sick leave to pay your health insurance premiums after leaving state service provides a strong financial incentive for you to use your sick leave as sparingly as possible.

There are two sick leave credit programs for State of Wisconsin employees:

- the Accumulated Sick Leave Conversion Credit (ASLCC) Program, which began in the early 1970's; and
- the Supplemental Health Insurance Conversion Credit (SHICC) Program, which became available in 1995.

If you are eligible, your employer reports your ASLCC and SHICC sick leave credits to the Department of Employee Trust Funds. ETF deducts your health insurance premiums from your sick leave credit balance and pays the premiums to your health insurance plan.

Your unused sick leave credits cannot be “cashed out” when you leave state employment, nor can they be used to pay premiums for Medicare or for any health insurance plans other than the State of Wisconsin Group Health Insurance Program.

The most common situation occurs when a state employee who is insured under the state's group health insurance begins receiving a retirement (or disability) benefit immediately after retirement. The State of Wisconsin Group Health Insurance Program continues, and health insurance premiums are **automatically** deducted from sick leave credits until those credits are exhausted. In this situation, you do not need to take any action. Once the sick leave credits are exhausted, premiums are automatically deducted from your monthly Wisconsin Retirement System annuity.

If the amount of your monthly annuity is greater than your health insurance premium, the premiums must be deducted from your annuity once your sick leave credits are exhausted. If your WRS annuity is too small to cover your premiums, you will be billed by your health insurance carrier and must pay the premiums directly to your health insurance carrier.

If you do not wish to continue your coverage after your sick leave credits have been exhausted, you may cancel your health insurance coverage by notifying ETF in writing. Your health insurance coverage will end on the date you indicate on your request, or the first of the month after ETF receives your written request to cancel, whichever is later.

While the most common situation is a state employee retiring, beginning a retirement benefit immediately and continuing the health insurance coverage for life, not every state employee terminates under these circumstances.

This brochure provides detailed information about how your sick leave credit balance is calculated, when you are eligible to use your sick leave credits to pay post-termination state group health insurance premiums, as well as options and requirements if you wish to delay using your accumulated sick leave credits. It also explains the circumstances under which your surviving spouse or domestic partner and/or dependents can use any remaining unused sick leave credits to pay health insurance premiums after your death.

Calculating Accumulated Sick Leave Conversion Credits

When you terminate eligible state employment, your payroll office calculates your ASLCC credits based on your unused sick leave hours and your hourly rate of pay and certifies this information to ETF. **Please direct any questions regarding this calculation to your payroll representative.**

To calculate your ASLCC balance, your hours of unused sick leave are multiplied by your highest¹ base hourly rate of pay² with the state. Once the final amount has been calculated (including any corrections reported by your employer, retroactive adjustments due to contract settlements, etc.), your ASLCC balance does not accrue any interest. Your ASLCC balance cannot be divided by a Qualified Domestic Relations Order (QDRO). The only changes to your ASLCC balance occur when health insurance premiums are deducted.

If you are simultaneously employed with two or more separate state employers and have unused sick leave from each position, each of your employers must report your hours of unused sick leave to ETF. The hours from all positions are converted based on your single highest rate of pay.¹

Notes:

- If a UWHC employee transfers to another state agency, any accumulated sick leave from UWHC does not transfer to the new agency. However, if an employee transfers from another state agency to UWHC, UWHC will “hold” the sick leave earned from the former state agency and include it in any ASLCC calculation at termination. Except for this distinction, UWHC follows all standard sick leave practices, policies, rules and calculations used at other state agencies.
- Former employees of Milwaukee County Enrollment Services (MilES) and Milwaukee County Child Care Provider Services (Meca) whose county positions were converted into state positions are not eligible to convert sick leave credits earned while employees of Milwaukee County toward payment of post-termination health insurance premiums.

¹Prior to July 26, 2003, ASLCC account balances were calculated based on the basic hourly rate of pay at termination, rather than the highest rate of pay. If you terminated state employment prior to July 26, 2003, your ASLCC must be calculated based on the base rate of pay at termination

²Exception: Certain supplemental pay for teachers, teacher supervisors and education directors is added to the base rate of pay used to calculate the ASLCC balance. Note that the inclusion of this supplemental pay as part of the highest base pay rate does NOT apply if you terminate employment with 20 years of WRS creditable service and are not eligible for an immediate annuity. Contact your payroll representative with any questions about this provision.

Calculating Supplemental Health Insurance Conversion Credits

If you have at least 15 full years of adjusted continuous service³ with the state when you terminate state employment, you may also be eligible for SHICC. SHICC benefits are additional hours of sick leave that increase your sick leave account balance.

Like your ASLCC balance, your SHICC balance does not accrue interest, has no cash value and cannot be divided by a QDRO. Premiums must first be deducted from your ASLCC balance as SHICC credits can only be used after your ASLCC balance is exhausted.

SHICC benefits are authorized and defined in the state compensation plan for most employees and in the collective bargaining agreement for represented public safety employees. To date, the SHICC benefits have been the same for all employees. The only difference in SHICC benefits for different employee groups is that protective retirement category employees are eligible to receive more hours than non-protective employees.

Your payroll representative is responsible for determining whether you are eligible for SHICC and, if you qualify, for calculating the number of SHICC hours for which you are eligible.

Your SHICC hours are calculated based on your years of adjusted continuous state service and your hours of unused sick leave at termination. With the exception of the special 500 hour restoration provision discussed on the next page, SHICC hours cannot exceed the actual number of unused sick leave hours (ASLCC) remaining at the time of your retirement, layoff or death. Your payroll representative calculates and reports your SHICC hours to ETF along with your ASLCC hours. **Please direct any questions regarding your SHICC hours to your payroll representative.**

SHICC hours are calculated differently for protective employment category employees than for other employment categories.

1. Non-Protective Employment Categories

For your first 24 full years of adjusted continuous service, you can receive matching hours of sick leave up to a maximum of 52 hours per year, multiplied by your full years of adjusted continuous service.

For your full years of continuous service over 24 years, you can receive matching hours of sick leave up to a maximum of 104 hours per year, multiplied by your full years of continuous service over 24 years.

Example: A state employee has 28 full years of continuous service with the state and retires with 2,150 hours of unused sick leave (ASLCC).

In addition to the 2,150 ASLCC hours, this person would also be eligible for 1,664 hours of SHICC. If the highest base rate of pay with the state was \$22.50 per hour, he or she would have sick leave credits of \$85,815.00 available to pay post-retirement state group health insurance premiums.

Note: Certain UW academic staff and faculty hired under an academic year contract have special provisions related to the calculation of a full year of adjusted continuous service. Please contact your UW payroll representative for more information on this calculation.

$$\begin{aligned} 24 \text{ years} \times 52 &= 1,248 \text{ hours} \\ 4 \text{ years} \times 104 &= + 416 \text{ hours} \\ &1,664 \text{ maximum possible} \\ &\text{number of SHICC hours} \\ &+ 2,150 \text{ ASLCC hours} \\ &3,814 \text{ total hours converted to} \\ &\text{sick leave credits} \\ &\times \$22.50 \text{ per hour} \\ &\mathbf{\$85,815.00 \text{ available to pay health}} \\ &\mathbf{\text{insurance premiums}} \end{aligned}$$

³Your "years of continuous service" are calculated based on the date you began employment with the state and exclude any breaks in state employment. "Years of continuous service" are based on personnel rules, and are completely separate from your years of creditable service under WRS. Your years of state continuous service can either be greater or fewer than your years of WRS creditable service. Contact your payroll representative for information about your years of continuous service.

⁴Exception: At the time that this brochure was printed, state employees previously represented by the Wisconsin State Building Trades Negotiating Committee are not eligible for SHICC benefits.

Calculating Supplemental Health Insurance Conversion Credits (continued)

2. Protective Employment Categories

For your first 24 full years of adjusted continuous service, you can receive matching hours of sick leave up to a maximum of 78 hours per year, multiplied by your full years of adjusted continuous service.

For your full years of continuous service over 24 years, you can receive matching hours of sick leave up to a maximum of 104 hours per year, multiplied by your full years of continuous service over 24.

Example: A protective occupation retirement category state employee with 28 full years of continuous state service (all protective) retires with 2,150 hours of unused sick leave (ASLCC).

In addition to the 2,150 ASLCC hours, this individual would also be eligible for 2,150 hours of SHICC. If the highest base rate of pay with the state was \$22.50 per hour, he or she would have sick leave credits of \$96,750.00 available to pay post-retirement state group health insurance premiums.

$$\begin{aligned} 24 \text{ years} \times 78 &= 1,872 \text{ hours} \\ 4 \text{ years} \times 104 &= + 416 \text{ hours} \\ &\mathbf{2,288 \text{ maximum}} \\ &\mathbf{\text{possible hours SHICC}} \end{aligned}$$

This person's maximum possible number of SHICC hours is 2,288. However, since SHICC hours **match** the actual hours of unused sick leave up to a maximum number, the SHICC hours cannot exceed the employee's actual hours of unused sick leave⁵. Since this person has less than 2,288 actual hours of unused sick leave, the SHICC hours are limited to the **matching 2,150** hours.

$$\begin{aligned} &2,150 \text{ ASLCC hours} \\ &+ \mathbf{2,150} \text{ matching SHICC hours} \\ &4,300 \text{ total hours converted} \\ &\quad \text{to sick leave credits} \\ &\times \mathbf{\$22.50} \text{ per hour} \\ &\mathbf{\$96,750.00} \text{ available to pay health} \\ &\quad \text{insurance premiums} \end{aligned}$$

Note: If you have both protective and non-protective state service, the maximum SHICC hours for which you are eligible is prorated, based on your full years of protective versus non-protective service.

3. Special SHICC Sick Leave Restoration

If it has been necessary for you to use at least 500 hours of accrued sick leave **due to a single personal illness or injury** during the three-year period immediately prior to retirement, layoff or death, you (or your surviving spouse or domestic partner and/or dependents if you die while still employed) will be granted 500 SHICC hours when you terminate employment.

You (or your surviving spouse or domestic partner and/or dependents) may be required to provide medical documentation of your illness or injury to your employer.

⁵Exception: Your SHICC hours could exceed your actual hours of sick leave if you qualify for the special SHICC sick leave restoration described in number 3 above.

Eligibility to Use Sick Leave Credits to Pay Health Insurance Premiums

To be eligible to use sick leave credits, you (or your insured surviving spouse or domestic partner and/or dependents) must meet the applicable eligibility requirements.

You **must** be covered under the State of Wisconsin Group Health Insurance Program when you terminate state employment to be eligible to use your sick leave credits to pay post-termination health insurance premiums. However, there are some exceptions to this requirement (See the following provisions B, D and E).

Note: You are considered “covered” under the State of Wisconsin Group Health Insurance Program if you are either the subscriber or are a dependent covered under your spouse or domestic partner’s family state group health insurance plan. Either type of coverage qualifies you as being “covered” under the State of Wisconsin Group Health Insurance Program for sick leave credit eligibility purposes.

You are eligible to use your sick leave credits to pay state group health insurance premiums if you meet any one of these criteria:

- A. You are covered under the State of Wisconsin Group Health Insurance Program when you terminate state employment and retire on an “immediate annuity.”⁶ **You are considered an annuitant regardless of whether you receive a monthly annuity or a lump sum retirement benefit.** You must be at least minimum retirement age (age 55, or age 50 for protective category employees) and meet vesting requirements to receive a retirement benefit. A separation benefit is not a retirement benefit and therefore does not qualify you to use sick leave credits to pay for health insurance premiums.
- B. You qualify for a WRS disability benefit, long-term disability insurance benefit or a protective occupation duty disability benefit under s. 40.65, Wis. Stat. and were covered under the State of Wisconsin Group Health Insurance Program on your last day in pay status. If coverage lapses before your benefit is approved, you will have a one-time, 30-day period (which starts from the date of the letter you receive) in which you can re-enroll for coverage and subsequently use your sick leave credits to pay premiums (see the “Escrowing Sick Leave Credits” section).
- C. You have 20 years of WRS creditable service,⁷ are covered under the State Group Health Insurance Program at termination **and** are eligible for an immediate retirement benefit, but you choose not to apply for your retirement or disability benefit immediately. In this situation you can continue your health insurance coverage after termination and use your sick leave credits to pay the premiums, regardless of whether you have applied for your retirement benefits. To be eligible under this provision you must either:
 - Continue your State of Wisconsin Group Health Insurance Program coverage and pay premiums from your sick leave credits, *or*
 - If you have other health insurance coverage that is comparable to the It’s Your Choice Access Health Plan coverage, and you want to bank/save your sick leave credits to use at a later date, you can elect to escrow your sick leave credits (see the “Escrowing Sick Leave Credits” section).

⁶An *immediate annuity* is defined as an annuity that begins within 30 calendar days after your termination date. It is therefore possible to terminate employment shortly before reaching your minimum retirement age and still qualify for an “immediate” annuity. When determining whether you qualify for an immediate annuity, an important fact to consider is that a WRS annuity that does not become effective on the day after your WRS termination date can only begin on the first day of a month. Contact ETF before your termination date if you have questions about whether you will qualify for an immediate annuity.

⁷The 20 years of WRS creditable service do not all have to be employment with the State of Wisconsin; it includes all covered WRS employment, as well as military and purchased service (other than Other Governmental Service as defined in 40.285(2)(b)). If a portion of your WRS service has been awarded to your former spouse through a Qualified Domestic Relations Order (QDRO), the years of service that would have been credited to your account if your account had never been divided by a QDRO will be used to determine whether you meet the 20 years of WRS creditable service requirement.

Eligibility to Use Sick Leave Credits to Pay Health Insurance Premiums

- D. If you terminate with 20 years of WRS creditable service⁷ but are not eligible for an immediate annuity, your sick leave credits will be preserved to pay premiums when you later become a WRS annuitant. If you withdraw your WRS account and take a separation benefit, you will lose your eligibility to use your sick leave credits.

Note: You do **not** need to be covered under the State of Wisconsin Group Health Insurance Program when you terminate state employment to qualify under this provision. However, if you last terminated state employment before July 26, 2003, this provision does not apply to you.

When you retire, you **must** either enroll in the State of Wisconsin Group Health Insurance Program **or** file an escrow application with ETF within 30 days of notification from ETF (see the “Escrowing Sick Leave Credits” section) if you do not want to enroll at that time because you have comparable coverage elsewhere. If you do not either enroll in state group coverage **or** escrow your sick leave credits at that time, you will lose your eligibility to use your sick leave credits.

If you are covered under the State of Wisconsin Group Health Insurance Program on your termination date, you have the option of continuing your coverage at termination. However, you are responsible for paying the premiums directly to the health plan out-of-pocket until you apply for your retirement benefit. You **cannot** use your sick leave credits to pay your premiums until becoming a WRS annuitant.

- E. If you are a state constitutional officer, a member or an officer of the legislature or the head of a state department or agency who was appointed by the governor with senate confirmation *and* are not eligible for an immediate annuity when you terminate state employment, your sick leave credits will be placed on hold to pay premiums when you later become a WRS annuitant. If you withdraw your WRS account and take a separation benefit, you will lose your eligibility to use your sick leave credits.

Note: You do **not** need to be covered under the State of Wisconsin Group Health Insurance Program when you terminate state employment to qualify under this provision.

If you are covered under the State of Wisconsin Group Health Insurance Program when your state employment terminates, and you are not eligible for an immediate retirement annuity, you will receive information from your employer about your eligibility to continue your health insurance coverage for up to 18 to 36 months.

However, you would not be eligible to use your sick leave credits to pay the premiums for that continuation coverage. You are only eligible for lifetime health insurance continuation rights and to use your sick leave credits to pay premiums when you become a WRS annuitant.

- F. If you are a state employee who is laid off (either permanently or temporarily) and are covered under the State of Wisconsin Group Health Insurance Program on your last day in pay status, you can use your sick leave to pay your health insurance premiums for up to five years after your layoff begins **or** until you are re-employed by the state **or** until you have employment that offers comparable health insurance coverage, whichever occurs first. In this situation, your employer deducts the premiums from the dollar value of your sick leave hours and reduces your hours of accumulated sick leave accordingly. Your employer is then responsible for paying the premiums directly to the carrier.

Escrowing Sick Leave Credits

Although you are eligible to use your sick leave credits to pay state group health insurance premiums after retirement, you may instead have comparable health insurance coverage through another source. Such coverage could be through other post-termination employment, through your spouse or domestic partner's non-state health insurance plan, or through some other source. In this case, you may wish to save your sick leave credits for use at a later date by escrowing your sick leave credits. You can escrow your sick leave credits multiple times, though no more than once each year.

Note: No interest is credited to your unused sick leave balance. Since your sick leave balance does not increase with interest, but the cost of health insurance premiums normally increases each year, the value of your unused sick leave credits may diminish while your sick leave credits are held in escrow.

You can only escrow your sick leave credits under this provision if you have health insurance coverage through another source that is “comparable” to the It’s Your Choice Access Health Plan or It’s Your Choice Medicare Plus plan coverage. If you are unsure if your coverage is comparable, please refer to the It’s Your Choice Comparison of Benefits, available in the *It’s Your Choice Decision Guide* and online at etf.wi.gov.

“Comparable coverage” is health insurance with benefits that are substantially equivalent to the State of Wisconsin’s IYC Access Health or IYC Medicare Plus plan. For health insurance coverage to be considered “comparable” it must meet certain criteria, including but not limited to:

- Pharmacy benefits: Policies without pharmacy benefits would not be considered comparable. For example, a Medicare Supplement plan without Part D Prescription Drug coverage may not be considered comparable.
- Level of deductibles, copayments and coinsurance: While these need not be identical to the IYC Access Health Plan, they should be comparable. For example, a catastrophic policy with high deductibles (e.g. \$1,000 or more) would not be considered comparable.
- Comprehensive coverage: Policies that are limited to certain diseases, such as cancer, are not comparable. The same is true of

policies with low maximum benefit levels, whether lifetime or per illness.

- Entitlement programs such as Medicaid, Medicare, Veteran’s Administration benefits and similar programs are not considered “insurance,” and therefore are not considered to be comparable health insurance coverage. However, health insurance programs for which veterans are eligible, such as Tri-Care or CHAMPUS, are considered comparable coverage.

For a Medicare supplemental plan to be considered comparable, it must be equivalent to the IYC Medicare Plus Plan and would have to supplement Medicare Parts A, B and D. Many Medicare supplemental plans do not meet this level of coverage. If you are unsure if your coverage is comparable, please refer to the It’s Your Choice Comparison of Benefits, available in the *It’s Your Choice Decision Guide* and online at etf.wi.gov.

Note: In general, most employer group health insurance plans are more likely to meet the comparable coverage requirement, while private individual plans may be less likely to be considered “comparable” coverage. The only way to find out if your non-state coverage meets the “comparable” coverage standard is to submit a *Sick Leave Escrow Application (ET-4305)* to ETF.

Your comparable health insurance coverage **must be in force at the time** you escrow your sick leave credits. There can be no break in health insurance coverage. Also, your comparable coverage **must remain continuously in force** until you are again re-enrolled in the State of Wisconsin Group Health Insurance Program. A break in coverage could result in the loss of your eligibility to use your sick leave credits.

To escrow your sick leave credits, you must file a *Sick Leave Escrow Application (ET-4305)* with ETF. **Your sick leave credits are not escrowed automatically; you must file an escrow application with ETF.** The escrow application is available online at etf.wi.gov or by contacting ETF. Your sick leave credits will be escrowed when your active employee coverage ends or at the beginning of the month after ETF receives your signed escrow form, whichever is later.

Escrowing Sick Leave Credits (continued)

If you pass away while covered under state group health insurance as an active or retired state employee with sick leave credits, your survivors can immediately escrow your sick leave by submitting the *Sick Leave Escrow Application (ET-4305)* within 90 days after the date of death, or within 30 days of notification by ETF, whichever is later.

The escrowing of sick leave credits will be effective as follows:

- For state employees in the process of retiring: On the first of the month following the last month your employer paid coverage ended.
- For survivors of deceased active and retired state employees at the time of the employee's death: On the first of the month following the date of death.
- For retired state employees and survivors of deceased active and retired state employees with state coverage: On the first of the month following the date the escrow application is received by ETF.

Re-enrolling in Health Insurance

After you have elected to escrow your sick leave credits, you can apply to re-enroll in the State of Wisconsin Group Health Insurance Program at one of two times:

1. You can apply to re-enroll in the State of Wisconsin Group Health Insurance Program during the annual It's Your Choice enrollment period, which occurs each fall. You can elect that your state group coverage begins on the first day of any month during the following year.
2. If you involuntarily lose your comparable coverage as a result of a loss of employment, divorce or because your employer's contribution toward your premium ends, you can re-enroll in the State of Wisconsin Group Health Insurance Program by applying no later than 30 days after the date on which your comparable coverage ends. (If your surviving spouse or domestic partner and/or dependents have escrowed your sick leave credits after your death, your survivor(s) can re-enroll by applying no later than 30 days after the date on which their comparable coverage ends.)

ETF will require documentation verifying the involuntary loss of comparable coverage.

If you involuntarily lose your comparable coverage, you may be offered continuation rights for that coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). You may choose to elect to exercise your COBRA continuation rights; however, please be aware that if you do not apply to re-enroll in the State of Wisconsin Group Health Insurance Program within 30 days after your (pre-COBRA) comparable coverage ends, your re-enrollment is restricted to enrolling during the annual It's Your Choice open enrollment (referenced in number 1). There is no enrollment period available at the time that your COBRA coverage ends.

Rehired Annuitants

The following provisions apply to a WRS annuitant only if:

1. You originally terminated all state employment on or before July 1, 2013; *or*
2. You originally terminated all state employment on or after July 2, 2013, and you are rehired into a WRS position that is expected to require you to work less than two-thirds of what ETF considers full-time employment for at least 12 months.

If you retire from the state and later return to state employment **in a position that qualifies for WRS coverage**, you may be able to earn additional ASLCC and SHICC credits. However, whether you can earn additional sick leave credits depends on whether you elect to become covered under the WRS.

- **Upon re-employment, you may choose to file an election with ETF to terminate your annuity and become covered under the WRS.**⁸ If you have remaining ASLCC and/or SHICC balances, the dollar balances in those accounts are automatically placed on hold as of the date you again become covered under the WRS. When you “re-retire,” your employer certifies to ETF any additional ASLCC and SHICC hours that you earned after returning to work. Any additional SHICC hours earned would be calculated based only on the number of unused hours of sick leave that you accrued after returning to state employment.

To qualify for the additional sick leave credits when you “re-retire”, you must be covered under the State of Wisconsin Group Health Insurance Program as an active employee with at least one premium deduction from your paycheck. Contact your payroll office for information about enrollment in the State of Wisconsin Group Health Insurance Program and the premium deductions.

Your new hours of unused sick leave (and any SHICC hours, if applicable) are multiplied by your highest base rate of pay⁹ with the state and the totals are added respectively to any remaining ASLCC and SHICC balances that were placed on hold when you again became

covered under the WRS. The combined total of your old and new ASLCC and SHICC balances would then be available to pay group health insurance premiums after you “re-retire.”

When you “re-retire,” you must meet one of the eligibility criteria (A, B, C, D or E) outlined in the “Eligibility to Use Sick Leave Credits to Pay Health Insurance Premiums” section to be eligible for any additional sick leave credits to be certified by your employer and available for you to use to pay post-termination health premiums.

Note: If you are a rehired annuitant, you can elect to terminate your annuity and become covered under the WRS at any time while you are re-employed in a position that meets WRS participation standards. You are not required to make this election immediately after being rehired by the state. Your election becomes effective on the first day of the month after ETF receives your completed election form.

- **If you return to work with the state but do not elect to terminate your annuity and become covered under the WRS**, when you “re-retire” from state employment you will lose any unused hours of sick leave that you have accrued during your period of re-employment. The new hours of sick leave cannot be converted to additional credits to be used to pay post-retirement health insurance premiums. No new sick leave credits can be added to your ASLCC or SHICC accounts when you “re-retire” in this situation.

If you do not elect to terminate your annuity and become covered under the WRS as an active participant, any State of Wisconsin Group Health Insurance Program coverage that you have in force as an annuitant will normally continue as annuitant coverage during your period of re-employment (or your sick leave credits will remain escrowed, if applicable).

If your annuitant state group coverage remains in force while you are re-employed, you continue to be responsible for the full amount of the premiums. The premiums would either be deducted from any original sick leave credits remaining or, if your sick leave credits are exhausted, the premiums would be deducted from your annuity. If your WRS annuity is too

Rehired Annuitants (continued)

small to cover your health insurance premiums, you would be responsible for paying the full amount of the premiums directly to your health insurance carrier.

- **If you return to work with the state in a position that, for any reason, does *not* qualify for WRS coverage**, you cannot re-establish your WRS account. This means that your annuity will continue, any State of Wisconsin Group Health Insurance Program coverage that you have in force as an annuitant will continue as annuitant coverage and you will continue to be responsible for the full premiums.

When you terminate state employment, you will lose any unused sick leave that you have accrued during your period of reemployment. No new sick leave credits can be added to your ASLCC or SHICC accounts when you terminate.

- Under 2013 Wisconsin Act 20, if a WRS annuitant, or a disability annuitant who terminated all WRS employment on or after July 2, 2013, is appointed to a position with a WRS-participating employer, in which he or she is expected to work at least two-thirds of what ETF considers full-time employment, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment. In this instance, the ASLCC and SHICC balances would be handled as described in the first bullet above.

⁸Electing to terminate your annuity and become covered under the WRS is only an option if you are working in a position that meets WRS participation standards. If, for any reason, your position does not qualify for WRS coverage, you cannot reestablish your WRS account. Your annuitant coverage would then remain in force and you would not be eligible to elect health insurance coverage as an active employee.

⁹Exception: Certain supplemental pay for teachers, teacher supervisors and education directors is added to the base rate of pay used to calculate the ASLCC balance. Note that the inclusion of this supplemental pay as part of the highest base pay rate does NOT apply if you terminate employment with 20 years of WRS creditable service and are not eligible for an immediate annuity. Contact your payroll representative with any questions about this provision.

State Employees Married to, or in a Domestic Partnership with, Another State Employee

Frequently, a state employee is married to, or in a domestic partnership with, another state employee. Both have accumulated sick leave and one spouse or domestic partner maintains family coverage in the State of Wisconsin Group Health Insurance Program that covers both parties. In this situation, as long as family state group coverage remains in force, no escrow application is necessary to bank/save either spouse or domestic partner's sick leave credits for future use toward post-termination health premiums.

- *Example 1:* Spouse 1 terminates state employment while Spouse 2 remains employed by the state and carries the family group health insurance coverage. If Spouse 1 is otherwise eligible to use sick leave credits to pay post-termination premiums, his or her sick leave credits are automatically placed on hold for future use with no escrow application required.
- *Example 2:* Both domestic partners retire from the state at the same time with family coverage in force, and both partners are eligible to use their sick leave credits to pay premiums. Partner 1 maintains family coverage and premiums are deducted from his or her sick leave credits. While premiums are being deducted from Partner 1's sick leave credits, Partner 2's sick leave credits are placed on hold for use at a later date. No sick leave escrow application is required. The two domestic partners can change the account from which premiums are deducted at their discretion. However, the premiums must be deducted from the "subscriber's" sick leave account. (The subscriber is the person in whose name the health insurance coverage is maintained.)

In these situations, when you terminate state employment, you do not need to take any action to preserve either your sick leave credits or your spouse or domestic partner's credits **as long as family coverage remains in force**. The only time an escrow application would be necessary is if you or your spouse/domestic partner cancel your state group coverage because you become covered under comparable health insurance coverage (see

"Escrowing Sick Leave Credits" section). In this situation both you **and** your spouse/domestic partner must file escrow applications with ETF to escrow your respective sick leave credits during the period in which you have the comparable coverage.

Note: In some cases, each spouse/domestic partner may choose to carry single coverage, rather than one spouse/domestic partner carrying family coverage. If one spouse/domestic partner then dies with unused sick leave credits while single coverage is in force, the deceased spouse or domestic partner's sick leave credits are lost.

The surviving spouse, domestic partner and/or dependents can only use the deceased spouse or domestic partner's sick leave credits if *family* coverage was in force on the deceased spouse or domestic partner's date of death. This is true both while you are actively employed with the state as well as after you retire. See the "Spouse or Domestic Partner and/or Dependent Eligibility After Your Death" section for more information.

Spouse or Domestic Partner and/or Dependent Eligibility After Your Death

After your death, your surviving insured spouse or domestic partner and/or dependents may be eligible to use your sick leave credits to pay State of Wisconsin Group Health Insurance premiums. They can qualify under any one of the following conditions:

- A. If you are covered by the State of Wisconsin Group Health Insurance Program under a family policy on your date of death **and** you are **either** employed by the state on the date of death **or** you are receiving a retirement or disability benefit, your **insured** spouse or domestic partner and/or dependents can use your unused sick leave credits to pay premiums after your death.
- B. If you have preserved sick leave credits as described either in provision D or E in the “Eligibility to Use Sick Leave Credits to Pay Health Insurance Premiums” section, **and** you die before becoming a WRS annuitant, your surviving spouse or domestic partner and/or dependents can use your sick leave credits regardless of whether you are covered under the State of Wisconsin Group Health Insurance Program at your death. If you had state group coverage at termination, it does not matter whether you had single or family coverage in force.
- C. If you die while your sick leave credits are escrowed (see “Escrowing Sick Leave Credits” section), your surviving spouse or domestic partner and/or dependents may be eligible to use your escrowed sick leave credits to pay state group health insurance premiums when they return to the State of Wisconsin Group Health Insurance Program. To be eligible, you and your surviving spouse or domestic partner and/or any dependents must have had comparable coverage in force during the entire period that your sick leave credits were escrowed, until the date of your death.

After your death, your surviving spouse or domestic partner and/or dependents must all have continued to be insured under a comparable policy(ies) until rejoining the State of Wisconsin Group Health Insurance Program. They have the right to rejoin the State of Wisconsin Group Health Insurance Program and use your escrowed sick leave credits to

pay the health insurance premiums regardless of whether you had single or family coverage in force when your sick leave was escrowed and your state group coverage ended.

If your surviving spouse or domestic partner and/or dependents do not wish to enroll in the State of Wisconsin Group Health Insurance Program immediately upon your death because they still have comparable non-state coverage elsewhere, they too can elect to escrow your sick leave credits. **These sick leave credits are not escrowed automatically; your spouse or domestic partner and/or dependent(s) must file the escrow application form with ETF.** (See the “Escrowing Sick Leave Credits” section.) They can later re-enroll in the State of Wisconsin Group Health Insurance Program under the conditions described in the “Re-enrolling in Health Insurance” section.

Note: When a surviving spouse or domestic partner and/or dependent of a deceased state employee or annuitant is eligible for the State of Wisconsin Group Health Insurance Program and is eligible to use the decedent’s sick leave credits to pay the premiums, the insured surviving spouse or domestic partner and/or dependent cannot add a new dependent to his/her policy who was not insured at the time of the decedent’s death (e.g. a new spouse or domestic partner).

For example, if an insured surviving spouse of a deceased state employee or annuitant remarries, his/her new spouse cannot be added to the surviving spouse’s policy. However, a dependent who was not eligible for coverage on the decedent’s date of death but later becomes eligible could be added. For example, a child of the decedent born after the decedent’s date of death could be added to the policy.

Spouse or Domestic Partner and/or Dependent Eligibility After Your Death (continued)

Surviving Spouse Actively Employed in a State Position

A surviving spouse or domestic partner of a deceased state employee who is eligible to use the decedent's sick leave credits to pay for health insurance premiums may be or become employed by the state and qualify for the State of Wisconsin Group Health Insurance Program as an active employee.

The surviving spouse or domestic partner can **either**:

- elect coverage as an active employee, with the (state) employer paying a portion of the premium, **or**
- the spouse or domestic partner can have health insurance coverage as a surviving dependent of the deceased state employee and have premiums deducted from the decedent's sick leave credits.

If the surviving spouse or domestic partner elects active employee coverage, sick leave credits will be automatically saved for future use after the surviving spouse/domestic partner becomes a WRS annuitant. Any employee share of premiums owed by the surviving spouse/domestic partner as an active employee must be paid directly; sick leave credits cannot be used to pay the employee share of active employee health premiums.

Annual Statement

If you have unused sick leave credits that are available to pay post-termination health insurance premiums, you will receive an annual statement showing both the beginning and current balance of your sick leave credit account.

Related Publications

More information on the State of Wisconsin Group Health Insurance Program is available on ETF's website at etf.wi.gov. Also see the *Domestic Partner Benefits (ET-2166)* brochure, available online or by contacting ETF.

Contact ETF

Visit us online at etf.wi.gov

Find Wisconsin Retirement System benefits information, forms and publications, benefit calculators, educational offerings, email and other online resources.

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