

RESOLUTION #2020-01 TEMPORARY BENEFIT FOR EMERGENCY HEALTH CONCERNS

March 12, 2020

WHEREAS, pursuant to Utah Code Annotated § 49-11-203(k), the Board has the authority to “develop broad policy for the long-term operation of the various retirement systems, plans, and programs under broad discretion and power to perform the board’s policymaking functions, including the specific authority to interpret and define any provision or term under this title when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or maintains the actuarial soundness of the systems, plans, or programs [;]” and

WHEREAS, both Utah Code Annotated §§ 49-12-102, and 49-13-102 define “Regular full-time employee” in part as “an employee . . . whose employment normally requires an average of 20 hours or more per week, except as modified by the board, and who receives benefits normally provided by the participating employer[;]” and

WHEREAS, the term “benefits normally provided” is defined by the Utah Code § 49-12-102(1); and

WHEREAS, Utah Governor Gary R. Herbert issued an executive order declaring a state of emergency in response to the evolving outbreak of Coronavirus 2019 (COVID 19); and

WHEREAS, the Board recognizes that participating employers may institute emergency plans to continue essential business functions in light of COVID 19; and

WHEREAS, participating employer’s emergency plans may provide benefits not normally provided in light of COVID 19; and

WHEREAS, the definition of “benefits normally provided” does not address benefits instituted on a temporary basis to address a national health care concern; and

WHEREAS, the Board desires to have a uniform rule governing the definition of “benefits normally provided” in light of COVID 2019 and in an effort to treat members fairly and make administration of the systems more efficient.

NOW, THEREFORE, BE IT RESOLVED that an employee who receives a temporary benefit due to an emergency plan adopted to address COVID 19 is not considered to receive “benefits normally provided,” as it is used in the definition of “regular full-time employee” for purposes of eligibility in the Public Employees’ Contributory System created under Chapter 12 of Title 49, the Public Employees’ Non-Contributory System created under Chapter 13 of Title 49 and the Public Employees’ Tier II Contributory System created under Chapter 22 of Title 49.

This resolution shall be effective March 12, 2020.