

RESOLUTION #17-0620-03

OPT-DOWN Policy

WHEREAS, the Liberty Township Board of Trustees has a duty to act in the public's best interest, and

WHEREAS, recent Opinions by the Auditor of State and the Ohio Attorney General's Office call into question the ability of townships to provide payments-in-lieu of benefits under Ohio Revised Code 505.603(A) to officers or employees who remain personally covered by a township's group health plan but have opted down in coverage by removing their spouse and/or children from the Township plan.

WHEREAS, based upon the Auditor of State and the Ohio Attorney General's Office Opinions, the Fiscal Officer has stopped making such payments effective the June 2, 2017 payroll pending Trustee review and determination.

WHEREAS, the Trustees have determined that the manner in which the Township's program is administered must be corrected to ensure the long-term well-being of the Township and compliance with the Auditor of State and Ohio Attorney General Opinions.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO THAT:

1. The Township shall continue to provide a cash payment to officers and employees who completely opt-out of the Township's health benefits pursuant to Ohio Revised Code 505.603(A);
2. Effective the June 2, 2017 payroll, in order to ensure proper administration of the program in compliance with the Auditor of State and Ohio Attorney General Opinions, cash payments in lieu of benefits shall no longer be provided to officers and employees who remain personally covered by a township's group health plan but have opted down in coverage by removing their spouse and/or children from the Township plan.
3. Further, pursuant to R.C. 505.603(A), no cash payment in lieu of a benefit shall be made to officers and employees who opt-out unless the officer or employee signs a statement affirming that the officer or employee is personally covered under another health insurance or health care policy, contract, or plan in the case of a health benefit, or a life insurance policy in the case of a life insurance benefit, and setting forth the name of the employer, if any, that sponsors the coverage, the name of the carrier that provides the coverage, and an identifying number of the applicable policy, contract, or plan.
4. The Township shall administer its payment in lieu/opt-out incentive program so as to ensure compliance with applicable law, regulations and the Opinions of the Auditor of State and the Ohio Attorney General's Office regarding same.
5. The terms and conditions of this Resolution shall apply to all employees and officials of the Township except where expressly prohibited by law.

6. The Fiscal Officer shall present a calculation of the necessary adjustments, an employee communications plan and an implementation plan to the Board of Trustees for review and approval.

Motion made by: Leneghan

Seconded by: Eichhorn

VOTE:

Leneghan - yes

Eichhorn - yes

Mitchell - N/P

Melanie Leneghan
Melanie Leneghan, Chair

Nancy Denutte
Fiscal Officer
Nancy Denutte

Shyra Eichhorn
Shyra Eichhorn, Trustee

— Not Present —
Dr. Thomas Mitchell