

June 4, 2008

Marilyn Johnson, Manager of Benefits  
Western Washington University  
516 High Street MS 5221  
Bellingham WA 98225-5996

Dear Marilyn:

RE: Moore, et al. v. Health Care Authority, State of Washington

Due to ongoing litigation involving part-time employees, the Health Care Authority has determined that, effective Summer 2008, part-time four-year faculty qualify for summer/off-season benefits under the Public Employees Benefits Board Program (PEBB) if they averaged half-time employment over the "instructional year."

In a few days, you will receive detailed instructions to answer many of the questions you and your staff may have as you implement this change.

As explained in Steve Hill's February 1, 2008 letter, the State is a defendant in a class action lawsuit, Moore v. HCA. The plaintiffs in this case are seasonal and part-time state employees who claim they were wrongfully denied PEBB health insurance benefits. The class of plaintiffs is broad and could include employees from any state agency or institution of higher education. A central issue in the case is whether employing agencies and institutions are required to average employee work hours over the relevant time period (six months for nonpermanent employees, nine months for career seasonal/instructional year employees) in determining whether those employees have met the half-time benefit eligibility threshold.

On May 23, 2008, the court granted in part Plaintiffs' Motion for Partial Summary Judgment on part-time four-year faculty. The court ruled that part-time four-year faculty who worked on average half-time over three quarters or two semesters are to be provided summer/off-season benefits.

As with the December ruling, we realize that this change may create an administrative burden for your organization and you may face unplanned expenses in implementing averaging. The Health Care Authority will make every effort to assist you in making this change.

Sincerely,

Mary Fliss  
Assistant Administrator PEBB Program

c: John Boesenberg