

October 17, 1979

(Opinion issued in letter form; name and address deleted)

RE: Opinion of Trustees  
Resolution of Disputes  
Case No. 43

Pursuant to Article IX of the UMWA 1950 Benefit Plan and Trust, and under the Authority of an exemption granted by the U.S. Department of Labor, the Trustees have received the question as to whether benefit coverage is reciprocal between benefit plans established pursuant to the National Bituminous Coal Wage Agreement and the National Coal Mine Construction Agreement. Their opinion is issued in Question and Answer form as follows:

Subject: HEALTH BENEFITS; Reciprocal Coverage, NBCWA & NCMCA  
Reference:

Question: Is benefit coverage for maternity and obstetrical services prior to the effective date of the Pregnancy Discrimination Act, April 29, 1979, reciprocal between benefit plans established pursuant to the National Bituminous Coal Wage Agreement of 1978 and plans established pursuant to the National Coal Mine Construction Agreement of 1978?

For example, if an Employee's wife became pregnant while the Employee was covered by a plan established pursuant to the NCMCA of 1978 and at the time the child was born in February 1979, the Employee was covered by a plan established pursuant to the NBCWA (or vice versa) with no quit, discharge or period of unemployment between, would either plan be responsible for the maternity and obstetrical services?

Answer: No. Benefit coverage is not reciprocal between plans established pursuant to these separate Wage Agreements. Employment with an Employer signatory to either the NBCWA or the NCMCA can not be used as a basis for establishing eligibility under a plan established pursuant to the other Agreement.