

OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 79 - March 17, 1980

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

Pursuant to Article IX of the United Mine Workers of America 1950 Benefit Plan and Trust and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute about an individual Employee's eligibility for health and other non-pension benefits from an Employer and hereby render their opinion on the matter.

Background Facts

The Employee was granted a leave of absence by the Employer on May 31, 1975 to serve in a position with the UMWA. After his four-year term with the UMWA ended, May 31, 1979, the Employee sought reemployment in a classified job with the Employer but was notified that he had been listed on the layoff roster dated April 8, 1979. When the Employee requested health benefit coverage under the Employer's Plan, the Employer refused to provide coverage on the basis that he was not eligible.

Dispute

Is the Employee eligible for benefit coverage under the Employer's Plan? If so, for what period?

Positions of the Parties

Employee's Position: (1) In accordance with Article XX General Description, Paragraph (4)1 of the NBCWA of 1978, employment with the UMWA after March 27, 1978, is considered classified signatory employment; (2) Employees who last work for the UMWA and later qualify for a 1974 Plan Pension are provided health benefit coverage by the last coal industry employer; and (3) he had accrued sufficient hours after March 28, 1978 based on UMWA employment to be entitled to maximum health benefit coverage while in layoff status.

Employer's Position: In accordance with Article III, E(1)(c) of the Employer's Plan, an Employee granted a leave of absence for temporary employment with the UMWA remains eligible for benefit coverage for a period not to exceed 120 days within any 12-month period.

Pertinent Regulations

- (1) Article III E(1)(c) 1. of Employer's Benefit Plan.
- (2) Article III E(1)(c) 3. of Employer's Benefit Plan.
- (3) Article XVII, Section (g) of NBCWA of 1978.

Discussion

The continuation of health benefit coverage for an Employee who is not actively working in a classified job is governed by Article III E(b) of the Employer's Benefit Plan. Article III E(1) includes sections on laid off Employees, disabled Employees and Employees granted leaves of absence. Since the Employee in this instance was not originally laid off or disabled, but was granted a leave of absence, section (c) must be considered. This section contains three categories: 1-covering leaves granted to accept temporary employment with the UMWA; 2-covering maternity leave; and 3-leaves for any other reason.

The NBCWA of 1978, in Article XVII, Section (LLL), Leave of Absence, provides for granting of leaves of absence to participate in Union activities and to serve as district or international officers or representatives, and provides that such persons shall retain their seniority and accrue seniority while on such leave. That Article indicates clearly that "temporary" Union assignments are those which do not exceed four months, as distinguished from "permanent" Union appointees and those elected to UMWA office.

Article III E(1)(c) 3 provides as follows;

"During any period for which an Employee is granted an approved leave of absence for any other reason, such Employee's eligibility for health, vision care, life and accidental death and dismemberment insurance shall be suspended during the period of such leave."

Although the Employer's Benefit Plan was not in effect at the time the leave of absence was granted, the Employee's status as one whose benefit coverage was suspended took effect at the inception of the Plan, March 27, 1978, which was established pursuant to the NBCWA of 1978. Upon the expiration of his term, May 31, 1979, the Employee's status reverted to that of an Employee on layoff, since he was placed on the layoff roster on April 8, 1979. As a laid off Employee, he was eligible for continued coverage, under Article III E(1)(a), based on the number of hours worked for the Employer in the 24-month period prior to the date last worked.

In making this determination, the number of hours worked by the Employee for the Employer during the 24-month period prior to his last work date for the Employer, May 31, 1975, will be controlling. If he worked 2000 or more hours, he will be eligible for coverage through April 30, 1980; if he worked between 500 and 2000 hours, he will be eligible through October 31, 1979; if he worked less than 500 hours, his eligibility will end as of May 8, 1979.

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The Trustees are of the opinion that the Employee is eligible for benefit coverage under the Employer's Plan beginning June 1, 1979 and continuing for 30 days, 6 months, or 12 months, depending on the number of hours he worked for the Employer during the 24-month period from June 1, 1973 through May 31, 1975.