

November 23, 1979

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

Re: Opinion of Trustees
Resolution of Disputes
Case No. 84

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 a question as to the effect of the Pregnancy Discrimination Act of 1978 on Article III, Section A(10) of the Employer's Benefit Plan. Their opinion is issued in Question and Answer form as follows:

Subject: HEALTH BENEFITS; Pregnancy Discrimination Act of 1978
Reference: Employer's Benefit Plan, Article III, Sections A(1)h and 3(c); Article III, Section A(10).

Question: Article III, Section A(10) of the Employer's Benefit Plan states that "In addition to the specific exclusions otherwise contained in the Plan, benefits are also not provided for the following:

...Services rendered subsequent to the period after which a Beneficiary is no longer eligible for benefits under the Plan; provided, however, that coverage as described in Article III, Sections A(q)(h) and 3(c) will be provided for a pregnancy which commenced while the Beneficiary was eligible for coverage under this Plan if the Employee is employed as a classified employee with another signatory Employer to the Wage Agreement at the time the services are rendered." Is this provision of the Employer's Benefit Plan invalidated by the Pregnancy Discrimination Act of 1978?

Answer: No. The Pregnancy Discrimination Act of 1978 addresses whether or not pregnancy-related services must be covered. The law does not mandate which of two employers must provide coverage. Therefore, the law has not invalidated Article III, Section A(10) of the Employer's Benefit Plan.