

OPINION OF TRUSTEES

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In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No. 120, June 25, 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 concerning health and non-pension benefit coverage for an Employee who was granted a leave of absence to serve as a representative of the UMWA and hereby render their opinion on the matter.

Background Facts

The Employee was granted a leave of absence by the Employer to serve as a district representative for the UMWA. His term started February 13, 1973 and he was laid off on March 28, 1980. Since starting his leave of absence, the Employer experienced extensive layoffs and on December 21, 1979, the Employee was placed on layoff status in accordance with the layoff provisions of the Plan.

Question or Dispute

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

Position of Parties

Complainant: The Employee is requesting an opinion as to who should provide his health benefit coverage.

Respondent: It is the opinion of the Employer that since the Employee has not been an active employee covered by either the 1974 or the 1978 coal wage agreements, that he is not eligible for the health benefits under the Employer's Plan. The Employee should be covered by the UMWA Benefit Trust.

Applicable Regulations

- (1) Article III E (1)(c)1 of the Employer's Plan
- (2) Article III E (1)(c)3 of the Employer's Plan
- (3) Article III, Section (1) of the NBCWA of 1978

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Discussion

Since the Employee in this case was not originally laid off or disabled, but was granted a leave of absence, Article III, Section E(1)(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 (1), 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 expiration of his term of office with the UMWA, on March 28, 1980, the Employee's status reverted to that of an Employee on the layoff roster by the Employer on December 21, 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. The Trustees have previously reviewed this issue in Resolution of Disputes 79 and 80 which also concerned benefit coverage of Employees who had been granted leaves of absence to serve for the UMWA.

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Opinion of Trustees

The Trustees are of the opinion that the Employee is eligible for benefit coverage under the Employer's Plan beginning March 29, 1980 end 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 February 10, 1971 through February 9, 1973.