



This letter is to address the status of your various county benefits while you are on protected leave. Protected leaves of absence provide certain job and benefits under Federal and/or State law. You likely have been notified of the type and length of protected leave for which you are eligible. If you have questions on your leave status, please contact [HR@deschutes.org](mailto:HR@deschutes.org), or call (541) 388-6553. If you have any questions regarding your benefits while on leave, please contact Benefits staff at [benefits@deschutes.org](mailto:benefits@deschutes.org) or call (541) 388-6553.

The purpose of this letter is to address the status of your benefits in the event that you do not have a paycheck which would cover the deductions that pay for affected benefits.

A reminder that employees accrue leave based on hours worked and/or accrued leave used during each pay period. Therefore, if you code unpaid leave, you will not accrue leave on any unpaid leave hours, regardless of whether or not your leave is protected.

The county is required to continue certain benefits while you are on **protected** leave, whether the leave is paid or unpaid.

**Health Insurance:** Although your benefits are considered protected under Federal and/or State leave laws, these laws require employees to pay the same health insurance cost share that you pay while you are working. If during your leave you do not receive a paycheck that covers this deduction, you have options on how to remit the required cost share:

- If your leave is protected under Paid Leave Oregon (PLO,) and you have available accrued leave, under state statute you have a choice as to whether or not you want to use available accrued leave while on PLO leave. Under PLO statutory language, you may use just a portion of your leave, or any amount of available leave up to your regular work schedule for each day during your leave period.
- If your leave is protected under FMLA or OFLA only, Leave Policy HR-14 requires employees to use all available accrued leave before going into leave without pay. You must use your available leave to cover your daily work schedule for each day you are out on leave, until you exhaust such leave.
- There are several advantages to using accrued leave - particularly to pay for and retain specific employee benefits:
  - Health premium employee cost shares and flexible spending deductions (if applicable, further information below,) will be taken pre-tax, saving you some tax dollars and keeping you current.
  - Your premiums continue to be paid seamlessly while you are on leave, and you don't have to mail or bring in a check every month for your benefits to continue.
  - You continue to accrue leave on the hours of leave that you code during a pay period.
  - Your PERS service credit may continue if you use sufficient available leave to cover at least 11 work days in a month.
- If your leave is FMLA or OFLA protected and you are required to use accrued leave, your timesheet is to reflect full leave accrual use for every day work day you missed each pay period until you exhaust. If your leave is covered under PLO and you choose to use available accrued leave, you and your supervisor are to work together to ensure that your timesheet is completed accurately based on your requested accrual leave usage. If you or your supervisor have any questions on how to complete your timesheet during your protected leave, please reach out to [HR@deschutes.org](mailto:HR@deschutes.org).

If you have no available accrued leave, or if you choose not to use any accrued leave while on PLO leave, you have the following options available to you:

- Health Insurance Premium Cost Share: You may self-pay by writing a check payable to Deschutes County for the premium cost share amount. A reminder that employee premium cost shares taken from employee paychecks are paying for health coverage for the following month. Therefore, the last paycheck you received with an employee premium cost share deduction paid for the next month's coverage. After the end of that month, you will owe coverage on the first of following month, with the premium due no later than the end of the same month.
  - Example: If your last paycheck which you had an employee premium cost share deduction was in October, you would have paid for coverage through November. December's premium cost share would be due on December 1, and no later than December 31.

NOTE: If premiums are not paid timely, coverage will be dropped retroactively to the last day of the month in which the last premium cost share was paid. Any claims incurred during the month in which the payment was not received will be re-processed, and you will be responsible for the full cost of services received.

- If you choose to self-pay, please remit a check payable to Deschutes County, and mail to the following mailing address:  
**Deschutes County Human Resources**  
PO Box 6005  
Bend OR 97708-6005
- Alternatively, you may bring a check to Deschutes County Human Resources at 1300 NW Wall St, Suite 201, during the business hours of M-F, 8 am to 5 pm.
- If your protected leave of absence will be for no more than a 12-week duration, you may "catch up" the full total of the employee health premium cost shares due through payroll deduction upon your return from leave. Your coverage will remain continuous during the leave period. If you do not return from leave, you must either self-pay via check as described above no later than the end of month in which your employment ends, or you can opt to have the total amount of premium cost shares owed taken from your final paycheck, if you have any wages or leave payoffs owed to you. If owed premiums are not paid timely, coverage will be dropped retroactively as noted above.
- In the event your protected leave of absence will exceed 12 weeks, you will need to self-pay by remitting a check each month as stated above. This will avoid a large amount of premium cost shares to owed once your leave has concluded.
- If your protected leave period exhausts, and you continue to be disabled from your position, you are required to pay any employee premium cost shares that are owed by the end of the month in which your protected leave ended. You will be provided options on how you would like to proceed with your employment status prior to the end of the protected leave period. If a continued leave of absence is requested and can reasonably be accommodated, you will be required to pay the **full premium** for health coverage starting on the first of the month after your protected leave ended. You will be provided further information on your full premium payment options prior to the end of your protected leave period.
- If you have other available health coverage, and do not want to continue health coverage for you and your

family while on leave, please reach out to Human Resources as soon as possible and your coverage will be terminated retroactively to the end of the month in which your protected leave ended. No employee premium cost shares will be owed until you return from your leave of absence and your coverage is reinstated.

#### **Other benefits which may be affected during a period of unpaid leave:**

Flexible Spending Accounts (FSA's): The county's flexible spending plan document describe IRS rules that pertain to continuing participation in FSAs while on unpaid leave of absence.

You may continue to participate in the Unreimbursed Health FSA during your leave period by choosing from one of the available options:

- You may pay your monthly elected contribution amount by using available accrued leave during your leave period. This will allow you to continue your participation in the Unreimbursed Health FSA account without interruption.
- You may "double up" on your contributions via payroll deduction in advance of your unpaid leave period. This is called "pay in advance."
  - The "pay in advance" option may not be available based on the unpaid leave period. Contributions must be made in the current plan year. For example, if your unpaid leave period begins in January, you may not "double up" contributions from prior year's paychecks to pay for the new plan year's contribution(s.)
- You may pay contributions via check during your unpaid leave period. You will not realize any pre-tax benefit if you pay by check, but you will still be considered an active participant in the plan.

If you do not pay using accruals, pay in advance, or pay via check during the unpaid leave period, your **FSA account will be inactivated during your period of unpaid leave. You will not be able to submit claims or use your Benny Card for services incurred during the unpaid leave period.** Please contact Benefits staff to discuss your options, and how you plan to proceed in regard to your Unreimbursed Health FSA account.

For your Dependent Care FSA account, your participation will be inactivated during your unpaid leave period, as the purpose of the Dependent Care account is to allow you to be reimbursed for dependent care expenses while you are working. You may submit claims for reimbursement for dependent care costs for dates prior to or after your return from your leave of absence within the plan year.

Long Term Disability (LTD): If you are disabled for more than 90 days, you may be eligible for some type of monthly benefit under the County's LTD plan. For further information on LTD, please contact Benefits staff at [benefits@deschutes.org](mailto:benefits@deschutes.org) or call 541-388-6553.

Group and/or Voluntary Life: If you are on continuous leave of absence due to your own medical condition, you are considered disabled from your position. New York Life's group and voluntary life policies allow for a waiver of premium for employees who are on leave due to a disabling medical condition. Your coverage will continue without interruption. In the event that you are disabled for more than 90 days, you will be required to apply for Long Term Disability (LTD.) New York Life will determine if you are eligible for the waiver of premium to continue if you are approved for LTD.

Aflac: Please reach out to Becky Swanson, the County's Aflac representative, at [Rebecca\\_swanson@us.aflac.com](mailto:Rebecca_swanson@us.aflac.com), or at (541) 531-5759 if you have questions regarding your Aflac coverage while on unpaid leave of absence.

Legal Shield: Your Legal Shield pre-paid legal services will not be available to you while on leave if you have not paid your premium. If you need such services while on leave, you'll need to remit \$18.95 per month directly to Legal Shield. Otherwise, your premiums will resume upon return from leave.) Please contact Benefits staff for further information on direct pay to Legal Shield.