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## Understanding the COBRA Alternative Coverage Rules

January 16, 2009

Time: 1:00 pm ET (12:00 pm CT, 11:00 am MT, 10:00 am PT)

Live Teleconference - \$199      Live Teleconference & Archived CD Package - \$248

Length: 1 hour 30 minutes

### Benefits

This teleconference is essential for company personnel who are involved with COBRA coverage and what can be done to reduce costs. In lieu of a company's traditional health plan, for COBRA purposes, the company is allowed to offer alternative health coverage although the procedure for doing so is quite complicated.

Discussed first is what constitutes the various forms of alternative health coverage, how it applies and in what circumstances. Secondly is a discussion of what procedures must be followed in order to offer alternative coverage under COBRA. There are numerous ERISA and IRS regulations that must be followed.

Also included are the repercussions when an employee is eligible for alternative health plan coverage and whether or not they can maintain COBRA coverage when they are eligible for other health coverage. In addition, the various state COBRA laws are explained, as to the issue of alternative COBRA coverage.

### Agenda

#### I. Definition of Alternative Coverage

- A. What Constitutes Alternative Coverage?
- B. Is a Premium Subsidy Through a Severance Agreement or a Coverage Arrangement Available Through a Collective Bargaining Agreement Considered to Be Alternative Coverage?
- C. What If Retirees Are Able to Continue Coverage in Their Existing Health Plan but at a Higher Premium?
- D. Do You Have to Provide Alternative Coverage If You Offer an HMO and the Person Leaves the Coverage Area?
- E. How COBRA Applies When Alternative Coverage Is Offered and/or Accepted

#### II. FAQ's in Offering Alternative Coverage

- A. Coverage Under Plan Terms
- B. Retiree Coverage
- C. Coverage for Disability
- D. Workers' Compensation Coverage's
- E. Coverage Under a Severance Agreement
- F. Coverage Required by a Union Agreement

G. Individual Conversion Coverage

### III. What Procedures Must Be Followed in Order to Offer Alternative Coverage Under COBRA?

- A. If Alternative Coverage Is Offered to a Health Plan Participant Upon the Loss of Coverage, Do You Still Have to Offer COBRA?
- B. If a Person Elects to Take the Alternative Coverage, Will COBRA Have to Be Offered After the Alternative Coverage Ceases?
- C. Do the COBRA Second Qualifying Event Rules Apply If the Alternative Coverage Is Elected (e.g., In the Event of a Divorce Following the Election of Alternative Coverage)?
- D. How Does COBRA Apply to an HRA and What Alternative Coverage Options Should Be Considered?

### IV. How Do State Continuation Rules Affect the COBRA Alternative Coverage Rules?

#### Who Should Attend

Benefits administrators, human resource managers, payroll managers, accountants, controllers, CFOs, finance directors, presidents, vice presidents, business and office managers, insurance professionals and attorneys

#### Faculty

**Bruce F. Mills**, Barnes & Thornburg LLP  
Frederick D. Payne, Wessels Pautsch & Sherman, P.C.

Bruce F. Mills is of counsel at Barnes & Thornburg LLP's Indianapolis office and is a member of the Labor and Employment Law Department. His practice experience includes matters related to the state and federal courts, the National Labor Relations Act, employer/employee relationships with labor unions, affirmative action and all aspects of employment discrimination. Dr. Mills regularly handles matters before the National Labor Relations Board, state and federal courts, the Office of Federal Contract Compliance Programs, the Equal Employment Opportunity Commission and various state and federal agencies. In addition, he regularly consults with employers on a variety of human resource issues, including employee handbooks, employee attitude surveys, the preparation of Affirmative Action Plans, the ADA, the FMLA, COBRA and the WARN Act. In 2007, Dr. Mills was selected as one of the top 100 labor attorneys in the country by the Labor Relations Institute for his success in various labor relations matters. He frequently presents supervisory and management training on a wide variety of subjects, and has taught workshops throughout the country on such topics as employee motivation, delegation, providing performance feedback, and time and stress management and communication. As well as being experienced in numerous areas of labor and employment law, Dr. Mills has nearly 25 years of experience both as a manager in Fortune 50 companies and in teaching management for managers and supervisors at the University of Wisconsin-Madison School of Business. This experience helps him understand corporate culture and how it impacts various employee matters. Dr. Mills received his J.D. degree from the University of Wisconsin-Madison. He also received a Ph.D. degree from Indiana State University, as well as a B.S. and M.S. degrees from that same university. Dr. Mills is admitted to practice before the state courts of Indiana and Wisconsin, as well as the U.S. District Courts for the Eastern and Western Districts of Wisconsin, the Northern and Southern Districts of Indiana, the Northern and Central Districts of Illinois, and the U.S. Courts of Appeals for the 7th and 11th Circuits. He is also a member of the American Bar Association, the State Bar Association of Indiana and the Indianapolis Bar Association.

**Frederick D. Payne** is the managing attorney of the Indianapolis office of Wessels Pautsch & Sherman, P.C. Mr. Payne represents employers in employment discrimination matters before the state and federal courts in Indiana, the EEOC and the Indiana Civil Rights Commission. He represents employers in lawsuits involving racial and sexual harassment, the ADEA, the ADA, covenants not to compete and wrongful discharge matters. Mr. Payne also counsels employers on

matters such as drafting position statements to the EEOC, preparing employment handbooks, and general employment and workplace policies. His litigation experience also includes commercial, products liability and insurance defense matters. Prior to practicing law, Mr. Payne worked for the Central Intelligence Agency in Washington, D.C. He made presentations and reported to top U.S. policy officials; researched, analyzed and wrote on international military issues and arms control treaties; and participated in various international warfare symposiums. Mr. Payne is a member of the Indiana State Bar Association. He is also a member of the Marion County, Indianapolis, American and National Bar Associations, and the Indiana State Pro Bono Commission. He received his J.D. degree from Indiana University School of Law, his M.A. degree in geography with a concentration in political geography from the University of Northern Iowa and his B.A. degree in political science from Grambling State University.

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