

## IF THERE IS A STRIKE, WHAT HAPPENS TO MY HEALTH INSURANCE?

Going on strike does **not** necessarily mean that your insurance is going to be temporarily suspended. Even in the event insurance is temporarily suspended, you can always restore it retroactively so there is no gap in coverage. Some employers will use the threat of insurance suspension to discourage striking. In fact, in our district, insurance is paid a month in advance. **This means that after the first of the month, our medical insurance will remain in effect for that entire month.** If an employer does decide to suspend insurance, there are laws to protect workers. It is important to be informed about your legal rights in such cases.

- One of those laws is called COBRA, which stands for Consolidated Omnibus Budget Reconciliation Act. COBRA was passed by Congress to ensure that employees have the right to continue their coverage under an employer-sponsored health plan after a qualifying event. A qualifying event is a termination of service, death of a spouse, divorce, reduction of hours, or a strike.
- The District is required to notify the insurer within 30 days of the first day of a strike that striking employees are no longer covered.
- The insurer must then prepare and send COBRA notices to employees within 14 days.
- The employee then has 60 days from the time they receive the notice to elect that they want coverage.
- Even after that, the employee still has another 45 calendar days from the election date to actually make the COBRA premium payment.
- The COBRA premium cost generally is comprised of both the entire employer and employee monthly share. The cost may not exceed the total employer's/employee's cost of premiums by more than two (2) percent.
- When you elect COBRA, you will have coverage retroactive to day one, pending receipt of payment. Any medical expenses incurred during the time on strike but before the election will be reimbursed to the employee at the same benefit levels as were in effect before the strike began.
- If any employees are required to self-pay for their insurance coverage, we will seek in negotiations that employees be reimbursed by the District for any funds spent.
- Generally speaking, workers on paid leaves because of sickness, maternity, or workers' compensation should continue to be paid and receive benefits during a strike.

As you can see, your insurance should continue until the end of the month where a strike occurs, and a lot of time passes before a striking employee would have to pay any premiums for health coverage. There is the initial month that was already paid to the insurer by the district for which coverage will continue, plus up to 105 days from when the insurance was cancelled. To give some perspective, public sector teachers' strikes generally average between two to four weeks. Sometimes it is more, sometimes less, but COBRA coverage may not even be needed before a strike has ended.

IFT representative Dan Mercer has provided two documents to be shared with members, *HEALTH INSURANCE, COBRA & STRIKE RIGHTS* and *COBRA Rights During A Strike*, which address your COBRA rights in the event of a strike. Both documents are now posted on the Union website at <https://eastauroracouncil.org>. You can also go to the State of Illinois' website regarding COBRA: <https://www2.illinois.gov/cms/benefits/StateEmployee/Pages/COBRA-Details.aspx>

**It is recommended that you familiarize yourself with the information to be prepared BEFORE the first day of a potential strike.**