

**BOARD OF PENSIONS  
ADMINISTRATIVE RULES**

<b>Section:</b>	1 (Eligibility)	<b>Subject:</b>	MEMBERS UNDER DISCIPLINE
<b>Rule Number:</b>	116	<b>Resource:</b>	Member Services
<b>Reference:</b>	Article IV, Sec. 4.4 Article XIII, Sec.13.13 Article XVIII, Sec. 18.8 Admin. Rule 701 (Free Coverage Chart) Admin Rule 203 (Adding Dependents) Admin Rule 401 (Optional Death) Admin Rule 402 (Optional Dental) Admin Rule 601 (Medical Cont/Med Supp) Admin. Rule 110 (Seminary Students)	<b>Original Date:</b>	4/01
		<b>Revision Dates:</b>	<b>1/03, 5/03, 2/05, 6/06</b>

**Purpose**

The purpose of this rule is to serve members of the Benefits Plan who are under discipline as provided for in the provisions of the Rules of Discipline, Chapter XII, Censure and Restoration in a Disciplinary Case in light of the Preamble of the rules of Discipline (Book of Order). In cases of disciplinary suspension, the member is not permitted to seek church-related work.

This classification applies during the time that the member is under “temporary exclusion from the office of ministry” and during the time leading up to this action (while the member is awaiting hearing on the disciplinary matter).

**Eligibility**

An ordained minister member will be classified under discipline upon presbytery request and will be eligible to continue participation on this status until presbytery confirms resolution of the action but not longer than 5 years. This 5-year period includes the period for the disciplinary period plus the maximum eligibility period for the transitional participation status based on the member’s employment classification.

Members in the Affiliated Benefits Program who are the subject of a disciplinary action are not eligible to continue Benefits Plan participation on the unemployed status but are eligible for 18 months of Medical Continuation unless they qualify for a longer period under the Rule of 70.

All further references to Plan members in this rule refer to members enrolled for full or limited participation in the traditional Benefits Plan at the time their service was terminated due to disciplinary matters.

In order to activate and continue eligibility dues must be remitted by the member in advance. See Applicable Salary Basis/Dues and Available Coverage below.

### **Eligibility for Continuing Benefits**

- **Transitional Participation Status**

If the member will not immediately return to active service following termination of disciplinary action, the member may continue to participate on the transitional participation status provided the ordained minister was not on the disciplinary status for more than two years. **See Administrative Rule 114 Unemployed Members for further information regarding unemployed members actively seeking church-related work.**

- **Medical Continuation**

Members who have exceeded their respective time limits for the transitional participation status are eligible for a maximum of 18 months of Medical Continuation unless they qualify for longer periods under the Rule of 70. No coverage will be extended beyond the 18-month period other than as provided under the Rule of 70.

### **Disciplinary Actions Leading to Unemployment**

- **Under Rebuke**

A Plan member who is unemployed under Rebuke (D12.0102) may continue Benefits Plan participation on the transitional participation status until employment is secured based on the certification by the presbytery of jurisdiction that the Plan member is actively seeking an eligible church service.

- **Rebuke with Supervised Rehabilitation**

A Plan member who is unemployed under Rebuke with Supervised Rehabilitation (D-12.0103) may continue Benefits Plan participation on the transitional participation status during the period of supervised rehabilitation and upon certification by the presbytery of jurisdiction that the Plan member is actively seeking eligible church service.

- **Temporary Exclusion**

A Plan member who is unemployed under Temporary Exclusion (D12.0104) may continue Benefits Plan participation on the transitional participation status during the period of temporary exclusion and upon certification by the presbytery of jurisdiction that the Plan member has been restored and is actively seeking eligible church service.

- **Remove from Office**

Plan members who are removed from Office or Membership (D-12.0105) are not eligible for the transitional participation status because they are not permitted to seek eligible church service. However, following any free coverage period for which they may be eligible, these members are eligible for the Medical Continuation Program for a period of 18 months unless they qualify for longer periods under the Rule of 70. No further coverage will be extended beyond the 18-month period other than as provided under the Rule of 70.

- **Pending Final Determination**

A Plan member who is unemployed pending final determination by a Permanent Judicial Commission, including the period during the Appeal in A Disciplinary Case (Rules of Discipline, Chapter XIII), may continue Benefits Plan participation on the transitional status until the final determination is made by the Permanent Judicial Commission. The final determination of the Permanent Judicial Commission shall be the basis for implementing the above.

- **Restored To Office**

A member restored to office will be eligible for Benefits Plan participation when he/she begins an eligible church service.

### **Verification Requirements**

In all circumstances involving members under discipline, the presbytery of jurisdiction shall provide the Board of Pensions with an extract of the Minutes of the presbytery as certification of the discipline imposed upon the Plan member. A copy of the Notice of Appeal, Disciplinary Case D-130100, 201, 202 and Certification of Service of Notice of Appeal, D-13.0202f, known also as Form Number 46 and 47, Appendix, Rules of Discipline, shall be provided to the Board of Pensions as authentication of the initiation of the Appeals process. The Plan member shall inform the Board of Pensions with an extract of the Minutes of the final determination.

### **Applicable Salary Basis**

Members continuing Benefits Plan participation on the unemployed status as a result of disciplinary action can choose to remit dues on one of the following salary participation bases:

1. last effective salary
2. minimum salary participation basis

The salary basis selected will be used for medical benefits and/or pension, death and disability participation levels and the accrual of pension credits.

### **Dues/Subscription Costs**

The standard dues percentages apply to the salary participation basis selected. The minimum and maximum for each benefit apply to the salary participation basis selected.

Dues for medical and death and disability benefits are payable the day after active coverage ends for members not eligible for free coverage and payable after free coverage ends for eligible members.

Dues for pension participation are payable the day after active coverage ends.

If a member elects to continue the optional coverage in effect when the unemployed-under discipline status began, optional coverage will be billed at current subscription costs.

Subscription costs for continued optional coverage(s) are payable the day after active service ends.

Dues and subscription costs must be paid in advance in order to activate eligibility for benefits. The appropriate initial payment is required at the time of enrollment for the unemployed-under discipline status in order to activate eligibility.

### **Deductible**

The deductible is based on the member's effective salary as of the beginning of the current calendar year. If the member elects to remit dues on the medical benefits minimum salary participation basis during the disciplinary process the deductible will be based on the medical benefits minimum salary for the current year for services incurred on or after the effective date of the unemployed status resulting from the disciplinary action.

The member's deductible will be adjusted upon receipt of their unemployed-under discipline

status enrollment form if the member elects to remit dues on the minimum salary participation bases. **(For further information see Administration Rule 304-Effective Salary.)**

### **Available Coverage**

- **Free Coverage**

Members receive 30 days of free medical coverage after one year. Ordained members will receive 90 days of free death and disability coverage as years in seminary are counted towards vesting. Lay members will receive free death and disability coverage based on Years of Plan Participation:

- 30 days one year but less than two years
- 60 days two years but less than three years
- 90 days three years or more.

Any free coverage period for which the member may be eligible will begin the day after termination of eligible service.

Any benefits payable during the free coverage period are based on the member's salary before becoming unemployed.

There is no free coverage for optional benefits.

- **Other Coverage**

Members on the unemployed status as a result of disciplinary action may continue all coverage in effect on the day that eligible service terminated or any combination of coverage

- medical, pension and death and disability
- medical only
- medical, death and disability (available only to members with limited participation on the date the disciplinary action is approved).
- pension, death and disability only
- pension only
- optional death coverage provided that either medical and/or pension are elected with death and disability coverage.

- **Medical Continuation**

All members are eligible for 18 months of Medical Continuation following termination of eligibility for the unemployed-under discipline status unless they qualify for a longer period under the Rule of 70. No further coverage will be extended beyond the 18-month period other

than as provided under the Rule of 70.

### **Optional Coverage**

- **Dental Coverage**

This benefit is not available to a member under discipline as the member is not actively at work.

- **Death Benefits**

Members who continue death and disability participation while on the unemployed status as a result of a disciplinary action are eligible to continue Optional Death Benefit participation and participate in the annual open enrollment period.

- **Retirement Savings Plan**

Members may not continue contributions to or elect participation in the Retirement Savings Plan when unemployed as a result of a disciplinary action because they are not receiving a salary from a participating employing organization.

- **Long-Term Care Insurance**

A member may continue participation in Long-Term Care Insurance when on the unemployed status as a result of a disciplinary action and will be billed directly by the carrier.

- **Supplemental Disability Benefits**

A member may not continue supplemental disability benefits on the unemployed status as a result of a disciplinary action but may re-enroll when actively employed in an eligible service with an eligible salary.

### **Adding Dependents**

A member may add a dependent while on the unemployed status as a result of a disciplinary action if there is a change in the member's dependent situation (e.g. marriage, birth of child, adoption.) See Administrative Rule 203 Adding Dependents.