

LAWS OF DELAWARE  
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CHAPTER 470  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 375

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT OF PREMIUM OR SUBSCRIPTION CHARGES BY ELIGIBLE PENSIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5201, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5201. Definitions.

For purposes of this chapter:

(3) An ~~“eligible pensioner” is one~~ a. “Eligible pensioner” means any of the following:

1. An individual who is receiving or is eligible to receive retirement benefits in accordance with the state employees' pension plan under Chapters 53 and 55 of this title, the State Police pension plan under subchapter II and subchapter III of Chapter 83 of Title 11, the pension plan for state judiciary under Chapter 56 of this title ~~or one who title, or is receiving retirement or disability benefits under the teachers' retirement and disability plan (Chapter 39 of Title 14). plan under Chapter 39 of Title 14. This paragraph shall not apply to members of boards or commissions.~~ An ~~“eligible pensioner” shall include those individuals~~

2. Individuals who were employed by the county prothonotary offices immediately prior to October 1, 1987, and who chose to remain in their respective county pension plans and who would otherwise be eligible to receive retirement benefits in accordance with the state employees' pension plan under Chapters 53 and 55 of this title. An ~~“eligible pensioner” shall include those employees~~

3. Employees who are receiving disability benefits pursuant to under § 5253(c) of this title.

b. For purposes of § 5202(a) & (b) of this title, “eligible pensioner” includes the eligible pensioner's eligible spouse and child dependents.

(5) “First employed” means the date when the eligible pensioner was first employed as a regular officer or employee.

(6) “Mandatory retirement” means mandatory retirement under § 8361 of Title 11.

(7) “Maximum state share” means the amount of the premium that the State pays for a plan on behalf of a regular officer or employee or an eligible pensioner before the proration ratio is applied under § 5202(b) of this title.

(5) (8) “Medicare” means the federal Medicare Program ( Program, 42 U.S.C. § 1395 et seq.; U.S. Public Law 89-87, as amended) (42 U.S.C. § 1395 et seq.). as amended.

(6) (9) “Plan” means the basic a health-care insurance plan for state employees provided under this chapter.

(10) “Premium” means the total premium or subscription charge for a plan.

(8) A ~~“regular (12)a.~~ “Regular officer or employee” means one any of the following:

1. An individual who works the regularly scheduled full-time hours of the employing ~~agency, or agency.~~

2. An individual who works at least 30 or more hours per week or 130 hours per ~~month (with month, with allowable interruptions) interruptions,~~ in a position of a continuing nature on a regular schedule expected to last at least 1 year from the date of initial appointment. The appointing authority shall determine at the time of appointment the qualifications of an appointee regarding the continuing nature and appointment duration criteria ~~of this paragraph. under this paragraph (12)a.2.~~

~~An employee appointed to temporary or seasonal positions and members of boards and commissions who were not receiving coverage under the State group health insurance contract on January 1, 1993, shall not be considered a “regular officer or employee” for the purposes of this chapter. A “regular officer or employee” called to active duty with Guard or Reserve for other than training purposes shall continue to receive state contributions toward health insurance coverage for a period of up to 2 years. A “regular officer or employee” shall also include an~~

3. An employee who is receiving disability benefits pursuant to under § 5253(b) of this title.

4. A member of a board or commission, if the member qualified for and was receiving coverage under the State group health insurance contract on January 1, 1993, as a member of that board or commission.

b. A regular officer or employee called to active duty with Guard or Reserve for other than training purposes is deemed to be a “regular officer or employee” for the period of active duty until the period of active duty reaches 2 years.

c. “Regular officer or employee” does not include any of the following:

1. An employee appointed to a temporary or seasonal position.

2. A member of a board or commission, except as provided under paragraph (12)a.4. of this section.

Section 2. Amend § 5202, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5202. Payment of ~~premium or subscription charge.~~ premium; maximum state share; proration ratio.

(a)(1) The State shall pay premium or subscription charges maximum state share for a regular officer or employee and for an eligible spouse and child dependents who are not eligible for federal Medicare is as follows:

(1) a. Ninety-six percent of the total cost of premium for the basic individual, individual and spouse, individual and child, or family health care insurance plan as set forth in § 5203 of this title; plan.

(2) b. Ninety-five percent of the total cost of premium for a consumer-directed health plan for individual, individual and spouse, individual and child, or ~~family;~~ family.

(3) c. Ninety-three and one-half percent of the total cost of premium for an HMO plan for individual, individual and spouse, individual and child, or ~~family;~~ family.

(4) d. Eighty-six and three-quarter percent of the total cost of premium for a comprehensive PPO plan for individual, individual and spouse, individual and child, or ~~family;~~ or family.

(5) e. Beginning January 1, 2006, employees identified under Title 14 who are receiving a short-term disability benefit for a period greater than 90 days pursuant to under § 5253(b) of this title and have exhausted all of their paid leave, the maximum state share is an amount equivalent to that provided under paragraph (a)(1), (2), (3) or (4) paragraphs (a)(1)a. through (a)(1)d. of this section.

(2) The maximum state share for an eligible pensioner who is not eligible for Medicare is the maximum state share under paragraph (a)(1) of this section.

(3) The maximum state share for an eligible pensioner who is eligible for Medicare is 95% of the premium if paragraph (a)(4) of this section does not apply.

(4) The maximum state share for an eligible pensioner who is eligible for Medicare is 100% of the premium for any of the following:

a. An eligible pensioner receiving a disability pension.

b. An eligible pensioner who is a primary survivor receiving a survivor’s pension under § 8372(b) of Title 11 due to the death in the line of duty of the employee.

c. An eligible pensioner who was first employed before July 1, 1991.

d. An eligible pensioner who retired on or before July 1, 2012.

(b)(1) For purposes of this section:

a.1. “Prorated state share” means the dollar amount that the State pays for a plan on behalf of a regular officer or employee or an eligible pensioner.

2. The “prorated state share” is the product of multiplying the proration ratio with the maximum state share.

b.1. “Proration ratio” means the percentage applied to the maximum state share.

2. The “proration ratio” for eligible pensioners is based on when the eligible pensioner was first employed and the number of years the eligible pensioner had been employed as a regular officer or employee at the time of retirement.

For eligible pensioners not eligible for federal Medicare and their eligible dependents who were first employed by the State on or before June 30, 1991, or who are receiving a disability pension or primary survivors receiving a survivor’s pension under § 8372(a) of Title 11, due to death in the line of duty of the employee, the State shall pay premium or subscription charges for the following, whichever is applicable:

a. Ninety-six percent of the total cost of the basic individual, individual and spouse, individual and child, or family health care insurance plan as set forth in § 5203 of this title;

b. Ninety-five percent of the total cost of a consumer-directed health plan for individual, individual and spouse, individual and child, or family;

e. ~~Ninety three and one-half percent of the total cost of an HMO plan for individual, individual and spouse, individual and child, or family; or~~

d. ~~Eighty six and three-quarter percent of the total cost of a comprehensive PPO plan for individual, individual and spouse, individual and child, or family.~~

(2) The proration ratio is 100% for all of the following:

a. A regular officer or employee and for an eligible spouse and child dependents.

b. An eligible pensioner receiving a disability pension.

c. An eligible pensioner who is a primary survivor receiving a survivor's pension under § 8372(b) of Title 11 due to the death in the line of duty of the employee.

d. An eligible pensioner who was first employed before July 1, 1991.

~~For eligible pensioners who are eligible for federal Medicare and their eligible dependents:~~

a. ~~Who retire before July 1, 2012, or who are receiving a disability pension or primary survivors receiving a survivor's pension under § 8372(a) of Title 11, due to death in the line of duty of the employee, the State shall pay 100% of the premium or subscription charges for the coverage provided, unless they are subject to the schedule based on years of service, as set forth in paragraph (b)(3) of this section.~~

b. ~~Who retire after July 1, 2012, the State shall pay 95% of the premium or subscription charges for the coverage provided, unless they are subject to the schedules based on years of service, as set forth in paragraph (b)(3) or (b)(4) of this section.~~

(3) For eligible pensioners not included under paragraph (b)(2) of this section:

a. For eligible pensioners who were first employed by the State on or after July 1, 1991, and before January 1, 2007, except those receiving a disability pension or primary survivors receiving a survivor's pension under § 8372(a) of Title 11, due to death in the line of duty of the employee, the State shall pay premium and subscription charges as follows: the proration ratio is as follows:

1. Less than 10 years, 0%.

a. ~~For eligible pensioners employed by the State for at least 10 but less than 15 years at the time of retirement, 50 percent of premium or subscription charges as set forth in paragraphs (b)(1) and (b)(2) of this section; or~~ 2. At least 10 but less than 15 years, 50%.

b. ~~For eligible pensioners employed by the State for at least 15 but less than 20 years at the time of retirement, 75 percent of the premium or subscription charges as set forth in paragraphs (b)(1) and (b)(2) of this section; or~~ 3. At least 15 but less than 20 years, 75%.

e. ~~For eligible pensioners employed by the State for 20 or more years at the time of retirement, 100 percent of the premium or subscription charges as set forth in paragraphs (b)(1) and (b)(2) of this section.~~

4. Twenty or more years, 100%.

(4) ~~b. For eligible pensioners who were first employed by the State on or after January 1, 2007, the State shall pay premium and subscription charges as follows: and before January 1, 2025, the proration ratio is as follows:~~

1. Less than 15 years, 0%.

a. ~~For eligible pensioners employed by the State for at least 15 but less than 17.5 years at the time of retirement, 50 percent of premium or subscription charges paid for by the State as set forth in paragraphs (b)(1) and (b)(3) of this section; or~~ 2. At least 15 but less than 17.5 years, 50%.

b. ~~For eligible pensioners employed by the State for at least 17.5 but less than 20 years at the time of retirement, 75 percent of the premium or subscription charges as set forth in paragraphs (b)(1) and (b)(3) of this section; or~~ 3. At least 17.5 but less than 20 years, 75%.

e. ~~For eligible pensioners employed by the State for 20 or more years at the time of retirement, 100 percent of the premium or subscription charges as set forth in paragraphs (b)(1) and (b)(3) of this section.~~

4. Twenty or more years, 100%.

c. For eligible pensioners who were first employed on or after January 1, 2025, and who are subject to mandatory retirement, the proration ratio is as follows:

1. Less than 15 years, 0%.

2. At least 15 but less than 17.5 years, 50%.

3. At least 17.5 but less than 20 years, 75%.

4. Twenty or more years, 100%.

d. For eligible pensioners who were first employed on or after January 1, 2025, and who are not subject to mandatory retirement, the proration ratio is as follows:

1. Less than 15 years, 0%.

2. At least 15 but less than 20 years, 50%.

3. At least 20 but less than 25 years, 75%.

4. Twenty-five or more years, 100%.

Section 3. (1) The only substantive policy change made to existing law under this Act is under § 5202(b)(3)d. of Title 29, which changes the amount of the premium for a health-care insurance plan that this State will pay on behalf of eligible pensioners who were first employed as a regular officer or employee on or after January 1, 2025, and who are not subject to mandatory retirement.

(2) All other revisions to current law under this Act are technical changes to improve clarity and conform existing law to the standards of the Delaware Legislative Drafting Manual. These technical changes include the addition of new defined terms and the reorganization of existing law.

Approved September 30, 2024