

17:9-3.4 Certification of dependency

An employee who elects to enroll an eligible dependent for any coverage shall report such dependent's relationship

or status on the enrollment form and such listing of the dependent shall constitute the required certification that at the time of enrollment such dependent is wholly dependent upon the employee for support and maintenance.

As amended, R.1973 d.8, eff. January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

As amended, R.1984 d.560, eff. December 17, 1984.

See: 16 N.J.R. 2422(b), 16 N.J.R. 3479(b).

Deleted text "and such certification . . . same sex and age".

17:9-3.5 Additional dependents

If, after having enrolled his or her dependent for coverage under family or parent-child coverage, an employee acquires one or more additional dependent children through birth or legal adoption and guardianship, such additional children shall be enrolled as dependents, if they are otherwise eligible.

As amended, R.1973 d.8, eff. January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

As amended, R.1973 d.313, eff. October 8, 1976.

See: 8 N.J.R. 443(c), 8 N.J.R. 539(a).

17:9-3.6 Basic benefits; ineligible dependents

(a) The basic benefits coverage of a dependent who, at the time his or her coverage would otherwise become effective, is confined in an institution for care and treatment, shall become effective as indicated below:

1. Hospital benefit shall be payable for confinements commencing on and after the effective date of coverage only; and
2. Medical/Surgical benefits shall be payable for services rendered on and after the effective date of coverage only.

17:9-3.7 Major Medical; ineligible dependents

The Major Medical benefits coverage for any dependent (except a newborn child) who, at the time his or her coverage would become effective, is confined in a medical facility primarily for medical care or treatment on the date that the Major Medical coverage would otherwise become effective with respect to that dependent, the coverage for that dependent will be deferred until his or her final medical release from all such confinement. See N.J.A.C. 17:9-2.8.

As amended, R.1973 d.8, eff. January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

As amended, R.1984 d.560, eff. December 17, 1984.

See: 16 N.J.R. 2422(b), 16 N.J.R. 3479(b).

Section substantially amended.

Cross References

State health benefits program, coverage changes, see N.J.A.C. 17:9-2.4.

17:9-3.8 (Reserved)

As amended, R.1973 d.8, eff. January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

17:9-3.9 Multiple coverage; employee and spouse

An employee who is the spouse of another employee may elect to forego coverage as an employee and to be enrolled for coverage as a dependent, in which event no coverage

shall be provided for such spouse as an employee while covered as a dependent.

Amended by R.1973 d.8, effective January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

17:9-3.10 (Reserved)

Amended by R.1976 d.313, effective October 8, 1976.

See: 8 N.J.R. 443(c), 8 N.J.R. 539(a).

SUBCHAPTER 4. EMPLOYEES

17:9-4.1 State employee defined

(a) For purposes of State coverage, "employee" shall mean an appointive or elective officer or full-time employee of the State including employees of:

1. Rutgers, the State University of New Jersey;
2. Delaware River Joint Toll Bridge Commission (Free Bridges);
3. Palisades Interstate Park Commission;
4. University of Medicine and Dentistry of New Jersey;
5. Agencies or special projects which are supported from or whose employees are paid from sources of revenue, other than general funds, which other funds shall bear the cost of benefits under this Act.

Amended by R.1973 d.8, effective January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

Amended by R.1983 d.330, effective August 15, 1983.

See: 15 N.J.R. 792(b), 15 N.J.R. 1383(c).

Change name to University of Medicine and Dentistry of New Jersey.

17:9-4.2 State; full-time defined

(a) For purposes of State coverage, "full-time" shall mean:

1. The normal full-time weekly schedule for the particular class title, and in any case not less than 35 hours per week;
2. Employment for 12 months, except in the case of those employees engaged in activities where the regular and normal work schedule is ten months;
3. Sabbaticals where the compensation paid is 50 percent or more of the salary granted just prior to the leave and the period of eligibility terminates with the end of the fiscal year;
4. Public defenders who are paid on the basis of an average 30-hour work week schedule, notwithstanding Section 4 of this Subchapter;

5. Employees of the University of Medicine and Dentistry of New Jersey who are paid for a minimum of 20 hours per week, notwithstanding N.J.A.C. 17:9-4.4;

6. Teaching assistants and graduate assistants at Rutgers, the State University, who are paid for a minimum of 15 hours, notwithstanding N.J.A.C. 17:9-4.4;

7. Deputy attorneys general in the Office of the Attorney General and the Divisions of Criminal Justice, Gaming and Law in the Department of Law and Public Safety, who are paid for a minimum of 20 hours per week, notwithstanding the provisions of N.J.A.C. 17:9-4.4, until June 30, 1994.

(b) Where the otherwise eligible employee elects a voluntary furlough, as authorized by P.L. 1993, c.297, coverage shall continue with the employer paying the costs as if the member were an active employee, provided that the employee remits in advance to the employer the amount required, if any, as the employee's contribution for coverage.

Amended by R.1973 d.8, effective January 4, 1973.

See: 4 N.J.R. 282(a), 5 N.J.R. 59(b).

Amended by R.1975 d.68, effective March 14, 1975.

See: 7 N.J.R. 76(a), 7 N.J.R. 181(a).

Amended by R.1983 d.330, effective August 15, 1983.

See: 15 N.J.R. 792(b), 15 N.J.R. 1383(c).

Change name to University of Medicine and Dentistry of New Jersey.

Amended by R.1988 d.442, effective October 17, 1988.

See: 20 N.J.R. 741(a), 20 N.J.R. 2590(b).

Added (a)7.

Amended by R.1990 d.480, effective October 1, 1990.

See: 22 N.J.R. 1903(a), 22 N.J.R. 3158(b).

Deleted text from (a)7 and inserted new.

Amended by R.1993 d.57, effective April 5, 1993.

See: 24 N.J.R. 2345(a), 25 N.J.R. 1518(a).

Revised (a)7.

Amended by R.1995 d.3, effective January 3, 1995.

See: 26 N.J.R. 2202(a), 27 N.J.R. 128(a).

Case Notes

Under statute requiring the minimum level of coverage for health benefits for local government employees to be substantially equivalent to the level available to State employees, Health Benefits Commission held able to increase health benefits available to participating local government employees when benefits available to State employees were increased as a result of negotiated agreement between the State and its employees. *New Jersey School Boards Ass'n v. Ewing Tp. Bd. of Educ., Mercer Cty.*, 183 N.J.Super. 215, 443 A.2d 761 (App.Div.1982).

17:9-4.3 Ineligible employees defined

(a) For purposes of State and local coverage, "employee" shall not mean:

1. Any person with less than two months of continuous service;
2. Any person whose compensation is limited to reimbursement of necessary expenses actually incurred in the discharge of his official duties;
3. Any person compensated on a fee basis (see N.J.A.C. 17:9-4.5);

4. Any person who is employed on short-term, seasonal, intermittent or emergency basis such as a person whose compensation is in the nature of a "retainer", or is for occasional services or whose service is for brief periods at intervals, such as substitute teachers;

5. Any person whose compensation is paid or payable by voucher;

6. Any person whose services are not full-time;

7. Any person granted a sabbatical where the compensation paid is less than 50 percent of the salary granted just prior to the leave;

8. Any person who is an aide or patient employee in a State, county or municipal institution;

9. Any person, active or retired, who is otherwise eligible for benefits but who, although he is eligible to enroll in the Federal Medicare Program, is not covered by the complete Federal program.

Amended by R.1971 d.21, effective February 17, 1971.

See: 3 N.J.R. 10(a), 3 N.J.R. 52(c).

Amended by R.1973 d.285, effective October 2, 1973.

See: 5 N.J.R. 243(a), 5 N.J.R. 393(a).

Amended by R.1978 d.441, effective December 26, 1978.

See: 10 N.J.R. 517(b), 11 N.J.R. 105(a).

Case Notes

Continuation of health benefits to school psychologist after reduction in work week to 18 hours denied; board of education's policy limiting health benefits to full time employees, that is, to those working more than 20 hours per week, held reasonable in view of State health program rules. *Janus v. Maywood Bd. of Educ., Bergen Cty.*, 4 N.J.A.R. 105 (1982).

17:9-4.4 State; ineligible employees defined

(a) For purposes of State coverage, "employee" shall not mean any person who is paid:

1. An hourly rate (payroll compensation code 7) except that a full-time employee with a Civil Service title assigned an hourly salary range is eligible;
2. A daily rate (payroll compensation code 8);
3. A rate per meeting, session (payroll compensation code 8);
4. A salary based on a percentage of full-time (payroll compensation code 6);
5. Any employee who is on a Federal payroll or combination of Federal and State payrolls;
6. Any person who is not on a State payroll;
7. Any person who is on the payroll of another state, whether or not such person is also on a New Jersey State payroll;