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**STATE OF CONNECTICUT**

***OFFICE OF POLICY AND MANAGEMENT***

**Office of Labor Relations**

**October 5, 2012**

**General Notice 2012-07**

**TO: Labor Relations Designees**

**SUBJECT**: Dependents under State Sponsored Health Insurance Plan –Those identified as a result of the Comptroller’s Audit

General Notice 2012-04 outlined a procedure regarding individuals who removed their spouses as a dependent during the most recent Open Enrollment periods. We are now dealing with the results of the audit performed by the Office of the Comptroller (“OSC”) of those individuals who may be divorced/legally separated who **did not remove** their spouse/former spouse as a dependent during Open Enrollment. The OSC developed a list of these individuals through a match of the judicial database with the state employee database. **IF YOU DO NOT RECEIVE A LIST, YOU HAVE NO EMPLOYEES IDENTIFIED BY THE OSC AT THIS TIME.**

OLR received the list on Wednesday and we have been assured that the list is the same as the list that was supplied by the OSC to the unions earlier this week. I understand that some union officials may have been contacting your employees some of whom have expressed concern over this method of learning they might have a problem. We have asked the unions to cease this contact until such time as the agency has met with the employees.

1. **Listing of Individuals.** You will receive a separate email with a list of the individuals from your agency who were identified by OSC as possibly divorced or legally separated. The matching is not exact. The OSC has indicated on the list those situations where the match may not be exact. **Please be very careful** as there may be some individuals on the list who are our employees but they are not divorced. This is primarily due to the similarity in names.
2. **Investigation.** The agency **must** conduct an investigation. If the investigation reveals that the employee is divorced/legally separated, the agency must determine the next appropriate steps.
3. **Disciplinary action.** Of course, before any disciplinary action is taken, all normal preliminary steps must be taken following the investigation; Loudermill meeting as appropriate, etc. In making your determination as to whether discipline is warranted and the appropriate penalty, you should consider the individual circumstances. These individuals would generally not be considered to have self disclosed as they failed to remove their former spouse during or prior to the last Open Enrollment. Therefore, they would be subject to serious disciplinary action, up to and including discharge.
4. **Repayment Action.** If a divorced or legally separated employee (not falling within one of the exceptions in OLR General Notice 2012-03) failed to remove his/her former spouse in either of the Open Enrollment Periods, in addition to disciplinary action noted above, the individual is required to pay for the FULL cost of the former spouses’ individual coverage over the requisite period of time. The repayment due would be calculated in the same manner described in OLR General Notice 2012-04.
5. **Utilization of Accrued time.** An employee may elect to utilize their accrued vacation time if they are retiring or otherwise separating from state service to offset the debt which they owe to the State for erroneously receiving this benefit. Sick time may not be utilized unless the employee is retiring immediately and entitled to receive the statutory sick leave payment.

Please provide us with an update as to the action taken with respect to each of the individuals on the list by completing the form attached to OLR General Notice 2012-04. Please email it to Tammy.kowalski@ct.gov.

Labor Relations Designees with questions concerning this matter should contact the Office of Labor Relations at (860) 418-6447. All others should contact their Central Personnel Office.

## **Linda J. Yelmini**

Linda J. Yelmini

Director of Labor Relations