



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, July 31, 2012

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry, Director

Subject: Health Insurance Coverage for Firefighters and Fire Protection Personnel

The United States is experiencing an active wildfire season. Tens of thousands of acres of land are being blackened, causing serious risk to the safety of our citizens, substantial property damage, and harm to our environment. Fortunately, thousands of brave men and women are on the scene, fighting the fires and protecting us from their spread.

Due to the nature of their work, many of these firefighters and fire protection personnel are hired under temporary appointments. This gives the agencies that hire them—mainly the Departments of Agriculture and Interior—the flexibility they need to increase their workforce to ensure they have fire fighting personnel hired, trained, and prepared to respond to such incidents during the wildfire season.

Historically, most temporary employees have not been eligible to participate in the Federal Employees Health Benefits Program (FEHBP), including these firefighters and fire protection personnel. I am very pleased to announce that we have solved that problem. Under an interim final rule that OPM issued on July 17, 2012, these heroes will have access to the coverage they deserve, for the rest of this fire season and beyond.

Under the new rule, which took effect immediately, wildland firefighters and fire protection personnel will be eligible to obtain health insurance for themselves and their families under the FEHBP. The rule also permits agencies to request that OPM authorize them to offer FEHBP coverage to other workers who perform emergency response services similar to the wildland firefighters. In order to assist you in implementing these provisions, OPM is issuing the attached guidance and fact sheet.

We will be taking public comment on the interim final rule through September 16, 2012. If you have questions about the regulation, please contact Michael W. Kaszynski at Michael.Kaszynski@opm.gov or (202) 606-0004. Thank you.

**GUIDANCE TO AGENCIES IMPLEMENTING OPM'S INTERIM FINAL
RULE TO PROVIDE FEHBP COVERAGE TO WILDLAND
FIREFIGHTERS AND FIRE PROTECTION PERSONNEL**

Purpose

OPM has amended its regulations at 5 CFR 890.102 (h) and (i) to extend health benefits coverage under the Federal Employees Health Benefits Program (FEHBP) to certain emergency response employees. The new regulations provide for immediate coverage for individuals involved in high risk or life threatening wildland firefighting and related response activities and also allow agencies to request approval to extend coverage to other employees with similar types of high risk emergency response responsibilities. Health benefits coverage under these provisions applies to the family members of covered employees in the same way that it applies to family members of any Federal employee. OPM has always been committed to keeping the FEHBP application process simple and straightforward. As we extend coverage to emergency workers under this rule, we will continue to make this an emphasis.

The following positions, which provide emergency response services for wildland fire protection, are covered for purposes of 5 CFR 890.102(h):

Any position (including supervisory positions) the duties of which include high risk or life threatening work to control and extinguish wildland fires, to rescue persons endangered by fire, or involving the provision of direct on-site assistance to others engaged in such work.

To assist you in determining who should be covered, we have identified the following series and positions that are often used for firefighting personnel:

Series	Position
462	Forestry Technicians
455	Range Technicians
401	Biological Science/Specialists
454	Rangeland Management
2151	Dispatcher
5201	Miscellaneous Occupation
0081	Fire Protection and Prevention

This list is not exclusive, nor should coverage necessarily be extended to all employees within one of these occupations. Rather, in determining whether to extend health benefits coverage for employees, agencies should focus on the firefighting duties performed, regardless of the position's title, occupational series, grade level or geographic location.

Agencies may also request from OPM authority to extend FEHBP coverage to other employees performing similar types of high risk or life threatening emergency response services under 5 CFR 890.102(i). "Similar types of emergency response services" for these purposes means emergency response services needed in response to a significant disaster or emergency. These temporary services may include:

Critical and immediate services needed to control, mitigate, and/or eliminate the emergency or disaster, to rescue persons endangered by the emergency or disaster, and to reduce or eliminate potential hazards resulting from the emergency or disaster.

Criteria for consideration in determining whether to request health benefits coverage for additional positions:

Agencies should consider factors relating both to the emergency or disaster at issue and to staffing challenges. With respect to the emergency or disaster at issue, agencies should consider:

- The size, scope, intensity, or impact of the disaster or emergency.
- The likelihood that the disaster or emergency may pose a threat to the public; and
- The level of danger that the workers responding to the emergency or disaster face.

With respect to staffing challenges, agencies should consider:

- The number of current employees available to resolve/combat the disaster or emergency;
- The number of additional temporary employees needed to respond to the disaster or emergency;
- The length of time the emergency response work is needed/expected to last; and
- Any special challenges the agency may face in recruiting a sufficient number of temporary employees to provide emergency response services.

What to include in your Request

Agencies should include the following information in their request to extend health benefits coverage to employees in accordance with 5 CFR 890.102(i):

- A description of the emergency or disaster (incl. the size, scope, duration, and impact/expected impact on the public);
- A description of the emergency response duties the employees will be expected to perform;
- The title and occupational series of the affected positions;
- The estimated number of positions affected and expected duration of their service.

Where to submit your request

Agencies may submit their requests to fehb@opm.gov.

Federal Employees Health Benefits (FEHB) Program

Fact Sheet for Firefighters

- The FEHB Program has a variety of health plans to choose from including Fee-For-Service plans, Health Maintenance Organizations (HMO) with comprehensive coverage, or Consumer Driven and High Deductible plans that offer catastrophic risk protection with higher deductibles and health savings/reimbursement accounts.
- There are no waiting periods and no preexisting condition limitations.
- Enrollment changes can only be made during Open Season or if you experience a qualifying life event.
- There are separate and/or different provider networks for each plan.
- Using health plan network providers will reduce your out-of-pocket costs.
- All nationwide FEHB plans offer international coverage.

How do I sign up for coverage?

You should immediately contact your personnel office if you want to enroll in an FEHB plan. You will use a health benefits election form to enroll (Standard Form 2809). A screen fillable version is available at http://www.opm.gov/Forms/pdf_fill/SF2809.pdf. OPM has a website at opm.gov/insure/health with information about available health plans.

When does this coverage begin?

The FEHB regulation is effective July 17, 2012. Your personnel office has the authority to make your enrollment effective on that date unless you request that your enrollment take effect at the beginning of the next pay period after you submit your enrollment form.

How do I pay for coverage?

Your share of the health plan premium will be deducted from your pay.

What enrollment types are available?

- Self Only, which covers only the enrollee;
- Self and Family, which covers the enrollee and all eligible family members.

Which family members are eligible?

Family members covered under your Self and Family enrollment are:

- Your spouse (including a valid common law marriage); and
- Children under age 26, including legally adopted children, recognized natural children and stepchildren.
- Foster children are included if they meet certain requirements. A child age 26 or over that is incapable of self-support because of a mental or physical disability that existed before age 26 is also an eligible family member. In determining whether the child is a covered family member, your personnel office will look at the child's relationship to you as an enrollee.

What does the government contribute toward my health plan premiums while I'm employed?

The government contribution to premiums is about 72%, on average, of the overall plan premiums; but it cannot exceed 75% of the premiums for an individual plan. You are responsible for paying the balance.

What happens to your FEHB coverage if you're eligible to go on leave without pay?

You can continue to be enrolled in your FEHB plan as long as you pay your premiums directly to your personnel office. You also have the option of incurring a debt to the government to be repaid upon your return to work. You always have the option to terminate the enrollment.

What happens after your employment ends?

When your employment ends, you have a 31-day extension of coverage under the plan. During that period, you can contact your health plan and convert your insurance plan to an individual contract with your health plan. Or, you can enroll in **Temporary Continuation of Coverage (TCC) to continue your coverage through a FEHB plan**. TCC is available to eligible former employees for up to 18 months following the end of employment.

What happens if I am employed as a temporary firefighter again?

If you were terminated and then employed as a temporary employee again, you will be eligible to re-enroll as a federal employee and receive the government contribution to your premium while you are employed.

What is Temporary Continuation of Coverage (TCC)?

TCC is a continuation of coverage program that allows you to enroll in a FEHB plan if your employment ends. You can choose among the same plans that you had as an employee, but you pay the full premium (government and enrollee share) plus a 2 percent administrative fee. You should contact your personnel office for information on how to enroll in TCC.

Can I get TCC in subsequent years, too, i.e., at the end of each fire season?

Yes. Each time your employment ends with the federal government, your FEHB coverage will end after a free 31-day extension of coverage. You will then again be eligible for TCC for up to 18 months.

How much does TCC cost?

Under TCC, you pay the total monthly premium, that is, the enrollee and the Government shares, plus a 2 percent administrative charge.

Who is eligible to enroll in TCC?

Former employees whose FEHB coverage ended because they separated from service, unless they were separated for gross misconduct.

When can I enroll in TCC?

Individuals eligible for TCC generally must enroll within 60 days after the termination of employment, or after receiving notice of eligibility, whichever is later.

What should I consider in making my decision to participate in TCC?

- In the case of a former employee, TCC ends on the date that is 18 months after the date of separation.
- A TCC enrollee may cancel the enrollment at any time. However, once the cancellation takes effect, the enrollee cannot reenroll – the TCC cancellation is final.

How do I get more information about the FEHB program?

Visit FEHB online at opm.gov/insure/health.