 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

1) "Authority" means the Washington state health care authority.

2) "Board" means the public employees' benefits board established under RCW 41.05.055 and the school employees' benefits board established under RCW 41.05.740.

3) "Dependent care assistance program" means a benefit plan whereby employees and school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

4) "Director" means the director of the authority.

5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

6) (a) "Employee" for the public employees' benefits board program includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (i) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state submits application materials to the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (ii) employees of employee organizations representing state civil service employees, at the option of each such employee organization; (iii) through December 31, 2019, employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority, as provided in RCW 28A.400.350; (iv) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1)(f) and (g); (v) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1)(g) and (n); and (vi) through December 31, 2019, employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(b) Effective January 1, 2020, "school employee" for the school employees' benefits board program includes:
(i) All employees of school districts and charter schools established under chapter 28A.710 RCW;
(ii) Represented employees of educational service districts; and
(iii) Effective January 1, 2024, all employees of educational service districts.
(7) "Employee group" means employees of a similar employment type, such as administrative, represented classified, nonrepresented classified excluding such employees in educational service districts until December 31, 2023, confidential, represented certificated, or nonrepresented certificated excluding such employees in educational service districts until December 31, 2023, within a school employees' benefits board organization.
(8)(a) "Employer" for the public employees' benefits board program means the state of Washington.
(b) "Employer" for the school employees' benefits board program means school districts and educational service districts and charter schools established under chapter 28A.710 RCW.
(9) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, employee organizations representing state civil service employees, and through December 31, 2019, school districts, charter schools, and through December 31, 2023, educational service districts obtaining employee benefits through a contractual agreement with the authority to participate in benefit plans developed by the public employees' benefits board.
(10)(a) "Employing agency" for the public employees' benefits board program means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, or other political subdivision; and a tribal government covered by this chapter.
(b) "Employing agency" for the school employees' benefits board program means school districts, educational service districts, and charter schools.
(11) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.
(12) "Flexible benefit plan" means a benefit plan that allows employees and school employees to choose the level of health care coverage provided and the amount of employee or school employee contributions from among a range of choices offered by the authority.
(13) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.
(14) "Medical flexible spending arrangement" means a benefit plan whereby state and school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.
(15) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.
(16) "Plan year" means the time period established by the authority.
(17) "Premium payment plan" means a benefit plan whereby public
employees may pay their share of group health plan premiums with
pretax dollars as provided in the salary reduction plan under this
chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the
internal revenue code.
(18) "Public employee" has the same meaning as employee and
school employee.
(19) "Retired or disabled school employee" means:
(a) Persons who separated from employment with a school district
or educational service district and are receiving a retirement
allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;
(b) Persons who separate from employment with a school district,
educational service district, or charter school on or after October 1,
1993, and immediately upon separation receive a retirement allowance
under chapter 41.32, 41.35, or 41.40 RCW;
(c) Persons who separate from employment with a school district,
educational service district, or charter school due to a total and
permanent disability, and are eligible to receive a deferred
retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.
(20) "Salary" means a state or school employee's monthly salary
or wages.
(21) "Salary reduction plan" means a benefit plan whereby public
employees may agree to a reduction of salary on a pretax basis to
participate in the dependent care assistance program, medical flexible
spending arrangement, or premium payment plan offered pursuant to 26
U.S.C. Sec. 125 or other sections of the internal revenue code.
(22) "School employees' benefits board organization" means a
public school district or educational service district or charter
school established under chapter 28A.710 RCW that is required to
participate in benefit plans provided by the school employees' benefits board.
(23) "School year" means school year as defined in RCW
28A.150.203(11).
(24) "Seasonal employee" means a state employee hired to work
during a recurring, annual season with a duration of three months or
more, and anticipated to return each season to perform similar work.
(25) "Separated employees" means persons who separate from
employment with an employer as defined in:
(a) RCW 41.32.010(17) on or after July 1, 1996; or
(b) RCW 41.35.010 on or after September 1, 2000; or
(c) RCW 41.40.010 on or after March 1, 2002;
and who are at least age fifty-five and have at least ten years of
service under the teachers' retirement system plan 3 as defined in RCW
41.32.010(33), the Washington school employees' retirement system plan
3 as defined in RCW 41.35.010, or the public employees' retirement
system plan 3 as defined in RCW 41.40.010.
(26) "State purchased health care" or "health care" means medical
and health care, pharmaceuticals, and medical equipment purchased with
state and federal funds by the department of social and health
services, the department of health, the basic health plan, the state
health care authority, the department of labor and industries, the
department of corrections, the department of veterans affairs, and
local school districts.
(27) "Tribal government" means an Indian tribal government as
defined in section 3(32) of the employee retirement income security
act of 1974, as amended, or an agency or instrumentality of the tribal
government, that has government offices principally located in this
state. [2019 c 411 § 4; 2018 c 260 § 4; 2017 3rd sp.s. c 13 § 802.
Prior: 2016 c 241 § 136; 2016 c 67 § 2; prior: 2015 c 116 § 2; 2013 c
2 § 306 (Initiative Measure No. 1240, approved November 6, 2012); 2012
§ 22; prior: 2011 1st sp.s. c 15 § 54; 2009 c 537 § 3; 2008 c 229
§ 2; prior: 2007 c 488 § 2; 2007 c 114 § 2; 2005 c 143 § 1; 2001 c 165
§ 2; prior: 2000 c 247 § 604; 2000 c 230 § 3; 1998 c 341 § 706; 1996 c
39 § 21; 1995 1st sp.s. c 6 § 2; 1994 c 153 § 2; prior: 1993 c 492 §
214; 1993 c 386 § 5; 1990 c 222 § 2; 1988 c 107 § 3.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Effective date—2016 c 241: See RCW 28A.710.901.

Effective date—2012 c 87 §§ 4, 16, 18, and 19-23: See note following RCW 43.71.030.

Spiritual care services—2012 c 87: See RCW 43.71.901.

Effective date—Findings—Intent—Report—Agency transfer—
References to head of health care authority—Draft legislation—2011
1st sp.s. c 15: See notes following RCW 74.09.010.

Effective date—2009 c 537: See note following RCW 41.05.008.

Effective date—2008 c 229: See note following RCW 41.05.295.

Short title—2007 c 488: See note following RCW 43.43.285.

Intent—2007 c 114: "Consistent with the centennial accord, the
new millennium agreement, related treaties, and federal and state law,
it is the intent of the legislature to authorize tribal governments to
participate in public employees' benefits board programs to the same
extent that counties, municipalities, and other political subdivisions
of the state are authorized to do so." [2007 c 114 § 1.]

Effective date—2007 c 114: "This act takes effect January 1,
2009." [2007 c 114 § 8.]

Effective date—2001 c 165 § 2: "Section 2 of this act takes
effect March 1, 2002." [2001 c 165 § 5.]

Effective date—Application—2001 c 165: "This act is necessary
for the immediate preservation of the public peace, health, or safety,
or support of the state government and its existing public
institutions, and except for section 2 of this act takes effect
immediately [May 7, 2001]. This act applies to all surviving spouses
and dependent children of (1) emergency service personnel and (2)
members of the law enforcement officers' and firefighters' retirement
system plan 2, killed in the line of duty." [2006 c 345 § 2; 2001 c
165 § 6.]

Reviser's note: Contractual right not granted—2006 c 345: See
note following RCW 41.26.510.

Effective date—2000 c 230: See note following RCW 41.35.630.
Effective date—1998 c 341: See RCW 41.35.901.

Effective dates—1996 c 39: See note following RCW 41.32.010.

Effective date—1995 1st sp.s. c 6: See note following RCW 28A.400.410.

Intent—1994 c 153: "It is the intent of the legislature to increase access to health insurance for retired and disabled state and school district employees and to increase equity between state and school employees and between state and school retirees." [1994 c 153 § 1.]

Effective dates—1994 c 153: "This act shall take effect January 1, 1995, except section 15 of this act, which takes effect October 1, 1995." [1994 c 153 § 16.]

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Short title—Savings—Reservation of legislative power—Effective dates—1993 c 492: See RCW 43.72.910 through 43.72.915.

Intent—1993 c 386: See note following RCW 28A.400.391.

Effective date—1993 c 386 §§ 1, 2, 4-6, 8-10, and 12-16: See note following RCW 28A.400.391.