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## **BENEFITS ELIGIBILITY – OUT OF COMPLIANCE PROCEDURES**

### **General**

This monthly report is prepared to enable the University to monitor benefits eligibility compliance on the campus. The purpose is to protect the University from liability by ensuring that all employees receive insurance for which they are eligible. Departments can use this report to monitor compliance internally. It is mailed to Departments by mid month.

Being out of compliance means that the departmentally assigned BELI, which determines an employee's benefits eligibility, does not match the PPS system derived BELI. This can result in an employee being **eligible** for benefits they are **not** receiving, or being **ineligible** for benefits they **are** receiving.

The main factors to look at, and on which the report Derived BELI is based, are the employee's Title Code and Title, Appointment Duration, Appointment % of Time, and Average Paid Time (APT) in the PPS System. Average Paid time can be found on the IHRS screen in PPS and is shown as an average of weekly hours worked. It is determined based on a rolling twelve month average.

### **The BELI Out of Compliance Report contains the following information:**

1. Home Department Code and Name
2. Home Department Address
3. Employee name
4. Employee ID
5. Retirement Code: U= UCRP H= Safe Harbor N= None P= Pers
6. FICA Code: E= Enrolled in FICA, M= Medicare Only, N= None
7. Employment Status: A= Active, P= Paid Leave, N= LWOP
8. Benefits Enrollments: Y for Yes in column under each benefit enrollment
9. Average Paid Hours per Week – referred to as Average Paid Time or APT
10. Assigned BELI Code, which is assigned by the department
11. Appointment/ Average Derived BELI: Derived by the System  
Based on Title Code & Title, Appointment Duration, % Time of Appointment, and Average Weekly Hours Worked per PPS on IHRS screen
12. Date: the month the employee first became out of compliance
13. Appointment: If there is more than one, all will be listed by number
14. Title Code and Title Name
15. Employment Type: Career, Limited, Contract, Casual-Restricted, etc.
16. Appointment Begin and End Dates
17. Appointment % of Time
18. Fixed or Variable Appointment %
19. Payment Method: Salaried, Hourly, By Agreement, Without Salary



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## Common Reasons for Entries and How to Correct Them

There are several common reasons why an employee shows up on the report, and some of them are easy to correct. While the report is not completely accurate, because it has not been updated for the collapse of BELI codes 1-9 into BELI codes 1-5, nor has it been updated for 1,000 Hours Eligibility, it is still very useful in tracking benefits eligibility compliance in most other cases.

### *Check that BELI Code Matches Current Appointment*

A new appointment in a new title may need a new BELI code.

An employee moving from a Visiting Title to a non Visiting Title will probably need a change in BELI code.

An employee moving from a Student Title to a Staff Title may need a new BELI code

### *One Thousand Hours*

If an employee reaches One Thousand Hours in a rolling twelve month period, that employee is eligible for Full Benefits. The employee needs to be counseled for full benefits, and enrollment done either on AtYour Service or on a UPAY 850. The BELI should automatically be changed to 1, if not, a UPAY 726 must be completed to change the BELI to 1.

Note: A 120 day break in service does NOT apply to benefits

Ignore Entries for employees who have BELI 1 and have over one thousand hours when current appointments are less than one year at 50%. The report will derive a BELI other than 1 based on the appointment duration or %.

### *Emeriti Professors' BELI Codes*

Emeriti should be assigned BELI 5 when in Without Salary appointments. When an appointment for a retired professor is set up, the BELI should be changed from 1. If a professor is over age 65 and has contributed to Social Security, the appointment should not be greater than 43.5% due to issues related to Medicare. This Medicare issue applies to all rehired retirees as well.

### *Students employed in student- reserved titles are not eligible for benefits*

If they have a BELI other than 5, the BELI must be changed to 5 and the student de-enrolled from benefits. Since the student was never eligible for benefits, they are not eligible for COBRA. Because they are students, they already have student health insurance.



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### *Visiting Titles*

Those with visiting titles must have a BELI which matches the appointment.

Visiting titles with appointments at 50% for one year or more are normally assigned BELI 2. Visiting Titles are excluded from UCRP participation.

If benefits will be taken away as a result of a BELI change, and the employee was not eligible for benefits, the employee is not eligible for COBRA.

Note: H-1B visa holders can no longer be appointed in visiting titles per The Services for International Students and Scholars Office.

### *% of time*

Appointments must have a percent of time if the Description of Service is REG.

Please add a % if the % is zero and should not be. Check with the HRMS Help Desk at 3-4443 if help is needed.

### *BELI Codes 6-9*

Ignore the use of these BELI Codes if the Assigned BELI is 5. Otherwise, codes above 5 can be translated as 5.

## **Bringing Employees Into Compliance**

If the employee has more than one appointment, first evaluate each one separately to determine if it is an eligible appointment. Then evaluate all eligible appointments together to determine the appropriate BELI code. If the employee works in more than one department, the Home department maintains BELI compliance in consultation with the other departments

Hours worked and percent of time appointed need to be commensurate. An employee will show up on the report until the Average Paid Time corresponds to the appointment percentage. If the APT doesn't correspond to the percentage assigned, either an employee's work hours can be increased or decreased to conform to it, or the percentage can be changed to reflect actual hours worked.

If bringing an employee's BELI into compliance requires a change in title, appointment percentage or a change in the number of work hours, you may need to confer with one of the following: the departmental HR Manager, an Employee Relations Consultant, or your Academic Personnel Office Liaison.

Review the data for each employee listed on the report to determine why there is a difference between the assigned BELI and the derived BELI. Make corrections as appropriate, notating errors on the report. Counsel employees about increased or decreased benefits eligibility as appropriate, and take appropriate action to enroll or disenroll employees in benefits.



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When the title code and title, appointment duration and % of time, Average Paid Time and Derived BELI correspond to and reflect the intent of the department, and the BELI is out of compliance, the departmentally assigned BELI may need correcting. The new BELI effective date must match the date the employee first became eligible for the new BELI code.

Prepare a new BELI form, change the BELI in HRMS, and send a copy of the BELI form to HRMS Data Services. If new benefits eligibility results, counsel the employee. Determine the Period of Initial Eligibility or PIE. Two days after the BELI is changed in HRMS, the employee may be able to enroll in benefits on At Your Service if s/he is still within her/his PIE. If not, then a UPAY 850 and/or a UPAY 717 must be used. If enrollment takes place within the PIE, the completed form (s) can be sent directly to HR Benefits (see address, above). If the PIE is over, an exception request is also needed. Complete an exception request form and send it with the completed enrollment form to Emily Ladner, HR Benefits.

If reduced benefits eligibility results from a BELI correction, the employee must be de-enrolled from benefits and provided with COBRA and other continuation/conversion information, as appropriate. If the employee was never eligible for the benefits received, the employee is not eligible for COBRA. COBRA instructions are available here: <http://hrweb.berkeley.edu/benefits/cobra.htm>.

In certain situations, employees who are in compliance will appear on the report because the report does not recognize that the employee is in "Qualified Status." If you have an employee in Qualified Status, you may need to add the appropriate Status Qualifier Code to a BELI form and then into HRMS.

If you have any questions, please contact Emily Ladner at 642-1122 or [ladner@berkeley.edu](mailto:ladner@berkeley.edu).