

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 966*

Short Title: Revise Employee Insurance Committee Req'ts. (Public)

Sponsors: Representatives Dollar, Hurley, Lucas, and R. Turner (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Insurance

April 27, 2016

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY SELECTION AND STRENGTHEN THE FUNCTIONING OF
3 EMPLOYEE INSURANCE COMMITTEES, AS RECOMMENDED BY THE JOINT
4 LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 58-31-60 reads as rewritten:

7 "§ 58-31-60. **Competitive selection of payroll deduction insurance products paid for by State**
8 **employees.**

9 (a) Employee Insurance Committee. – The head of each State government ~~employee~~
10 ~~payroll-unit~~agency offering payroll deduction insurance products to employees shall appoint an
11 Employee Insurance Committee for the following purposes:

- 12 (1) To review insurance products currently offered through payroll deduction to the
13 State employees in the Employee Insurance Committee's ~~payroll-unit~~agency to
14 determine if those products meet the needs and desires of employees in the
15 Employee Insurance Committee's ~~payroll-unit~~agency.
16 (2) To select the types of insurance products that reflect the needs and desires of
17 employees in the Employee Insurance Committee's ~~payroll-unit~~agency.
18 (3) To competitively ~~select~~select, no less frequently than every three years,
19 the best insurance products of the types determined by the Employee Insurance
20 Committee to reflect the needs and desires of the employees of that ~~payroll~~
21 ~~unit~~agency.
22 (4) To ensure vendors selected by the Employee Insurance Committee comply with
23 the terms and conditions of established contracts.

24 As used in this section, "agency" includes an existing department, institution, commission,
25 committee, board, bureau, or a constituent institution of The University of North Carolina, and
26 "insurance product" includes a prepaid legal services plan registered under G.S. 84-23.1.

27 (b) ~~Appointment—Administration of Employee Insurance Committee Members—~~
28 ~~Committees. –~~

- 29 (1) Appointment, membership, and terms. – The members of the Employee
30 Insurance Committee shall be appointed by the head of the ~~payroll-unit~~agency.
31 The Committee shall consist of not less than five or more than nine individuals
32 a majority of whom have been employed in the ~~payroll-unit~~agency for at least
33 one year. The committee members shall, except where necessary initially to
34 establish the rotation herein prescribed, serve three-year terms with
35 approximately one-third of the terms expiring annually. Committee



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1 membership make-up shall fairly represent the geographical distribution and
2 other characteristics of the work force in the payroll unit agency and be selected
3 without regard to any political or other affiliations. It shall be the fiduciary duty
4 of the payroll unit agency head to (i) appoint members of the Committee who
5 are capable of carrying out the purposes and duties set forth in this section in a
6 thorough and diligent manner and (ii) assure that the Employee Insurance
7 Committee is completely autonomous in its selection of insurance products and
8 insurance companies and that no member of the Employee Insurance
9 Committee has any conflict of interest in serving on the Committee. A
10 committee on employee benefits elected or appointed by the faculty
11 representative body of a constituent institution of The University of North
12 Carolina shall be deemed constituted and functioning as an employee insurance
13 committee in accordance with this section.

14 (2) Appeal of committee decisions. – Any decision rendered by the Employee
15 Insurance Committee where the autonomy of the Committee or a conflict of
16 interest is questioned shall be subject to appeal pursuant to the Administrative
17 Procedure Act, or in the case of departments, boards and commissions which
18 are specifically exempt from the Administrative Procedure Act, pursuant to the
19 appeals procedure prescribed for such department, board or commission.

20 (3) Meetings. – The Committee shall meet as often as needed to carry out the
21 purposes and duties set forth in this section but no less frequently than
22 quarterly. Each Committee shall maintain minutes documenting every meeting.

23 (c) Selection of Payroll Deduction Slots. – Each payroll unit agency shall be entitled to not
24 less than four payroll deduction slots to be used for payment of insurance premiums for products
25 selected by the Employee Insurance Committee and offered to the employees of the payroll
26 unit agency. The Employee Insurance Committee shall select only one company per payroll
27 deduction slot. The Company selected by the Employee Insurance Committee shall be permitted
28 to sell through payroll deduction only the products specifically approved by the Employee
29 Insurance Committee. The assignment by the Employee Insurance Committee of a payroll
30 deduction slot shall be for a period of not less than two years unless the insurance company shall
31 be and not greater than three years. The minimum assignment period shall not apply if the
32 Employee Insurance Committee determines the insurance company is in violation of the terms of
33 the written agreement specified in this subsection. The insurance company awarded a payroll
34 deduction slot shall, pursuant to a written agreement setting out the rights and duties of the
35 insurance company, be afforded an adequate opportunity to solicit employees of the payroll
36 unit agency by making such employees aware that a representative of the company will be
37 available at a specified time and at a location convenient to the employees.

38 Notwithstanding any other provision of the General Statutes, once an employee has selected an
39 insurance product for payroll deduction, that product may not be removed from payroll deduction
40 for that employee without his or her specific written consent.

41 When an employee retires from State employment and payroll deduction under this section is
42 no longer available, the insurance company may not terminate life insurance products purchased
43 under the payroll deduction plan without the retiree's specific written consent solely because the
44 premium is no longer deducted from payroll.

45 (c1) Procedure for Selection of Insurance Product Proposals. – Each Committee shall use
46 the procedure set forth in this subsection to select insurance products.

47 (1) When soliciting insurance product proposals, the Committee shall ensure
48 adequate notice and competition by utilizing the Department of
49 Administration's electronic Interactive Purchasing System or a similar
50 electronic purchasing system and shall utilize available procurement templates
51 developed by the Department of Administration.

1 (2) All insurance product proposals shall be sealed. The Committee shall open all
2 proposals in public and record them in the minutes of the Committee, at which
3 time the proposals become public records open to public inspection.

4 (3) Each Committee member shall affirmatively attest they have no association
5 with any agent or insurer offering an insurance product proposal, and if the
6 member cannot make such an attestation, the member shall recuse themselves
7 from further review and decision making regarding product selection. The
8 attestations or recusals shall be recorded in the minutes of the Committee.

9 (4) After the public opening, the Committee shall review the proposals, examining
10 the cost and quality of the products, the reputation and capabilities of the
11 insurance companies submitting the proposals, and other appropriate criteria.
12 The Committee shall determine which proposal, if any, would meet the needs
13 and desires of the employees of that Committee's ~~payroll unit~~agency and shall
14 award a payroll deduction slot to the company submitting the proposal that
15 meets those needs and desires. The Committee may reject any or all proposals.

16 A company may seek to modify or withdraw a proposal only after the public opening and only
17 on the basis that the proposal contains an unintentional clerical error as opposed to an error in
18 judgment. A company seeking to modify or withdraw a proposal shall submit to the Committee a
19 written request, with facts and evidence in support of its position, prior to the award of the payroll
20 deduction slot, but not later than two days after the public opening of the proposals. The
21 Committee shall promptly review the request, examine the nature of the error, and determine
22 whether to permit or deny the request.

23 (d) Criminal Penalty. – It shall be a Class 3 misdemeanor for any State employee, who has
24 supervisory authority over any member of the Employee Insurance Committee, to attempt to
25 influence the autonomy of any Employee Insurance Committee either in the appointment of
26 members to such Committee or in the operation of such Committee; or for anyone to open a sealed
27 insurance product proposal or disclose or exhibit the contents of a sealed insurance product
28 proposal, prior to the public opening of the proposal. The Commissioner of Insurance shall have
29 the authority to investigate complaints alleging acts subject to the criminal penalty and shall report
30 his findings to the Attorney General of North Carolina.

31 (e) Report. – Each employee insurance committee shall report annually to the Office of
32 State Human Resources in a form and manner as the Office may direct, the names and terms of its
33 members, the insurance products offered to employees, the vendors providing those products, the
34 date when those products were last bid, and the premiums charged through payroll deduction for
35 those products."

36 **SECTION 2.** This act becomes effective July 1, 2016, and applies to the appointment
37 or reappointment and operation of Employee Insurance Committees on or after that date.