



ADMINISTRATIVE RULES OF MONTANA



2.21.1937 ELIGIBILITY

- (1) A group may be formed by:
 - (a) employees in an office, department, board, commission, attached agency, county, incorporated city or town, school district, unit of the university system, and the judicial and legislative branches of state government;
 - (b) employees in an organizational subdivision of an employer, such as a division, bureau, work unit, institution, etc.;
 - (c) employees in a bargaining unit; or
 - (d) other groups of employees defined by an employer that are not designed to provide individual decision-making regarding participation.
- (2) A group may consist of employees who are:
 - (a) all currently eligible to retire;
 - (b) all currently ineligible to retire; or
 - (c) a mix of those eligible and ineligible to retire.
- (3) No group may be formed with fewer than five employees.
- (4) No group may be formed to benefit a select group of the highest paid employees. "Highest paid" means an annual compensation in the top 25% of employees ranked on the basis of total compensation paid during the year.
- (5) Members in a group must be:
 - (a) eligible for sick leave;
 - (b) eligible for benefits with the employer;
 - (c) receiving an employer contribution for group benefits under 2-18-703, MCA, or other employer contribution to benefits; and
 - (d) active in the employer's retirement system.
- (6) When a group is formed:
 - (a) members may not opt out of the group;
 - (b) current employees of the same employer not already in the group may not opt into the group;

- (c) a participant may return to work but does not become a new member of a group unless hired into a job position eligible for the Montana VEBA HRA and meets all requirements in (5); and
- (d) if an employee's circumstances change such that the employee becomes eligible to be a member of an existing group, the employee automatically becomes a member of this group.

Authorizing statute(s): 2-18-1305, MCA

Implementing statute(s): 2-18-1310, MCA

History: NEW, 2005 MAR p. 911, Eff. 4/29/05; AMD, 2013 MAR p. 1083, Eff. 6/21/13; AMD, 2019 MAR p. 2011, Eff. 11/9/19.