

# Federal COBRA/Cal-COBRA Status Notification Form

## Attention: Your Response Is Required

Please complete and send to CoPower via fax at 650.348.1149 or email at [cobraform@copower.com](mailto:cobraform@copower.com).

In order to ensure compliance with state and federal laws, we require you to update CoPower annually with your company's Cal-COBRA or COBRA eligibility. Eligibility is determined by the number of employees in your group. If you need help in determining your status, use the worksheet calculation below and refer to the general guidelines on the next page.

Failure to notify CoPower of a status change will expose your company to liability for COBRA non-compliance.

Group Information	
Group Name:	CoPower Group ID#:

Fed-COBRA or Cal-COBRA status is determined each calendar year based on the previous calendar year's total employee count and does not change mid-year.

As of January 1<sup>st</sup> 2017, our company is subject to:

- Cal-COBRA** (2 to 19 Full-Time Equivalents)
- Federal COBRA** (20 or more Full-Time Equivalents)
- Exempt from COBRA Requirement** (Church Plans only – See next page)

Administrator Signature	
Signature:	Date:
Plan Administrator (Please print name)	

<p>Full-Time Equivalent (FTE) can be derived from the total number of full- and part-time employees.</p> <ul style="list-style-type: none"> <li>▪ 1 Full Time employee = 1 FTE</li> <li>▪ 1 Part Time Employee = a fraction of 1 FTE</li> </ul> <p>Example:</p> <p>1 Part-Time Employee who works 10 hours per week = ¼ FTE</p> <p>1 Part-Time Employee who works 20 hours per week = ½ FTE</p> <p>1 Part-Time Employee who works 30 hours per week = ¾ FTE</p> <p><u>3 Full-Time Employees who work 40 hours per week = 3 FTE</u></p> <p><b>Company's Total Full-Time Equivalents = 4 ½ FTEs</b></p> <p>Include: Seasonal Employees, Owners, and Officers            Exclude: Self-employed Persons, Independent Contractors, and Board of Directors</p>	
<p><b>A.</b> How many <b>full-time</b> employees did your company have for at least 50% of the business days in the <b>last</b> calendar year?</p>	_____
<p><b>B.</b> How many <b>part-time</b> employees did your company have for at least 50% of the business days in the <b>last</b> calendar year? (Calculate in fractions of an FTE and add together)</p>	_____
<p><b>Add A + B = TOTAL FULL-TIME EQUIVALENTS (FTE)</b></p>	_____

## Fed-COBRA and Cal-COBRA: General Guidelines

Federal (COBRA) and California State (Cal-COBRA) laws allow for continuation of group health benefits by individuals who lose coverage as a result of certain 'qualifying events.' In order to maintain compliance with these laws, notification of your current group status must be submitted to CoPower on an annual basis.

**Fed-COBRA or Cal-COBRA status is determined each calendar year based on the previous calendar year's total employee count and does not change mid-year.**

### Federal COBRA

(20 or more employees for at least 50% of the previous calendar year)

- An employer with a group health plan that employs 20 or more 'employees' on at least 50% of its 'typical business days' during the preceding calendar year is generally subjected to Federal COBRA law.
- 'Employees' are full-time and part-time common law employees, whether or not they are eligible for coverage under the employer's group health plan.
- Self-employed individuals or independent contractors **are not** treated as employees for Federal COBRA purposes and need not to be counted toward the total employee count.
- Part-time employees may be counted as a fraction of an employee. The fraction is based on the number of hours actually worked compared to the number of hours required to be considered a full-time employee, but not greater than 40 hours per week.
- Employers must aggregate employees from all divisions, subsidiaries, and any other entities that make up a controlled group of corporations in determining total employee count.

### Cal-COBRA

(2 to 19 employees for at least 50% of the previous calendar year)

- An employer with only 2 to 19 employees on at least 50% of its 'working days' during the preceding calendar year is generally subject to Cal-COBRA law.
- All full-time, part-time, leased and self-employed persons are considered 'employees' regardless of whether or not they are eligible for coverage.
- Agents, independent contractors, and corporate directors are counted as eligible employees if they are eligible for the group plan coverage.
- Employers must aggregate employees from all divisions, subsidiaries, and any other entities that make up a controlled group of corporations in determining total employee count.

### Exempt

(Church Plans only)

- Employers maintaining a church plan may be exempt from Federal COBRA requirements.
- Not all church-controlled organizations are exempt — legal counsel should be sought in determining if your group qualifies for this exemption.
- Church plans are 'plans established and maintained by a church or by a convention or association of churches which are exempt from taxes under Internal Revenue Code Section 501.'
- Employers maintaining a church plan for only 2 to 19 employees **will not** be exempt from Cal-COBRA.

**QUESTIONS? Do not hesitate to contact CoPower if you have any questions regarding this form. If you are unsure of how to calculate your COBRA designation, we advise you to contact your legal counsel.**