

**2023  
SECOND AMENDMENT  
TO THE  
WESTERN STATES HEALTH & WELFARE TRUST FUND OF THE OPEIU**

The Trustees adopt this Amendment to the Western States Health & Welfare Trust Fund of the OPEIU:

Section 4, “Eligibility for Early Retiree Coverage,” is hereby amended as follows:

**4. Eligibility for Early Retiree Coverage**

\* \* \* \*

**Dependent Eligibility under Early Retiree Coverage**

Dependents of Early Retirees will be allowed Early Retiree Plan coverage (1) when they enroll at the time of the initial enrollment of the Early Retiree, or (2) when they sustain a loss of other coverage obtained through marriage, domestic partnership, or employment.

**Dependent** means the following:

Your legal spouse or Domestic Partner as defined in the definitions section of this document, and the eligible dependent children of you, your spouse or Domestic Partner.

The following are considered children:

- a. Yours, your spouse’s or your Domestic Partner’s natural child;
- b. Your, your spouse’s or your Domestic Partner’s adopted child, a child placed for adoption with you, your spouse or your Domestic Partner, a stepchild living with you in your home, or a nonresident stepchild if there is a qualified medical child support order (QMCSO) that requires the spouse to provide health insurance coverage; and
- c. Children related to you, your spouse or your Domestic Partner by blood or marriage (which may include grandchildren if their natural mother or father is an eligible family dependent and enrolled in this plan), or for whom you are the legal guardian (you will need to provide a court order showing legal guardianship)

In addition, incapacitated children can remain enrolled past the age of 26. An incapacitated child is an unmarried child who is incapable of self-support because

of a physical handicap or intellectual or developmental disabilities. The incapacitating condition must have existed before the child's 26<sup>th</sup> birthday.

In addition to the foregoing eligibility terms, the Trustees may approve that dependents of a retiree who has become eligible for Medicare may continue to be covered under the Plan for up to 5 years provided that they pay the rate for COBRA coverage or such other rate negotiated and approved by the Trustees during that period. Coverage provided as an alternative to COBRA coverage shall be provided only with full waiver of COBRA rights, and acknowledgement that this coverage is subject to change or elimination at the discretion of the Trustees. Any such coverage will end when the dependent has reached 5 years of coverage on this basis, or Medicare entitlement, whichever comes first. This may be approved by the Trustees for dependents of retirees on a group basis, including with respect to retirees of a particular employer.

Enrollees may obtain from the **Administrative Office**, without charge, a copy of the procedures governing qualified medical child support order (QMCSO) determinations.

Adopted at a Trust meeting on \_\_\_\_\_, 2023, effective \_\_\_\_\_.

Howard Bell  
Co-Chair

Sara Eder  
Co-Chair