

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday.**

***\*All fields must be completed.\****

*Incomplete request forms will be returned to sender which may cause a delay in processing.*

**Date of Request: July 30, 2014**

Please mark one: ☒ **Bill Request** or ☐ **Resolution Request**

**1. Has your agency submitted this request in the last 12 months?**

☐ **Yes** ☒ **No**

**If yes, please explain:**

**2. Title:** **Amending portions of Chapter 18 of the Denver Revised Municipal Code to implement the Patient Protection and Affordable Care Act:**

The Office of Human Resources will be presenting this recommendation to the Technology and Governance Committee on August 12, 2014.

**3. Requesting Agency:** Office of Human Resources

**4. Contact Person:** *(with actual knowledge of proposed ordinance)*

- **Name:** Heather Britton
- **Phone:** 720-913-5699
- **Email:** heather.britton@denvergov.org

**5. Contact Person:** *(with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)*

- **Name:** Heather Britton
- **Phone:** 720-913-5699
- **Email:** heather.britton@denvergov.org

**6. General description of proposed ordinance including contract scope of work if applicable:**

Amend Sections 18-171, 18-172, 18-173, 18-174, 18-175, and 18-176 of Chapter 18, of the Revised Municipal Code, changing the City's participation in medical insurance plans and contributions to implement the Patient Protection and Affordable Care Act.

**7. Is there any controversy surrounding this ordinance?** (groups or individuals who may have concerns about it?)  
**Please explain.**

None known

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:  
GOVERNMENT AND FINANCE

**A BILL**

**For an ordinance amending Sections 18-171, 18-172, 18-173, 18-174, 18-175, and 18-176 of Chapter 18, of the Revised Municipal Code, changing the City's participation in medical insurance plans and contributions to implement the Patient Protection and Affordable Care Act.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** That section 18-171 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-171. - Definitions.**

The following definitions and rules of construction shall be observed in the interpretation of this article:

(1) *Eligible employee and appointed charter officer* shall mean all employees and appointed charter officers as defined in [section 9.2.1](#)(B) of the charter who meet the definition of eligibility of the insurance provider, with the exception of:

a. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week;

b. Members of the classified service of the police and fire departments, and;

~~c. Certain trainees as defined in the career service rules;~~

c. ~~d.~~ Persons occupying or employed in on-call, temporary, seasonal, or contract positions, or positions in which the incumbent is paid according to the community rate schedule; ~~and~~

(2) *Employee plus children* shall mean an employee plus one (1) or more children, as defined by the insurance provider, of the employee or the employee's spouse or spousal equivalent.

(3) *Employee plus partner* shall mean an employee and spouse or spousal equivalent.

(4) *Employer contribution* shall mean funds paid by the city for insurance programs approved by the employee health insurance committee.

(5) *Family* shall mean an employee and spouse or spousal equivalent and one (1) or more eligible children, as defined by the insurance provider.

(6) *Spousal equivalent* shall mean an adult of the same gender with whom the employee is in an exclusive committed relationship, who is not related to the employee and who shares basic living expenses with the intent for the relationship to last indefinitely. A spousal equivalent cannot be related

by blood to a degree which would prevent marriage in Colorado and cannot be married to another person. An employee claiming a spousal equivalent dependent shall file with the Office of Human Resources employee benefits section an affidavit of spousal equivalency or may register as a committed partnership with the clerk's office.

**Section 2.** That section 18-172 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-172. – Insurance Program.**

(1) Every eligible employee and appointed Charter Officer is entitled to receive insurance coverage under a program recommended by the employee health insurance committee, in accordance with division 2 of this article, and approved by the city council by ordinance.

(2) For purposes of medical insurance coverage only, any employee who qualifies as a “full time employee”, as applicable to large employers, pursuant to the *Patient Protection and Affordable Care Act* (the “*Affordable Care Act*”) created by Public Law 111-148, dated March 23, 2010, as may be amended, shall be offered only medical insurance coverage as an *eligible employee* during the ensuing *stability period* as defined in the *Affordable Care Act*.

(3) For purposes of implementing the Affordable Care Act, the following elections are made by the city:

(a) *The Initial Measurement Period* for the city shall be twelve (12) months long beginning October 03, 2013, and;

(b) *Administrative Period* for the city shall be ninety (90) days long, beginning immediately after the Measurement Period ends.

**Section 3.** That section 18-173 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-173. - Medical insurance program—City contribution.**

(1) **Full Time Contributions.** Eligible employees who are regularly scheduled to work at least sixty (60) hours every two weeks or *full time* employees as defined in DRMC 18-172(2), shall receive a Full Time Contribution as defined in this section.

(2) **Part Time Contributions.** Eligible employees who are regularly scheduled to work at least forty (40), but less than sixty (60) hours every two weeks, excluding employees who fail to meet the *full time* employee definition in DRMC 18-172(2), shall receive a Part Time Contribution as defined in this section.

(3) **HMO Contributions:** Effective January 1, 2014, the city shall contribute the following for the Kaiser Permanente HMO plan, United Health Care EPO/Choice Traditional plan and the Denver Health Medical Plan HMO:

- a. **Full Time Contributions.** Seventy-five percent (75%) of the monthly premium for employee-only plans; seventy percent (70%) of the monthly premium for employee plus children plans; sixty-seven and one-half percent (67.5%) of the monthly premium for employee plus partner plans; and sixty-five percent (65%) of the monthly premium for family plans, regardless of the insurance provider selected.
- b. **Part time contributions.** The City shall contribute an amount equal to one half of the Full Time Contribution rate for each category of coverage listed in DRMC 18-173(3)(a).

**(4) DHMO Contributions:** Effective January 1, 2014, the city shall contribute the following for the Kaiser Permanente DHMO plan, United Health Care Navigate plan and the Denver Health Medical Plan DHMO:

- a. **Full Time Contributions.** Ninety-five percent (95%) of the monthly premium for employee-only plans; ninety percent (90%) of the monthly premium for employee plus children plans; eighty-seven and one-half percent (87.5%) of the monthly premium for employee plus partner plans; and eighty-five percent (85%) of the monthly premium for family plans, regardless of the insurance provider selected.
- b. **Part time contributions.** The City shall contribute an amount equal to one half of the Full Time Contribution rate for each category of coverage listed in DRMC 18-173(4)(a).

**(5) If spouses are eligible employees, as defined in DRMC 18-171, each eligible employee may enroll in medical coverage as either a subscriber or dependent, but not both. The City shall make one (1) contribution per employee, per plan, calculated as described in this DRMC 18-173, above, to avoid double coverage of any employee.**

**(6) Each eligible employee shall elect a health plan within thirty (30) days of employment.**

**(7) Each eligible employee shall promptly notify the Office of Human Resources, Benefits division of any changes to his or her status affecting the health plan election within thirty (30) days of such change. Eligible employees shall cooperate with the City and provide documentation as requested to verify any changes.**

**(8) Each child, spouse or spousal equivalent must be insured under the same plan as the employee.**

~~(a) Effective January 1, 2014, the city shall contribute the following for the Kaiser Permanente HMO plan, United Health Care EPO/Choice Traditional plan and the Denver Health Medical plan:~~

~~(1) Seventy five (75) percent of the monthly premium for employee only plans; seventy (70) percent of the monthly premium for employee plus children plans; sixty-seven and one-half (67.5) percent of the monthly premium for employee plus partner plans; and sixty-five (65) percent of the~~

~~monthly premium for family plans, regardless of the insurance provider selected by the employee, for eligible employees who are regularly scheduled to work at least eighty (80) hours every two (2) hours;~~

~~(2) Fifty-six and one-quarter (56.25) percent of the monthly premium for employee-only plans; fifty-one (51) percent of the monthly premium for employee plus children plans; fifty-two and one-half (52.5) percent of the monthly premium for employee plus partner plans; and forty-eight and three-quarter (48.75) percent of the monthly premium for family plans, regardless of the insurance provider selected by the employee, for eligible employees who are regularly scheduled to work at least sixty (60), but less than eighty (80), hours every two (2) weeks; and~~

~~(3) Thirty-seven and one-half (37.5) percent of the monthly premium for employee-only plans; thirty-four (34) percent of the monthly premium for employee plus children plans; thirty-five (35) percent of the monthly premium for employee plus partner plans; and thirty-two and one-half (32.5) percent of the monthly premium for family plans, regardless of the insurance provider selected by the employee, for eligible employees who are regularly scheduled to work at least forty (40), but less than sixty (60) hours every two (2) weeks.~~

~~(b) Effective January 1, 2012, the city shall contribute the following for the Kaiser Permanente DHMO plan and the United Health Care Navigate plan:~~

~~1. Ninety-five (95) percent of the monthly premium for employee-only plans; ninety (90) percent of the monthly premium for employee plus children plans; eighty-seven and one-half (87½) percent of the monthly premium for employee plus partner plans; and eighty-five (85) percent of the monthly premium for family plans, regardless of the insurance provider selected by the employee, for eligible employees who are regularly scheduled to work at least eighty (80) hours every two (2) weeks;~~

~~2. Seventy-one and one-quarter (71.25) percent of the monthly premium for employee-only plans; sixty-seven and one-half (67.5) percent of the monthly premium for employee plus children plans; sixty-five and five-eighths (65.625) percent of the monthly premium for employee plus partner plans; and sixty-three and three-quarters (63.75) percent of the monthly premium for family plans, regardless of the insurance provider selected by the employee, for eligible employees who are regularly scheduled to work at least sixty (60), but less than eighty (80), hours every two (2) weeks; and~~

~~3. Forty-seven and one-half (47½) percent of the monthly premium for employee-only plans; forty-five (45) percent of the monthly premium for employee plus children plans; forty-three and three-quarters (43.75) percent of the monthly premium for employee plus partner plans; and forty-two and one-half (42.5) percent of the monthly premium for family plans, regardless of the insurance~~

~~provider selected by the employee, for eligible employees who are regularly scheduled to work at least sixty (60) hours every two (2) weeks.~~

~~(c) Effective January 1, 2012, the city shall make one (1) contribution per plan, calculated as described in (a), above, regardless of whether the employee's spouse or spousal equivalent is also a city employee covered by the same plan.~~

~~(d) Each employee shall declare his or her initial status, shall promptly notify the appropriate city agency of any changes to his or her status, and shall verify any changes to his or her declared status.~~

~~(e) Each child, spouse or spousal equivalent must be insured under the same plan as the employee.~~

**Section 4.** That section 18-174 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-174. - Life insurance program—City contribution.**

The city shall contribute one hundred ~~(100)~~ percent (100%) of the monthly premium of group term life insurance for eligible employees and appointed charter officers in the following amounts:

(a) For all employees hired after January 1, 2002:

1. Who are regularly scheduled to work at least ~~eighty (80)~~ sixty (60) hours every two (2) weeks, a life insurance benefit of two (2) times the employee's annual salary up to a maximum benefit of one hundred thousand dollars (\$100,000.00);

~~2. Who are regularly scheduled to work at least sixty (60) but less than eighty (80) hours every two (2) weeks, a life insurance benefit of one and one half (1½) times the employee's annual salary up to a maximum benefit of seventy five thousand dollars (\$75,000.00); and~~

2. ~~3.~~ Who are regularly scheduled to work at least forty (40) but less than sixty (60) hours every two (2) weeks, a life insurance benefit of one (1) times the employee's annual salary up to a maximum benefit of fifty thousand dollars (\$50,000.00).

(b) For all employees hired before January 1, 2002, the greater of the amount for which they would be eligible if hired after January 1, 2002 or two (2) times the employee's annual salary up to a maximum benefit of seventy-five thousand (\$75,000.00).

**Section 5.** That section 18-175 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-175. - Dental insurance program—City contribution.**

For the calendar year ~~2012~~ 2015 and thereafter, the city will contribute monthly for dental insurance for eligible employees and appointed charter officers:

(a) Eighty-five ~~(85)~~ percent (85%) of the monthly premium of the lowest cost plan for employee-only plans; seventy-seven and one-half ~~(77.5)~~ percent (77.5%) of the monthly premium of the lowest cost plan for employee plus partner plans; eighty ~~(80)~~ percent (80%) of the monthly premium of the lowest cost plan for employee plus children plans; and seventy-five ~~(75)~~ percent (75%) of the monthly premium of the lowest cost plan for family plans, regardless of the plan selected by the employee, for eligible employees who are regularly scheduled to work at least ~~eighty (80)~~ sixty (60) hours every two (2) weeks.

~~(b) Sixty-three and three-quarters (63.75) percent of the monthly premium of the lowest cost plan for employee-only plans; fifty-eight and one-eighth (58.125) percent of the monthly premium of the lowest cost plan for employee plus partner plans; sixty (60) percent of the monthly premium of the lowest cost plan for employee plus children plans; and fifty-six and one-quarter (56.25) percent of the monthly premium of the lowest cost plan for family plans, regardless of the plan selected by the employee, for eligible employees who are regularly scheduled to work at least sixty (60), but less than eighty (80), hours every two (2) weeks.~~

~~(b)~~ (e) Forty-two and one-half ~~(42.5)~~ percent (42.5%) of the monthly premium of the lowest cost plan for employee-only plans; thirty-eight and three-quarters ~~(38.75)~~ percent (38.75%) of the monthly premium of the lowest cost plan for employee plus partner plans; forty ~~(40)~~ percent (40%) of the monthly premium of the lowest cost plan for employee plus children plans; and thirty-seven and one-half ~~(37.5)~~ percent (37.5%) of the monthly premium of the lowest cost plan for family plans, regardless of the plan selected by the employee, for eligible employees who are regularly scheduled to work at least forty (40), but less than sixty (60), hours every two (2) weeks.

**Section 6.** That section 18-176 of the Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

**Sec. 18-176. Long-term disability – City contribution**

The city shall contribute one hundred ~~(100)~~ percent (100%) of the monthly premium for long-term disability insurance for eligible employees and appointed charter officers who have completed six full months of continuous uninterrupted employment, who have attained permanent employee status, who are residents or citizens of the United States, who are not temporary or seasonal employees, and who are not full-time members of the armed forces of any country, ~~and who are not deputy sheriffs.~~

COMMITTEE APPROVAL DATE: \_\_\_\_\_, 2014.

MAYOR-COUNCIL DATE: \_\_\_\_\_, 2014.

PASSED BY THE COUNCIL \_\_\_\_\_ 2014

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2014

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2014; \_\_\_\_\_ 2014

PREPARED BY: Robert McDermott – Assistant City Attorney - \_\_\_\_\_, 2014

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

D. Scott Martinez, City Attorney for the City and County of Denver

BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_, 2014