



Retiree Healthcare Benefits Advisory Subcommittee
Applicable Law and Standards of Conduct

March 6, 2023



Why are you here?

- Senate Bill 29, signed into law by the Governor on Jan 26, 2023
- Amended the State Employee Benefits Consolidation Act
- Several changes, including establishment of new subcommittee, the Retiree Healthcare Benefits Advisory Subcommittee

Committee Duties & Responsibilities

SB 29

- 1) Conduct public meetings and receive public comment about current and future State retiree healthcare benefits, including the previously proposed Medicare Advantage Plan for State retirees, while taking into consideration the previous work of the State Employee Benefits Committee and the Retirement Benefit Study Committee
- 2) Consider how reporting and analyses regarding Medicare Advantage Plans nationwide relate to the terms of the previously proposed Medicare Advantage Plan for State retirees

Committee Duties & Responsibilities

SB 29

- 3) Study, review, and evaluate the fiscal and other implications of the extension of the existing Medicare Supplement plan to January 1, 2024
- 4) Evaluate options for continuing to provide strong State retiree healthcare benefits in a fiscally sustainable way, including options to maintain their current coverage
- 5) By May 1, 2023, issue findings and recommendations to the Governor and the General Assembly going as they relate to the Fiscal Year 2024 State budget

SEBC Authority

- Here to support the SEBC
- 29 *Del. C.* Chapters 52 and 96
- SEBC has authority to control and manage all employee statewide health benefit programs
- Authority includes:
 - Selection of carriers or third-party administrators deemed to offer the best plan to satisfy the interests of the State and its employees and pensioners in carrying out the intent of this chapter
 - Contract on an insured or self-insured basis

Freedom of Information Act (FOIA)

- 29 *Del. C. Sec.* 10001 – 10007
- Applies to public bodies
- SEBC Subcommittees are public bodies



Public Meetings



- Must meet in a public setting (virtual with anchor location ok)
- Meetings are open to the public
- Public Comment period

Public Meetings

- Discussion outside of meetings
- BEWARE could be conducting business in violation of FOIA



Minutes & Agenda



- Meeting notice and agenda posted 7 days in advance
 - Stick to items on agenda unless emergency that could not be anticipated
- Minutes are maintained and available to the public
- Handled by SBO

Public Records

- Most documents produced by subcommittee will be public documents
- SBO as the administrative arm handles all FOIA requests
- Email



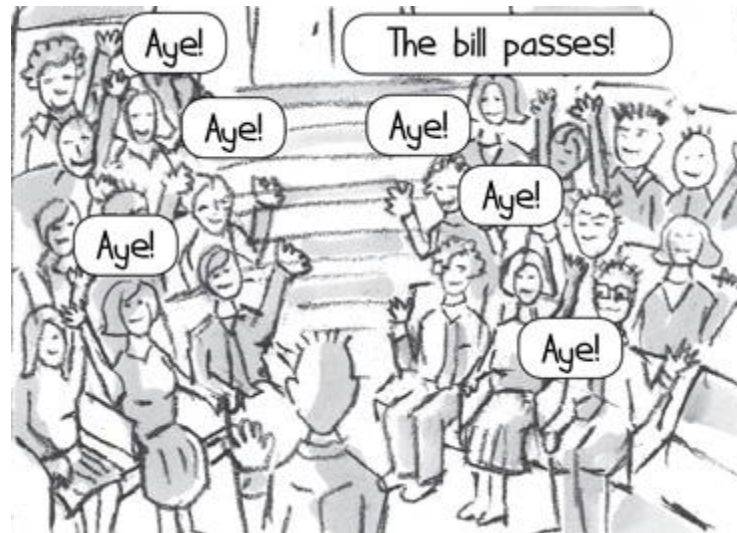
Attendance at Meetings

- Appointed members may not attend through a designee; must attend themselves (in text of law)



Quorum

- A majority of the subcommittee members must be in attendance (in person or virtually) to act



Code of Conduct

- “Honorary State Official” bound by Code of Conduct - 29 *Del. C.* 5806
 - Conduct yourself in a way which will not raise suspicion among the public that you are violating the public trust or that reflect unfavorably upon the State
 - Cannot incur any obligation of any nature which is in substantial conflict with the proper performance of such duties in the public interest
 - No gifts

Conflicts of Interest

- Also bound by “Prohibitions relating to conflicts of interest” - 29 *Del. C.* 5805
 - Cannot represent a private enterprise with respect to any matter before the State
 - For 2 years after termination of appointment, cannot represent private enterprise before the state with respect to matters responsible for in your subcommittee role

Can I Be Sued?

- The Committee is the entity that makes the decision, speaks with one voice (quorum required)
- Not liable as individuals
- BUT, if named as a defendant, you are indemnified and legal defense covered (as long as actions taken consistent with legal advice of DAG)

Questions?



Thank You



- Suggestions, comments and/or concerns can be sent to the SEBC at SEBC@delaware.gov
- Information on the SEBC and SEBC Subcommittees available at dhr.delaware.gov/benefits/sebc/index.shtml