

BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS
RESOLUTION NO. 14-7978

A RESOLUTION TO ADOPT NEW ANTI-RETALIATION POLICY UNDER TITLE I OF THE PATIENT PROTECTION & AFFORDABLE CARE ACT.

WHEREAS, Section 1558 of the Patient Protection & Affordable Care Act prohibits retaliation against employees for engaging in certain protected "whistleblower" activities; and

WHEREAS, Section 1558 of the Patient Protection & Affordable Care Act also prohibits employers from retaliating against any employee because he or she received a credit or subsidy to assist with the purchase of health insurance through a health insurance exchange beginning 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, County of Plumas, State of California, that the County of Plumas hereby adopts the Patient Protection & Affordable Care Act Title I Anti-Retaliation Policy, attached hereto as Exhibit A and incorporated herein by reference.

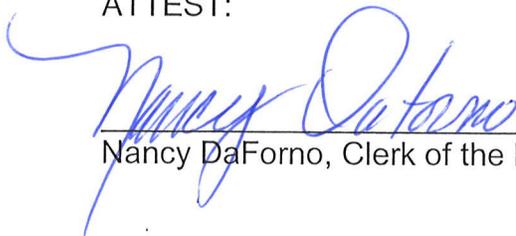
The foregoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 17 day of June, 2014, by the following vote:

AYES: SUPERVISORS THRALL, GOSS, SIMPSON, SWOFFORD, KENNEDY

NOES: NONE

ABSENT: NONE

ATTEST:



Nancy DaForno, Clerk of the Board



Chair, Board of Supervisors

Exhibit A

Anti-Retaliation Policy

See attached.

Patient Protection & Affordable Care Act Title 1
ANTI-RETALIATION POLICY

1. **Prohibition on Retaliation**

It is Plumas County's policy to comply in full with Section 1558 of the ACA, which prohibits retaliation against employees who report violations of Title I of the ACA or who receive tax credits or cost-sharing reductions (under section 36B of the Internal Revenue Code or section 1402 of the ACA) in connection with participation in the health insurance exchange.

2. **Protected Activity**

a. **"Whistleblowing" re Violations of Title I of the ACA:** The ACA protects an employee, former employee, or applicant who reports, testifies (or is about to testify) in a proceeding, assists or participates (or is about to assist or participate) in a proceeding, objects to, or refuses to participate in any activity, policy, practice, or assigned task that the employee (or other person) reasonably believes to be in violation of Title I of the ACA, including any order, rule, regulation, standard or ban under Title I of the ACA.

Title I of the ACA includes but is not limited to consumer protections such as the following:

- i. Elimination of lifetime and annual limits on benefits by 2014;
- ii. Prohibition on rescissions of coverage;
- iii. Elimination of pre-existing condition exclusions;
- iv. Coverage of preventive services and immunizations;
- v. Extension of dependent coverage up to age 26;
- vi. Development of uniform coverage documents; and
- vii. Implementation of appeals processes for consumers.

b. Receipt of Affordability Assistance: The ACA also protects an employee, former employee, or applicant who receives a tax credit under Section 36B of the Internal Revenue Code or a cost-sharing reduction under Section 1402 of the Act as a result of enrolling in a qualified health plan offered by the health insurance marketplace. In California, this state-run marketplace is known as Covered California.

3. **Prohibited Retaliatory Conduct**

Prohibited conduct includes but is not limited to discharge or otherwise retaliatory conduct, including intimidating, restraining, coercing, blacklisting, or disciplining an employee, former employee, or applicant with respect to compensation or any other terms, conditions or privileges of employment as a result of that individual's participation in a protected activity as defined in paragraph 2 above.

4. **Complaint Procedure**

Any employee, former employee, or applicant who wishes to report a violation of Title I of the ACA, or who believes he or she has been subject to retaliation in violation of this policy should immediately notify either his or her supervisor, or the Human Resources Department. It is the Plumas County policy that no employee shall retaliate against any person who participates in a protected activity as defined by Section 1558 of ACA.

An employee, former employee, or applicant who believes that he or she has been retaliated against under this policy may file or have filed by any person on his or her behalf, a complaint with United States Department of Labor, Occupational Safety & Health Administration (OSHA) within 180 days after an alleged violation occurs. For more information on filing an OSHA complaint, visit www.osha.gov.

Legal Authority

Title 29 United States Code section 218C (Section 18C)(Fair Labor Standards Act).