



## ***Benefits Administration Letter***

Number: 12-203

Date: July 17, 2012

**Subject: Federal Employees Health Benefits Program Coverage for Certain Firefighters**

### **Background and Purpose**

The Office of Personnel Management (OPM) has published an interim final rule which authorizes eligibility to enroll for coverage under the Federal Employees Health Benefits Program (FEHBP) for employees who are in positions identified by OPM as providing emergency response services for wildland fire protection. Agencies may enroll these employees immediately upon the effective date of the interim final rule, July 17, 2012. *Agencies are requested to make every effort to provide for a simple process for firefighters to enroll and to expedite these enrollments.*

This year, the federal government has a critical need to hire and quickly deploy qualified firefighters and other fire protection personnel to areas of the country where disasters caused by man or nature require their services. The federal agencies that routinely deploy firefighters to respond to these disasters have used temporary appointment authorities to bring firefighting personnel on board, as these authorities provide them the flexibility they need to quickly increase their firefighting workforce to address fire emergencies and then to decrease the workforce when the emergencies are resolved.

OPM has broad authority to prescribe the conditions under which employees are eligible to enroll in the FEHBP. OPM has amended its regulations at Section 890.102 by adding the following paragraphs (h) and (i):

(h) Notwithstanding paragraphs (c)(1) and (c)(2) of this section, an employee who is in a position identified by OPM that provides emergency response services for wildland fire protection is eligible to be enrolled in a health benefits plan under this chapter.

(i) Notwithstanding paragraphs (c)(1) and (c)(2) of this section, upon request by the employing agency, OPM may grant eligibility to employees performing similar types of emergency response services to enroll in a health benefits plan under this chapter.

This change provides the opportunity for temporary firefighters and fire protection personnel, who do not generally qualify for coverage, to obtain FEHBP coverage for themselves and their families. Agencies may make enrollments effective July 17, 2012 unless the firefighter requests that his or her enrollment take effect at the beginning of the next pay period after he or she submits an election form.

### **Which Employees Are Affected**

The following temporary positions, which provide emergency response services, are covered for purposes of 5 CFR 890.102(h):

Temporary positions (including supervisory positions) the duties of which include very high risk or life threatening work to control and extinguish wildland fires, to rescue persons endangered by wildland fires, or to reduce or eliminate potential fire hazards, or involving the provision of direct on-site assistance to others engaged in such work.

To assist you in determining who should be covered, we have identified the following series and positions that are often used for firefighting personnel:

<b>Series</b>	<b>Position</b>
462	Forestry Technicians
455	Range Technicians
401	Biological Science/Specialists
454	Rangeland Management
2151	Dispatcher
5201	Miscellaneous Occupation
0081	Fire Protection and Prevention

This list is not exclusive, nor should coverage necessarily be extended to all employees within one of these occupations. Rather, in determining whether to extend health benefits coverage for employees, agencies should focus on the duties performed, regardless of the position's title, occupational series, grade level or geographic location.

### **How to Enroll Temporary Employees**

To expedite the enrollment of these firefighters, agencies may accept the SF 2809 enrollment form; accept a belated enrollment under 5 CFR 890.301(c); or accept an enrollment by proxy under 5 CFR 890.301(d).

Agencies are requested to annotate in the Remarks section on the SF 2809 enrollment form that the enrollment is for temporary firefighters eligible for FEHBP coverage under 5 CFR 890.102(h).

## **Additional information**

OPM also recognizes there may be other groups of employees not currently covered by the FEHBP because of the temporary nature of their appointments, but who perform emergency response services similar to those performed by firefighting personnel. Therefore, we have amended our regulation at 5 CFR 890.102(i) to permit agencies to request that OPM extend FEHBP coverage to such employees.

OPM intends to narrowly apply this provision for only those positions whereby employees are engaged in very high risk or life threatening emergency response services similar to the services being performed by those responding to the wildfires (e.g., and only when requested by their employing agencies. OPM will be issuing further guidance on the factors it will consider in reviewing such requests.

For questions about affected positions, please contact Employee Services, at Classification and Assessment Policy, [fedclass@opm.gov](mailto:fedclass@opm.gov), 202-606-3600. For questions about the FEHB Program, please contact Michael Kaszynski, Senior Policy Analyst at 202-606-0004 or email him at [Michael.Kaszynski@opm.gov](mailto:Michael.Kaszynski@opm.gov). Agency headquarters offices may also send questions concerning interpretation and technical guidance on FEHBP law, regulations and policy to [fehb@opm.gov](mailto:fehb@opm.gov). Agency field offices should contact their headquarters. Employees should direct questions to their Human Resources Office.

Sincerely,

John O' Brien  
Director  
Healthcare and Insurance