

## **Notice of COVID-19 Extended Plan Deadlines**

Due to the ongoing national emergency related to the Coronavirus, the Labor Department and IRS released guidance which required all welfare benefit plans subject to Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code (Code) to disregard the period beginning from March 1, 2020 until 60 days after the announced end of the national emergency or such other date announced by the agencies in a future notice ("Outbreak Period") in determining the following periods and dates:

- The 30-day period (or 60-day period, if applicable) to request special enrollment for employee, spouse or child during a plan or policy years
- The 60-day election period to elect COBRA continuation coverage
- The date for making COBRA premium payments
- The date for individuals to notify the plan of a qualifying event or determination of disability
- The date within which individuals may file a benefit claim under the plan's claims procedure.
- The date within which claimants may file an appeal of an adverse benefit determination under the plan's claims procedure.
- The date within which claimants may file a request for an external review after receipt of a final internal adverse benefit determination.
- The date within which a claimant may file information to perform a request for external review upon a finding that the request was not complete pursuant to applicable appeal rules.

The national emergency continues. Under federal law, such delays cannot exceed one year. On February 26, 2021, Labor Department clarified that above timeframes subject to relief under the prior guidance will be disregarded for individuals until the earlier of (a) one year from the date they were first eligible for relief, or (b) 60 days after the announced end of the National Emergency (i.e., the end of the Outbreak Period, which is still ongoing).

This means that this maximum 12-month period of suspension will be calculated on an individual-by-individual basis, and for each individual, on an action-by-action, basis.

Example: Assume an employee had a new baby on September 1, 2020. Per the terms of the health plan, the employee must enroll the child within 30 days of the date of birth, which is October 1, 2020.

The entire one-year period is tolled, from September 1, 2020 to August 31, 2021. The employee has 30 days from the end of the one-year tolling period to elect coverage for the baby - October 1, 2021. (This example assumes that the Outbreak Period has not ended at an earlier date.)

The delay created by the Outbreak Period only applies if deadline for making an election, giving a notice, or making a claim did not expire before March 1, 2020.

### **What this means to Employees, Former Employees and Beneficiaries**

Beginning March 1, 2020, if an employee, former employee, or beneficiary failed to elect COBRA coverage, pay a COBRA premium, add him or herself, his or her spouse or child to coverage or failed to file a claim for benefits, that individual has an extended period of time to file or to make an election.

To make a new election for coverage or benefits, give notice or make a claim for benefits, contact your HR Department.