

To: All Eligible Participants and Beneficiaries in the Health and Benefit Trust Fund and Annuity Fund of the International Union of Operating Engineers Local Union 94-94A-94B, AFL-CIO

From: The Plan Administrators of the Health and Benefit Trust Fund and Annuity Fund of the International Union of Operating Engineers Local Union No. 94-94A-94B, AFL-CIO

Date: June 23, 2023

**IMPORTANT NOTICE REGARDING PLAN DEADLINES  
For COBRA Election, Payment and Notice of Qualifying Events,  
Special Enrollment, and Filing Claims and Appeals**

As we advised you in April 2021, in accordance with the Department of Labor, the Department of the Treasury and the Internal Revenue Service guidance (the "Guidance"), the Health and Benefit Trust Fund of the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO (the "Health Plan") and the Annuity Fund of the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO (the "Annuity Fund") (collectively, the "Plans") "tolled" certain plan deadlines with respect to COBRA, Health Insurance Portability and Accountability Act of 1996 ("HIPAA") special enrollment and Claims and Appeals due to the COVID-19 pandemic. Under such Guidance, certain "outbreak period rules" applied and continue to apply to the period that began on March 1, 2020 and continues through sixty (60) days after the end of the COVID-19 National Emergency, *i.e.*, July 10, 2023.

Earlier this year, President Biden announced that on May 11, 2023 the COVID-19 Public Health Emergency and the COVID-19 National Emergency would end. As a result, all extensions granted during the COVID-19 pandemic, *i.e.*, "outbreak period" will end on July 10, 2023.

Therefore, effective July 11, 2023, the extended deadlines for 1) COBRA, 2) HIPAA special enrollment and 3) Claims and Appeals will no longer be in effect and the regular deadlines as set forth in the Plans applicable prior to the COVID-19 National Emergency will apply.

Please contact Derek Davis at (212) 331-1800 if you have any questions regarding the Health Plan and how this may apply to you.

Please contact Michael O'Connor at (212) 459-8948 if you have any questions regarding the Annuity Fund and how this may apply to you.

**IMPORTANT NOTICE REGARDING THE HEALTH PLAN'S GRANDFATHERED PLAN STATUS**

Trustees believe that the Health Plan is a "grandfathered plan" as such term is defined under PPACA (more commonly known as Health Care Reform). As permitted by Health Care Reform, a grandfathered health plan can preserve certain basic health coverage that was already in effect when Health Care Reform was enacted. Being a grandfathered health plan means that the medical coverage that you have elected under the plan may not include certain consumer protections of Health Care Reform that apply to other group health plans, for example, the requirement for the provision of preventive health services without any cost sharing (*i.e.*, copayments, coinsurance, deductibles). However, grandfathered health plans must comply with certain other consumer protections in Health Care Reform, for example, the elimination of lifetime limits on benefits and extension of coverage to dependents until age 26. Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the Health Plan Administrator during normal business hours at: 331-337 West 44th Street, New York, New York, 10036, telephone number: (212) 541-9880. You may also contact the Department of Labor at (866) 444-3272 or [www.dol.gov/ebsa/healthreform](http://www.dol.gov/ebsa/healthreform). This website has a table summarizing which protections do and do not apply to grandfathered plans.