

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 No. 94-94A-94B, AFL-CIO

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

Date: April 8, 2021

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

As we announced last year, 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 (collectively, the "Plans") "tolled" certain plan deadlines due to the COVID-19 pandemic, in accordance with DOL and IRS guidance.

As a result, a period of time called the "outbreak period" is not counted when determining a participant's deadline to elect and pay for COBRA in the Health Plan, notify the Health Plan of a COBRA qualifying event, exercise a special enrollment right in the Health Plan, and file a claim or appeal with the Plans. The "outbreak period" started on March 1, 2020 and will end 60 days after the end of the COVID-19 National Emergency, which is ongoing.

Recently, the U.S. Department of Labor announced that each affected individual's tolling period lasts for a maximum period of one year. Accordingly, the deadline for you to take any of these actions will end on the one-year anniversary of the otherwise applicable deadline (or earlier if the outbreak period ends sooner).

Here are some examples of how this works:

COBRA Elections and Payments

Example 1: If you lost coverage under the Health Plan at the end of February 2020 and your normal 60-day deadline for electing COBRA coverage was April 29, 2020, you will have until April 29, **2021** to make your election for coverage retroactive to March 1, 2020.

Example 2: Similarly, if you lost coverage under the Health Plan at the end of February 2020 and your normal 45-day deadline for paying the initial COBRA premium was May 15, 2020, you will have until May 15, **2021** to make your payment for coverage retroactive to March 1, 2020.

Example 3: If you lost coverage under the Health Plan at the end of August 2020 and your normal 60-day deadline for electing COBRA coverage was October 30, 2020, you will have until October 30, **2021** to make your election for coverage retroactive to September 1, 2020, *unless your 60-day election period (counted from the end of the outbreak period) expires before October 30, 2021.*

Example 4: If you *just* lost coverage under the Health Plan at the end of February **2021** and your normal 60-day deadline for electing COBRA coverage is April 29, 2021, you will have until April 29, **2022** to make your election for coverage retroactive to March 1, 2021, *unless your 60-day election period (counted from the end of the outbreak period) expires before April 29, 2022.*

Important Note Regarding Federal COBRA Subsidy: In accordance with the American Rescue Plan Act of 2021 ("ARPA"), enacted on March 11, 2021, the Federal government will be providing a temporary 100% COBRA premium subsidy beginning with the month of April 2021. The subsidy will be available to eligible employees (and their family members who are COBRA qualified beneficiaries) who lost health coverage under the Health Plan due to the employee's involuntary termination or reduction in hours of

employment. The ARPA subsidy will be available beginning with the month of April 2021 and will end September 2021 (or earlier if the individual's original maximum COBRA period expires earlier or the individual is otherwise no longer eligible for COBRA coverage). The subsidy is not available if the individual is eligible (or becomes eligible) for Medicare or *group* health coverage (excluding certain types of limited coverage), even if the individual does not actually enroll in Medicare or other group coverage. **If you believe you may be eligible for the subsidy, please contact the Fund Office.**

The above is intended to be a very brief, general summary to alert you to this government subsidy. While the Health Plan recognizes that your eligibility for this subsidy may impact your decision to elect COBRA coverage, please be aware that there are many detailed rules and unanswered questions at this point in time, and the government is expected to issue guidance in the coming weeks that will fill in the gaps. Accordingly, it may not be possible for a determination to be made *at this time* as to whether you or your dependents will be eligible for the subsidy or exactly how the subsidy will work. **The Health Plan will be providing additional information, including information about how you can receive the subsidy, once further guidance is issued by the government.**

Special Enrollment and Claims/Appeals Deadlines

The above rules also apply to special enrollment and claims/appeals filing deadlines (including requests for external review). As an example, if you have a new child and the deadline for you to enroll that child in the Health Plan was June 15, 2020, you will have until June 15, **2021** to enroll the child (with coverage retroactive to birth), unless your deadline to enroll (counted from the end of the outbreak period) expires before June 15, 2021. Similarly, if the usual deadline for you to submit an appeal of a claim denial under one of the Plans ended September 1, 2020, you will have until September 1, **2021** to submit the appeal, unless your deadline to appeal (counted from the end of the outbreak period) expires before September 1, 2021.

Please contact Kathy Fisler at 212-331-1800 if you have any questions regarding the Health Fund and how this may apply to you.

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