

# NORTHERN CALIFORNIA PIPE TRADES TRUST FUNDS FOR UA LOCAL 342

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## **IMPORTANT: NOTICE ABOUT THE END OF THE TEMPORARY EXTENSION OF COBRA ELECTION, SPECIAL ENROLLMENT, AND CLAIMS & APPEALS DEADLINES DURING COVID-19 OUTBREAK PERIOD**

Certain COBRA Election and Payment Rights, Special Enrollment Rights and Claims and Appeals Procedures deadlines under the Northern California Pipe Trades Health and Welfare Plan (“Health and Welfare Plan”), Northern California Pipe Trades Pension Plan (“Pension Plan”) and Northern California Pipe Trades Supplemental 401(k) Retirement Plan (“Supplemental 401(k) Plan”) were, under federal mandate, temporarily extended during the “National Emergency”. This notice supersedes notices you may have previously received. Please read it carefully. If your situation met the temporary suspension rules for meeting certain deadlines, your end date for meeting a deadline may be quickly approaching or may have already ended. If you have any questions, contact the Trust Fund Office to determine your individual situation.

### **END OF EMERGENCY RULES SUSPENDING CERTAIN PLAN DEADLINES.**

You and your family may have previously received notice about the temporary suspension of certain deadlines relating to COBRA Election and Payment Rights, Special Enrollment Rights and Claims and Appeals Procedures under the Health and Welfare Plan, Pension Plan and Supplemental 401(k) Plan. On May 4, 2020, the Internal Revenue Service (“IRS”) and U.S. Department of Labor (“DOL”) jointly adopted an emergency regulation that extended certain Plan deadlines during the COVID-19 (also known as Coronavirus) “Outbreak Period.” The Outbreak Period is defined as the period between March 1, 2020, and the date that is 60 days following the announced end of the “National Emergency”. The duration of the National Emergency is determined by the Secretary of the Department of Health and Human Services and expires automatically if not renewed every three (3) months.

As of the date this notice was prepared, legislation was passed to end the “National Emergency” as of April 10, 2023, which means the Outbreak Period will end 60 days after, making the end date June 9, 2023. (Important: Do not confuse this end date with the end of the: COVID-19 Public Health Emergency Period, which has a different end date of May 11, 2023. A separate notice is being provided to you regarding the COVID-19 coverage) **As of June 10, 2023, the temporary extensions under the emergency relief for timeframes that began during the national emergency will no longer apply to the Health and Welfare Plan, Pension Plan, Supplemental 401(k) Plan and Health Insurance Carriers and will return to the pre-pandemic Plan Provisions.**

**The following examples recently released by the federal government show how these rules work. Please note these are just examples and may not be specific to your situation.**

### **HEALTH AND WELFARE PLAN**

**COBRA Election and Payment Coverage:** Under the federal COBRA laws, Group Health Plans (such as the Health and Welfare Plan) must adhere to deadlines for (1) electing COBRA coverage, (2) payment of COBRA premiums, (3) for notifying the Plan of a Qualifying Event that is a Divorce, Separation, Loss of Dependent Status, Loss of Employment, Reduction of Hours, or a Determination of Disability by the Social Security Administration, for COBRA purposes only.

#### **Example 1 (Electing COBRA)**

**Facts:** Individual A works for Employer X and participates in Employer X’s group health plan. Individual A experiences a qualifying event for COBRA purposes and loses coverage on April 1, 2023. Individual A is eligible to elect COBRA coverage under Employer X’s plan and is provided a COBRA election notice on May 1, 2023.

What is the deadline for Individual A to elect COBRA?

**Conclusion:** The last day of Individual A's COBRA election period is 60 days after June 9, 2023 (the end of the Outbreak Period), which is August 8, 2023.

### **Example 2 (Electing COBRA)**

**Facts:** Same facts as Example 1, except the qualifying event and loss of coverage occur on May 12, 2023, and Individual A is eligible to elect COBRA coverage under Employer X's plan and is provided a COBRA election notice on May 15, 2023.

What is the deadline for Individual A to elect COBRA?

**Conclusion:** Because the qualifying event occurred on May 12, 2023, after the end of the COVID-19 National Emergency but during the Outbreak Period, the extensions under the emergency relief notices still apply. The last day of Individual A's COBRA election period is 60 days after June 9, 2023 (the end of the Outbreak Period), which is August 8, 2023.

### **Example 3 (Paying COBRA Premiums)**

**Facts:** Individual B participates in Employer Y's group health plan. Individual B has a qualifying event and receives a COBRA election notice on October 1, 2022. Individual B elects COBRA continuation coverage on October 15, 2022, retroactive to October 1, 2022.

When must Individual B make the initial COBRA premium payment and subsequent monthly COBRA premium payments?

**Conclusion:** Individual B has until 45 days after June 9, 2023 (the end of the Outbreak Period), which is July 24, 2023, to make the initial COBRA premium payment. The initial COBRA premium payment would include the monthly premium payments for October 2022 through June 2023. The premium payment for July 2023 must be paid by July 30, 2023 (the last day of the 30-day grace period for the July 2023 premium payment). Subsequent monthly COBRA premium payments would be due the first of each month, subject to a 30-day grace period.

**Special Enrollment:** Special enrollment allows (1) Participants, Spouses and new Dependents to enroll in the Health and Welfare Plan following a marriage, birth, adoption, or placement for adoption and (2) permits Participants and Dependents to enroll upon loss of eligibility for other coverage, such as a Spouse's plan.

### **Example 1 (Special Enrollment Period)**

**Facts:** Individual C works for Employer Z. Individual C is eligible for Employer Z's group health plan, but previously declined participation. On April 1, 2023, Individual C gave birth and would like to enroll herself and the child in Employer Z's plan. However, open enrollment does not begin until November 15, 2023.

When may Individual C exercise her special enrollment rights?

**Conclusion:** Individual C and her child qualify for special enrollment in Employer Z's plan as early as the date of the child's birth, April 1, 2023. Individual C may exercise her special enrollment rights for herself and her child until 30 days after June 9, 2023 (the end of the Outbreak Period), which is July 9, 2023, as long as she pays the premiums for the period of coverage after the birth.

### **Example 2 (Special Enrollment Period)**

**Facts:** Same facts as Example 2, except that Individual C gave birth on May 12, 2023.

When may Individual C exercise her special enrollment rights?

**Conclusion:** Individual C and her child qualify for special enrollment in Employer Z’s plan as of the date of the child’s birth, May 12, 2023. Because Individual C became eligible for special enrollment on May 12, 2023, after the end of the COVID-19 National Emergency but during the Outbreak Period, the extensions under the emergency relief notices still apply. Individual C may exercise her special enrollment rights for herself and her child until 30 days after June 9, 2023 (the end of the Outbreak Period), which is July 9, 2023, as long as she pays the premiums for the period of coverage after the birth.

#### **HEALTH AND WELFARE PLAN, PENSION PLAN AND SUPPLEMENTAL 401(k) PLAN**

**Claims and Appeals:** The deadlines for filing a claim for benefits, appealing a claim denial (known as an “adverse benefit determination”) and filing a request for external review (if applicable) of certain claim denials is generally 180 days for filing an appeal related to Health and Welfare and disability-related claims. For Pension and/or Supplemental 401(k)-related claims, there is a 60-day deadline for filing an appeal.

**Please contact the Trust Fund Office if you believe your situation met the special rules above. Otherwise, there is no action necessary on your part.**

IN ACCORDANCE WITH THE REQUIREMENTS OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974, AS AMENDED (“ERISA”), THIS DOCUMENT SERVES AS A SUMMARY OF MATERIAL MODIFICATIONS (“SMM”) THAT AND SUPPLEMENTS THE RESTATED SUMMARY PLAN DESCRIPTION (WHICH IS ALSO THE PLAN DOCUMENT) (ALSO KNOWN COLLECTIVELY AS THE PLAN RULES) THAT HAS BEEN SEPARATELY PROVIDED TO YOU. YOU SHOULD RETAIN THIS DOCUMENT WITH YOUR COPY OF THE RESTATED SUMMARY PLAN DESCRIPTION. IF YOU DO NOT HAVE A COPY OF THE PLAN RULES, YOU CAN REQUEST A COPY WITH ITS RECENT AMMENDMENTS FROM THE TRUST FUND OFFICE.

If you have any questions, please contact the Trust Fund Office at 925/356-8921, ext. 246.

Respectfully submitted,

Fund Manager  
On Behalf of the Board of Trustees