



## **The Business Council of New York State, Inc. Insurance Fund**

### Updated Group Life and Group Disability FAQ's

The Business Council of New York State, Inc. Insurance Fund recognizes the Coronavirus (COVID-19) has had an unprecedented impact on all our personal and professional lives. We wanted to reassure you that Equitable is ready and able to serve our brokers, our members, and their employees — safely and effectively with no disruption to business.

The Insurance Fund has been getting lots of questions about how we're handling business workflow, like billing and premium payments, as well as leave and disability issues and concerns, such as if employees can file claims due to COVID-19, and how coverage and eligibility for benefits works with regard to furloughed and new employees.

We've compiled a Frequently Asked Questions document that provides useful information designed to help answer these important questions and make life easier for you and your clients in this stressful, unsettling time.

As new situations arise, we will continue to handle them on a case-by-case basis, provide answers to your questions and those of your clients and will work diligently to keep you updated as quickly as possible.

Thank you for the trust you've placed in us. We greatly value our relationship with you and your clients.

Please feel free to contact the Insurance Fund Customer Services department at 1-800-692-5483 or by email at [customerservice@bcnys.org](mailto:customerservice@bcnys.org) with any questions relating to this document or your benefit programs.

## Continuation of Coverage, Eligibility, & Claims

**Can you provide examples of how claims would be handled for different scenarios involving quarantine, COVID-19 exposure, and COVID-19 diagnosis?**

- If an employee is unable to work due to sickness or injury and meets all other contractual requirements, the employee may be eligible for benefits. We are monitoring statutory and federal program development and will update for any changes as that information becomes available.

**Here are three scenarios and how coverage would apply:**

1. If the insured has tested positive for COVID-19 and is quarantined by a medical professional and unable to work, they may be considered totally or partially disabled during the period of medically required quarantine, pending review of medical information.
2. If the insured has tested positive for COVID-19 and is quarantined by their employer or self-quarantines, he or she is generally NOT considered disabled
3. If the insured has tested positive for COVID-19 and is unable to perform the duties of their job due to sickness, he or she is generally considered disabled, if the insured meets all other contractual requirements.

**Would an existing diagnosis for a condition that puts an employee at higher risk for COVID-19, qualify them to be eligible for benefits?**

- If the employee is unable to work due to sickness or injury and meets all other contractual requirements the employee may be eligible for benefits.

**Does your Short-Term Disability product cover quarantine?**

- Our Disability products do not have any specific quarantine language, in and of itself, is generally not considered a disabling condition under our Short-Term or Long-Term Disability products. We are monitoring statutory and federal program development and will update for any changes as that information becomes available.

**If an employee is working remotely and is injured, are they eligible for disability benefits?**

- If the employee is unable to work due to sickness or injury and meets all other contractual requirements the employee may be eligible for benefits.

**How will situations where employees are not active at work through their entire coverage Waiting Period be handled?**

- We will give credit for time actively at work, but not waive Waiting Period requirements

**Are Pandemics an exclusion?**

- Pandemics are not considered an exclusion.

# UPDATED INFORMATION

## What are rules around continuation of coverage?

The Insurance Fund Group Life/AD&D coverages for current insureds may be extended for 3 months beyond the last day worked for non-FMLA leaves of absence, furlough, layoffs and reductions in hours. This extension of coverage will continue through 8/31/2020.

- Across our non-statutory STD and LTD products, coverage will be extended to 8/31/2020.
- For all products, FMLA absences will continue to follow existing FMLA timeframes. This will apply to any absences that begin on or after March 1, 2020 and requires continued payment of all premium. Premium will be based on the salary/volume at the time the leave starts.

Assumes existing coverage; changes apply for Leaves, Furloughs and Layoffs that occur 3/1/2020 or after with continued premium payments. Premium will be based on the salary/volume at the time the leave starts. **\*Equitable will continue these accommodations through 8/31/2020.**

## What happens if an employee is temporarily laid off and wants to continue coverages that are contributory or voluntary?

It is the responsibility of the employer to remit premium payments to maintain benefits. It will also be their responsibility to determine how best to collect premium payments from those employee's.

If the employee does not want to continue the coverage during layoff, upon their return, we will not institute any waiting periods.

	Life/AD&D (leave starts by 7/31/2020)	DI: non-stat STD and LTD (leave starts by 5/31/2020)	DI: non-stat STD and LTD (leave starts June or July 2020)
<b>Non FMLA Leave of Absence</b>	3 months	3 months or through 7/31/2020, whichever is earlier	Through 8/31/2020
<b>FMLA Leave of Absence</b>	Included	Included	Included
<b>Furlough</b>	3 months	3 months or through 7/31/2020, whichever is earlier	Through 8/31/2020
<b>Layoff</b>	3 months	3 months or through 7/31/2020, whichever is earlier	Through 8/31/2020
<b>Reduction in hours</b>	3 months	3 months or through 7/31/2020, whichever is earlier	Through 8/31/2020

## **If employees are terminated and lose coverage, can they resume coverage if they are rehired?**

For all Life/AD&D and Disability coverages, employees who had prior coverage and are re-hired and return to active work within 12 months of their termination date are eligible for the same level of coverage and benefits with no new waiting period, and no Evidence of Insurability requirements. For Disability insurance, if the plan includes a pre-ex provision, a new pre-ex period will apply for any new conditions that first arise while the employee was not covered. Re-hired employees who were satisfying their waiting periods when employment was terminated will receive credit for the time they were actively at work before termination. The above elections for all products should be made within 31 days of return to active work.

## **If employees are on furlough, lay off, leave of absence, on the date Equitable takes over coverage, will we extend coverage to these individuals even though they are not actively at work?**

Across our product portfolio, continuation of coverage from a prior plan is available. Individuals who are not actively at work due to furlough, lay off and leave of absence will be considered covered if they had previous coverage through a group contract as of the day before the Equitable effective date, premiums continue to be paid, and they are not eligible for benefits under the prior plan. Benefits may be limited to those in force under the prior plan, and they are not considered eligible if they are out of work due to sickness or injury. The duration of this continuation of coverage (while not actively at work) may vary by product.

## **Do you anticipate any impact to renewal rates? Will there be any renewal extensions?**

We have not made any alterations to our renewal strategies at this time. As this pandemic plays out in the US market, we will be vigilant in our efforts to be responsive and meet the needs of our customers. We are dedicated to growing this business which also includes retaining our current customers.

## **Tools & Resources**

### **What tools are available to help clients stay safe and healthy?**

- To help your clients and their employees stay safe, healthy, and deal with the emotions triggered by COVID-19, feel free to share this digital Coronavirus toolkit provided by our Employee Assistance Program (EAP)'s provider, ComPsych.

<https://pages.e2ma.net/pages/1807892/20932>

Equitable is the brand name of Equitable Holdings, Inc. and its family of companies, including AXA Equitable Life Insurance Company (AXA Equitable) (NY, NY), MONY Life Insurance Company of America (MLOA), an AZ stock company with main administrative headquarters in Jersey City, NJ, AXA Advisors, LLC (member FINRA, SIPC) and AXA Distributors, LLC. All group insurance products in the state of New York are issued by AXA Equitable, which has sole responsibility for its insurance and claims-paying obligations. AXA is independent of Business Council of New York State (BCNYS).

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