

# PROTECTING YOUR EMPLOYEE BENEFITS



U.S. Department of Labor  
Employee Benefits Security Administration





# WHO ARE WE AND WHY ARE WE HERE?

- U.S. DOL, EBSA administers ERISA
- ERISA is the law that governs many of the benefits sponsored by private sector employers
- Job Loss affects benefits
- Timely action needed to protect benefits



# HEALTH INSURANCE OPTIONS

- Special Enrollment
- COBRA
- Coverage through a Government Program
- Individual Health Coverage (Marketplace)



# HIPAA SPECIAL ENROLLMENT

- Requires a group health plan to allow an employee/spouse/dependent to enroll for coverage upon loss of other group health coverage
- Employee must request special enrollment from the other plan within 30 days of loss of coverage
- Coverage becomes effective 1<sup>st</sup> of the month following application



# COBRA

- Ability to continue group health coverage under employer's plan
  - Includes dental and vision plans
  - Excludes disability and life insurance plans
- Applies to plans in private and public sectors
- Covers plans if employer has 20 or more employees



# COBRA

- Job Loss – COBRA available for 18 months
- Participant can be charged 102% of the full cost of the insurance
- Notice to the Participant within 44 days
- Participant has 60 days to elect COBRA and then 45 days to make initial payment
- COBRA coverage is retroactive to date coverage was terminated



# INDIVIDUAL COVERAGE IN THE HEALTH INSURANCE MARKETPLACE

- One-stop shopping to find and compare private insurance options
- Compare coverage, premiums, deductibles and out-of-pocket costs before enrolling
- May be eligible for a tax credit to lower monthly premiums and out-of-pocket costs
- Losing job-based coverage is a special enrollment event



# HEALTH INSURANCE MARKETPLACE

- To qualify for special enrollment, select a plan within 60 days before or within 60 days after loss of job-based coverage.
- The date your coverage will start depends on when you select a plan.
- Visit [HealthCare.Gov](https://www.healthcare.gov) for more info



# COVERAGE THROUGH A GOVERNMENT PROGRAM

- You and your family may qualify for free or low-cost coverage from Medicaid and/or the Children's Health Insurance Program (CHIP).
- Find out if you qualify at [HealthCare.gov/](https://www.healthcare.gov/)
- Can apply for and enroll in Medicaid or CHIP any time of year.
- If you qualify, coverage begins immediately.



# RETIREMENT PLAN

- Keep plan informed of your address
- Make sure you are getting information from the plan at least annually
- Benefit Payment Rules
  - Age 65
  - Some other time specified by the plan

# PLAN INFORMATION TO REVIEW

- Summary Plan Description (SPD)
- Automatic enrollment notice
- Individual benefit statement
- Annual funding notice
- Plan and Investment Information for Participant-Directed Plans
- Summary of Material Modifications
- Blackout notice
- Notice of Critical or Endangered Status
- Notice of Significant Reduction in Future Benefit Accruals
- Notice to Participants of Underfunded Plan



# WHAT OPTIONS DO I HAVE REGARDING MY RETIREMENT BENEFITS?

- Keep the funds in the old plan (and keep in touch)
- Benefit Payments
  - Rollovers to-
    - Personal IRAs
    - New Employer's plan (if allowed)
  - Direct Distributions

# FILING A CLAIM FOR BENEFITS

- Check SPD for plan's procedures
- Plan can take 90 days to decide, 180 days if notifies you of an extension
- If denial, you have 60 days to file an appeal
- The plan can take 60 days to review your appeal, 120 days if notifies you of an extension
- If claim is denied, written notice must provide the reason and describe your rights

# PAYMENT OF BENEFITS

- Federal law guidelines on when can begin receiving benefits
- Plans can choose to start paying benefits sooner
- You must file a claim for benefits for payments to begin

# PAYMENT OF BENEFITS

Under Federal law, your plan must allow you to begin receiving benefits the later of:

- Reaching age 65 or the age your plan considers to be normal retirement age (if earlier) OR
- 10 years of service OR
- Terminating your service with the employer

# PAYMENT OF BENEFITS

Latest You May Begin Taking Benefit Payments:

- Required Minimum Distribution (RMD)
- April 1 following the year you turn 72 OR, if later,
- When you retire



# CONTACT INFORMATION

- EBSA Benefits Advisors
  - [askebsa.dol.gov](https://askebsa.dol.gov)
  - 1-866-444-3272 toll free
- EBSA Website: [www.dol.gov/agencies/ebsa](https://www.dol.gov/agencies/ebsa)
  - Look for Brochure, *"Retirement and HealthCare Coverage...Questions and Answers for Dislocated Workers"* in English and Spanish
- Marketplace info – [HealthCare.gov](https://HealthCare.gov)
  - 1-800-318-2596
- COBRA info for state and local government employees – call the U.S. Dept. of Health and Human Services
  - CMS toll free: 1-888-393-2789.
  - Users may leave a message with general COBRA questions and our team will review and respond accordingly within 3-5 business days.
  - Visit CMS's website: [www.cms.hhs.gov](https://www.cms.hhs.gov)