

# PLUMBERS & STEAMFITTERS LOCAL 21 BENEFIT FUNDS

1024 McKinley Street  
Peekskill, NY 10566

**PHONE (914) 737-7220**

**UNION TRUSTEES**

Reinaldo Diaz  
Thomas Carey  
Joseph Dullea  
Thomas O'Brien  
Sean Carey

**FUND ADMINISTRATOR**

Amir Wirr

**FAX (914) 737-7299**

**EMPLOYER TRUSTEES**

John DiMiceli  
Grant Coppola  
Robert Courtien  
James Estabrook  
Mark K. Whalen

## SUMMARY OF MATERIAL MODIFICATIONS PLUMBERS AND STEAMFITTERS LOCAL NO. 21 WELFARE FUND

To: Eligible Participants under Plumbers and Steamfitters Local No. 21 Welfare Fund

From: Board of Trustees

Date: April 21, 2023

Re: Changes to the Plumbers and Steamfitters Local No. 21 Welfare Fund

*This document is a Summary of Material Modification (“SMM”) intended to notify you of important changes to the benefits provided to you under the Plumbers and Steamfitters Local No. 21 Welfare Fund (the “Plan”). You should take the time to read this SMM carefully and keep it with the copy of the Summary Plan Description (“SPD”) that was previously provided to you. If you have any questions regarding these changes to the Plan, please contact the Fund Office at 1024 McKinley Street, Peekskill, NY 10566 or by telephone at 914-737-7220.*

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In March 2020, pursuant to the Families First Coronavirus Response Act (the “FFCRA”), the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), and guidance from the United States Department of Labor, the Board of Trustees of the Plumbers and Steamfitters Local No. 21 Welfare Fund (the “Fund”) adopted changes to the Plan to assist participants and beneficiaries deal with the COVID-19 Pandemic. These changes, which are described below, were adopted for the duration of the Public Health Emergency and National Emergency.

The Biden Administration announced it intends to end the Public Health Emergency and National Emergency at the end of the day on May 11, 2023. As a result, the changes adopted in March 2020 will terminate effective May 11, 2023.

### **Waiver of Cost Sharing for Detection of COVID-19**

Effective May 12, 2023, the Fund will no longer waive cost sharing (including deductibles, copayments, and coinsurance) for the following services:

- Diagnostic tests that are approved or authorized by the FDA to detect the virus that causes COVID-19, including the administration of such tests, for the following types of tests:
  - Tests to detect the virus that are approved, including Over-the-Counter tests, cleared or authorized by certain sections (as required by law) of the Federal Food, Drug and Cosmetic Act (the “Drug Act”)

- Tests for which the developer has requested, or intends to request, emergency use authorization under the Drug Act (and where such authorization has not been denied or the request is not submitted within a reasonable timeframe)
- Tests developed in and authorized by a State that has notified HHS of its intention to review tests to diagnose COVID-19
- Tests determined appropriate by HHS
- Items and services furnished to individuals during provider office visits (whether in-person or via telehealth), urgent care visits, and emergency room visits that result in an order for, or the administration of, the test described above, but only to the extent such items or services relate to the furnishing or administration of the test or the evaluation of whether the person needs the test.

Additionally, the above services and products may be subject to medical management requirements.

**As a reminder, the U.S. Government is offering four (4) free at-home COVID-19 testing kits per household that will be shipped directly to your house. You can order the free tests at <https://special.usps.com/testkits>. You can also search for a location that offers no-cost COVID-19 testing by visiting <https://testinglocator.cdc.gov/>.**

### **Coverage of COVID-19 Vaccines**

During the Public Health Emergency, the Plan covered COVID-19 immunizations that have a recommendation from the Advisory Committee on Immunization Practices (“ACIP”) of the Centers for Disease Control and Prevention (“CDC”) without cost-sharing whether administered by an in-network or out-of-network provider. **Beginning on May 12, 2023, the Plan will continue to cover approved COVID-19 vaccines administered by an in-network provider without cost-sharing, but any vaccines administered by an out-of-network provider will be subject to cost-sharing.**

### **Important Updates Regarding COVID-19 Relief – Tolling of Certain Plan Deadlines**

During the National Emergency, the Plan adopted the COVID-19 Outbreak Period, which tolled the period for employee benefit plan deadlines from March 1, 2020 until the earlier of (a) 1 year from the date you were first eligible for relief, or (b) 60 days after the announced end of the National Emergency (the end of the Outbreak Period). Since the National Emergency will end on May 11, 2023, the Outbreak Period will end on July 10, 2023. As a result, the following timeframes will no longer be tolled beginning on July 11, 2023:

- The 30-day period (or 60-day period, if applicable) to request special enrollment;
- The 60-day election period for COBRA continuation coverage;
- The date for making COBRA premium payments;
- The date for individuals to notify the Plan of a qualifying event or determination of disability;
- The date within which individuals may file a benefit claim under the Plan's claims procedure;
- The date within which Claimants may file an appeal of an Adverse Benefit Determination under the Plan's claims procedure;
- The date within which Claimants may file a request for an external review after receipt of an Adverse Benefit Determination or Final Internal Adverse Benefit Determination; and
- The date within which a Claimant may file information to perfect a request for external review upon a finding that the request was not complete.

To demonstrate how the end of the National Emergency will affect these deadlines, below are a few examples issued by the United States Department of Labor illustrating the application of the tolling:

### 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 July 10, 2023 (the end of the Outbreak Period), which is September 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 July 10, 2023 (the end of the Outbreak Period), which is September 8, 2023.

### Example 3 (Electing COBRA)

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

What is the deadline for Individual A to elect COBRA?

**Conclusion:** Because the qualifying event occurred on July 12, 2023, after the end of both the COVID-19 National Emergency and the Outbreak Period, the extensions under the emergency relief notices do not apply. The last day of Individual A's COBRA election period is 60 days after July 15, 2023, which is September 13, 2023.

As always, the Fund Office is available to assist you with any questions that you might have. If you have any questions, please contact the Fund Office at 914-737-7220.

Sincerely,

Board of Trustees  
Plumbers and Steamfitters Local No. 21 Welfare Fund

This SMM is intended to provide you with an easy-to-understand description of certain changes to the Plan. While every effort has been made to make this description as complete and as accurate as possible, this SMM, of course, cannot contain a full restatement of the terms and provisions of the Plan. If any conflict should arise between this SMM and the Plan, or if any point is not discussed in this SMM or is only partially discussed, the terms of the Plan will govern in all cases.

The Board of Trustees reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Plan, or any benefits provided under the Plan, in whole or in part, at any time and for any reason, in accordance with the applicable amendment procedures established under the Plan and the Agreement and Declaration of Trust establishing the Plan (the "Trust Agreement"). The Trust Agreement is available upon request at the above address and may be inspected by you free of charge during normal business hours.

No individual other than the Board of Trustees has any authority to interpret the plan documents, make any promises to you about benefits under the Plan, or to change any provision of the Plan. Only the Board of Trustees has the exclusive right and power, in its sole and absolute discretion, to interpret the terms of the Plan and decide all matters arising under the Plan.