



Ohio Chamber Health Benefit Program
FAQS FOR MEMBER EMPLOYERS EFFECTED BY COVID-19
AS TO CONTINUING COVERAGE FOR WORKERS
(March 20, 2020)

The Ohio Chamber Health Benefit Program (“OH Chamber MEWA”), and its administrator UnitedHealthCare, are responding to the needs and concerns of members related to the COVID-19 crisis. Below are FAQs related to actions the OH Chamber MEWA has taken to allow member employers to continue coverage for workers who have been laid off or taken approved leaves of absence during this difficult time. These FAQs are current as of March 20, 2020, and are expected to remain in effect until May 31, 2020.

If a member company is enrolled in the OH Chamber MEWA, and it lays off part of its workforce in response to the COVID-19 crisis, can the company continue to cover the laid-off employees under the Chamber Program?

- A. Yes. An employer can continue to cover employees who are laid off and not actively at work but whom may return to work by continuing to pay the premium equivalent amounts and access fees to the Ohio Chamber MEWA. Employers may determine to continue such coverage through May 31, 2020, or a period of up to 13 weeks from the date of the layoff. The member company must continue benefits to laid off employees on a uniform, nondiscriminatory basis without regard to the health status of any currently enrolled employee or dependent, and employee premium contribution must be equal to or less than the contribution prior to their layoff.

If an employee takes a temporary leave of absence under the Family and Medical Leave Act or as permitted by the member company due to the COVID-19 crisis, may the employee remain covered by OH Chamber MEWA benefits?

- A. Yes. An employer can continue to cover employees who have taken a leave of absence under the Family or Medical Leave Act or as permitted by the member company by continuing to pay the premium equivalent amounts and access fees to the Ohio Chamber MEWA. Employers may determine to continue such coverage through May 31, 2020, or a period of up to 13 weeks from the date leave is taken. The member company must continue benefits to employees that take a leave of absence on a uniform, nondiscriminatory basis without regard to the health status of any currently enrolled employee or dependent, and employee premium contribution must be equal to or less than the contribution prior to their layoff.



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The company has laid off almost all its entire workforce in response to the COVID-19 crisis; can the company continue to cover employees?

- A. Yes, currently through May 31, 2020, if an employer lays off almost its entire workforce, the employer can continue to cover employees who may return to work by continuing to pay the premium equivalent and access fees to the Ohio Chamber MEWA. Employers may determine to continue such coverage through May 31, 2020 or, with approval of the Ohio Chamber MEWA, for a period of up to 13 weeks from the date of the layoff. If a company no longer has any employees, it is required to contact the Ohio Chamber MEWA.

What if a company lays off all its employees?

- A. If the company has *no* active employees, the plan is terminated and COBRA is not an option. In that case, employees have a [special enrollment period](#) to enroll in individual coverage via healthcare.gov or through an insurance agent or could purchase a short-term plan that is subject to medical underwriting.

What if the company falls below the minimum participation requirements?

- A. If a company covers less than 50% of eligible employees, the company is required to notify the OH Chamber MEWA.

What if a company permanently terminates an employee?

- A. The company should notify any permanently terminated employee of their COBRA rights. Although terminated employees normally have to pay 100% of COBRA coverage, the employer can decide to continue to pay benefits at the same level as prior to the termination, with the employer paying a portion of the premium and the employee making a contribution. Employers may also decide to pay up to 100% of the cost of COBRA coverage for permanently terminated employees for a period of time as determined by the employer.

In light of the COVID-19 crisis, can a company get a grace period extension on paying premium and access fees?

- A. Yes. The OH Chamber MEWA provides employers with a 31-day grace period in which to pay premium and access fees. If payment is not made within the grace period, the OH Chamber MEWA may terminate benefits. Please contact the Ohio Chamber MEWA if you will have difficulty making payments. (Notwithstanding this grace period, the customer remains responsible for funding of all premium equivalent while the participation agreement is in effect.)



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If my company's enrollment drops as a result of the COVID-19 crises, will my rates/premiums be subject to change?

- A. Although the OH Chamber MEWA has the right to change premium and access fees based on a change in enrollment, through May 31, 2020, the Chamber Program will not adjust premium or access fees if the loss of enrollment is a result of the COVID-19 crisis.

If employees are losing their health coverage due to being laid-off, what are other coverage options that are available?

- A. We recommend employers work with their employees to assess coverage options and eligibility by going to www.healthcare.gov or visiting with an insurance agent. Some examples of options include Medicaid, Medicare, or individual coverage if the employee can enroll during the open enrollment period or has a special enrollment right because they lost coverage under the employer's plan. If Medicaid or ACA compliant plans are not a fit for employees, they may also consider a short-term plan if available in their state.

What options are there for funding health benefits during lay-offs and leaves of absence?

- A. A majority of employers that provide health and welfare benefits allow employees to pay the employee's share of premiums with pre-tax or after-tax dollars deducted from wages. Questions frequently arise related to continuing coverage during either unpaid leaves of absence or leaves of absence where the employee's wages are not sufficient to pay for premiums along with employment and income tax withholding obligations. Depending on the type of leave, an employer may allow the employee to pay the employee's share of premiums under either (1) a pre-pay option, (2) a pay-as-you-go option or (3) a catch-up option. A careful review of the type of leave and the employer's leave policy must be conducted prior to selecting the payment option. Keep in mind that whatever method the employer may elect is between the employer and employee. It does not change the employer's obligation to pay premiums to the OH Chamber MEWA on account of any employee or laid off employee who is to be covered under the Program.

What is the OH Chamber MEWA doing to eliminate barriers to COVID-19 testing?

- A. The OH Chamber MEWA has agreed to cover COVID-19 testing without cost sharing for employees and dependents enrolled in the OH Chamber MEWA benefits at this time.



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