

Notice of Certain Deadline Extensions and Summary of Material Modifications
Prepared for Outten & Golden LLP Health and Welfare Plan Participants
Effective March 1, 2020

This document provides notice of certain deadline extensions and is a Summary of Material Modifications (“Summary”) to the extent those extensions apply to ERISA benefits under the Outten & Golden LLP Health and Welfare Plan (“the Plan”). You should take the time to read this Summary carefully and keep it with the Summary Plan Description document that was previously provided to you. If you need another copy of the Summary Plan Description or if you have any questions regarding these changes to the Plan, please contact the Senior HR Manager during normal business hours at 685 Third Avenue, 25th Floor, New York, NY 10017, telephone number (212) 245-1000 or visit our benefits website at outtengolden.mybenefits.life.

Extension of Deadlines in Response to the COVID-19 Crisis

Multi-Agency guidance has extended certain deadlines that apply to group health plans if those deadlines fall within the COVID-19 national emergency outbreak period (**March 1 – 60 days after National Emergency Ends**). Those deadlines include and are limited to the following:

- The 30-day period to request special enrollment under HIPAA (or 60-day period as applicable to CHIP enrollment requests);
 - employees, spouses, and new dependents are allowed to enroll upon marriage, birth, adoption, or placement for adoption;
 - employees and dependents are allowed to enroll if they had declined coverage due to other health coverage and then lose eligibility or lose all employer contributions towards active coverage;
 - employees and their dependents are allowed to enroll upon loss of coverage under a state Children's Health Insurance Program (CHIP) or Medicaid or who are eligible to receive premium assistance under those programs;
- The 60-day election period for COBRA continuation coverage;
- The deadline for making COBRA premium payments;
- The deadline for individuals to notify a plan of a COBRA qualifying event or determination of disability;
- The deadline for individuals to file an ERISA benefit claim under the plan's claims procedure (including a H-FSA run out period deadline that ends during the outbreak period);
- The deadline for claimants to file an appeal of an adverse benefit determination, a request for an external review, and to file information related to a request for external review for an ERISA plan.

Examples (assuming that the National Emergency ends on April 30, 2020, with the Outbreak Period ending on June 29, 2020)

	Standard Timeframes	New Deadlines
HIPAA Special Enrollment	Enrollment allowed within 30 days of the occurrence of the event (or within 60 days for a CHIP special enrollment right)	If a birth occurs on March 31, 2020: Employee has until 30 days after June 29, 2020, which is <u>July 29, 2020</u> , to enroll herself and child into the employer's plan.
COBRA Election Period	At least 60 days to elect COBRA	If Employee receives COBRA Election Notice on April 1, 2020: Employee has 60 days after June 29, 2020 to elect COBRA, which is <u>August 28, 2020</u> . This new deadline applies to any election notice received during the outbreak period.
COBRA Premium Payment	No later than 30 days after the first period for which payment is being made	If March 1, 2020 is first month in which COBRA payment is not made: premium payments made by 30 days after June 29, 2020, which is <u>July 29, 2020</u> , for March, April, May, and June 2020, are considered timely.
Providing COBRA Election Notice	44 days	If Employee has a Qualifying Event on April 1, 2020: Employer must send COBRA election notice 44 days after June 29, 2020, which is <u>August 12, 2020</u> .
Claims and Appeals Procedure	At least 180 days following receipt of an adverse benefit determination to appeal	If Employee received adverse benefit determination on January 28, 2020: Employee's last day to submit appeal is 148 days (180 – 32 days following January 28 to March 1) after June 29, 2020, which is <u>November 24, 2020</u> .
External Review of Final Appeal	Claimant must file within four months after receipt of final internal benefits denial notice	If Employee received final internal benefits denial notice on April 1, 2020: Employee's last day to file for an external review is four months after June 29, 2020, which is <u>October 29, 2020</u> .