



# COVID-19 Outbreak Response

## PENDING GOVERNMENTAL ACTION

March 16, 2020

The following pages outline our coverage with regard to COVID-19. However, it is important to note that State and Federal governments are in the process of providing guidance and direction for employers in response to the current situation. These developments will influence changes to our coverage, and we will publish updated guidance once this legislation is enacted.

The most significant activity is the Federal Families First Coronavirus Response Act that currently applies to employers with fewer than 500 employees. This bill proposes to expand the FMLA to provide leave for COVID-19 related reasons (e.g., quarantine, school closures). In addition, it proposes employers pay workers who need to take leave for these same reasons.

As of the time this document was published, only the House has approved the bill. The Senate will also need to approve before it is sent to the President. It is possible there could be changes to the bill during that process. Once fully passed, it will be effective 15 days later.

Unum is closely monitoring the status of this bill as we know it will likely impact some of our products and services. Once the bill passes, we will provide an update on exactly what those impacts will be.

We are also closely watching pending legislation in New York which will likely be passed today, March 16. The New York legislation will apply to all employers but will have different requirements depending upon the number of employees. It will also allow employees to access benefits from the NY PFL and DBL programs for COVID-19 related reasons, but the details regarding benefit amount and duration are still being finalized.

In addition to this proposed legislation, guidance has been issued across the country regarding the interpretation of existing laws. Below are links to that guidance. We recommend you check these sites frequently in the event the guidance evolves over time.

## STATUTORY DISABILITY GUIDANCE

- **California:** [https://www.edd.ca.gov/about\\_edd/coronavirus-2019.htm](https://www.edd.ca.gov/about_edd/coronavirus-2019.htm)
- **New Jersey:** <https://www.nj.gov/labor/worker-protections/earnedsick/covid.shtml>
- **Washington:** <https://paidleave.wa.gov/coronavirus/>
- **Rhode Island:** <http://www.dlt.ri.gov/pdfs/COVID-19%20Workplace%20Fact%20Sheet.pdf>

## FEDERAL GUIDANCE

- <https://www.dol.gov/agencies/whd/pandemic>
- [https://www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitaion\\_act\\_coronavirus.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm)

## COLORADO EMERGENCY PAID SICK LEAVE

- <https://www.colorado.gov/pacific/cdle/news/state-labor-department-releases-emergency-rules-paid-sick-leave-covid-19>

# Frequently Asked Questions

Unum is taking several steps to ensure we can support customers and their employees through the coronavirus (COVID-19) pandemic. As always, the health and safety of our customers, colleagues, and communities remain our top priority. Our business continuity program prepares us to respond to disruptive events through robust planning, regular testing, and constant monitoring – ensuring we can continue to support you and your employees as the situation progresses.

## **HOW IS UNUM RESPONDING TO CORONAVIRUS?**

To minimize exposure to our employees and ensure stable service experiences for you, we've taken steps to:

- Restrict all employee business travel.
- Require employees who travel international to self-quarantine for 14 days.
- Increase workplace sanitation and educate employees on health and safety best practices.
- Identify critical system needs and ensure they will remain operational.
- Test technology to confirm we can shift critical tasks to other worksites and our remote workforce.
- Enhance our remote-work capacity to handle a higher volume of people working from home.
- Account for variables in our planning, such as an increase in the number of claims filed and the closure of banks and post offices.
- Seek input from vendors, state officials, and local governments, and incorporate best practices from external organizations.

## **IS AN INDIVIDUAL WHO IS QUARANTINED BUT NOT SICK OR DIAGNOSED WITH CORONAVIRUS CONSIDERED DISABLED?**

Generally, we do not consider quarantined workers to be disabled unless they have a medical condition that results in restrictions and limitations that satisfy a policy's definition of disability.

## **ARE QUARANTINED INDIVIDUALS "IN ACTIVE EMPLOYMENT"? DOES COVERAGE CONTINUE DURING A QUARANTINE?**

Generally, we would consider a quarantined individual to be in "active employment" if the employee is quarantined pursuant to a government order or if the employee's quarantine is an approved leave in accordance with the leave provisions of the applicable policy.

We will consider individuals who self-quarantine to be in active employment for a period of time consistent with the quarantine period recommended by the Center for Disease Control (currently 2 weeks).

An individual's coverage will continue while they are quarantined per these guidelines if premiums are paid.

## **WILL UNUM OFFER ANY CORONAVIRUS-RELATED RIDERS OR ENHANCEMENTS TO STD AND AD&D?**

We will be working with policyholders on a case by case basis to consider solutions when requested. At this time we have no products specific to coronavirus, but are reviewing all available options for our customers.

## WOULD UNUM BE WILLING TO OFFER ADDITIONAL COVERAGE TO EMPLOYEES WORKING ON CORONAVIRUS TEAMS OR TASK FORCES?

We recognize that our customers in the health care provider industry in particular have a unique set of considerations when thinking through coronavirus risks and related benefit coverage for their employees. Unum is committed to working with our customers to assess their needs and develop appropriate coverage solutions. We will evaluate each request of this nature for U.S.-based coverage on a case-by-case basis, taking into account the distinct characteristics of the customer and the related risk.

## DO UNUM BENEFITS COVER COVID-19-RELATED ILLNESSES?

Some of Unum's products cover coronavirus-related claims, and we will follow the provisions outlined in your policies and service agreements to determine coverage – just like we would for any other diagnosis.

While every claim and leave of absence is unique and will be considered based on the facts of the case, we do have some general guidelines to answer common questions about how COVID-19 impacts your Unum benefits coverage.

## LEAVE SERVICES

Given current federal law, which is evolving in real-time, generally, quarantined employees are not entitled to FMLA unless they meet the definition of a serious health condition. FMLA typically will not be applicable, as quarantine itself does not qualify as a serious health condition. The applicable regulations generally define serious health condition as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. However, if a serious health condition develops from the underlying condition for which the individual was quarantined, we would then review to determine if FMLA is applicable. In addition, we will consider applicable state leave laws and any corporate leave policies currently administered by Unum. Should federal leave law change, we will update this guidance accordingly.

## SHORT TERM DISABILITY PRODUCTS (INDIVIDUAL AND GROUP)

- **Coronavirus coverage:** If a person is diagnosed with coronavirus, a claim for fully-insured STD benefits would likely be payable after the elimination period if the definition of disability has been met. Individuals who are

quarantined without a diagnosis and not sick generally would not have a payable claim.

- **Administrative Services Only (ASO):** While we generally follow the same approach we use with fully-insured STD customers, we will work with our ASO self-insured customers to administer their plans in accordance with their needs.

## CRITICAL ILLNESS PRODUCTS

Coronavirus is not considered a covered condition under our Critical Illness products except where 'Infectious Disease' is noted as a payable benefit in the contract. In such circumstances, the definition which generally includes the requirement of a positive diagnosis and confinement for a minimum of 14 consecutive days must be met.

## AMERICANS WITH DISABILITIES ACT SERVICES

If a person is diagnosed with coronavirus, ADA services would request and evaluate medical information to determine if the severity of illness rises to the level of disability under ADA or any state equivalent laws. Individuals who are quarantined without a diagnosis and not sick generally would not be considered disabled. In addition, the EEOC has published guidance for employers on specific workplace practices and inquiries related to COVID-19 ([https://www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitaion\\_act\\_coronavirus.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm)).

## LONG TERM DISABILITY AND LIFE WAIVER OF PREMIUM (INDIVIDUAL AND GROUP)

- **Coronavirus coverage:** If a person is diagnosed with coronavirus, a claim for fully-insured LTD and/or LWOP benefits would likely be payable after the elimination period if the definition of disability has been met. As with STD, individuals who are quarantined but not sick generally would not have a payable claim.
- **Administrative Services Only (ASO):** While we generally follow the same approach we use with fully-insured STD customers, we will work with our ASO self-insured customers to administer their plans in accordance with their needs.

## INDIVIDUAL DISABILITY INCOME PRODUCTS

While definitions of disability vary, IDI would likely approve a claim filed by someone with a coronavirus diagnosis if the definition of disability has been met. IDI elimination periods generally extend beyond a quarantine period. As with other products, individuals who are quarantined but not sick generally would not have a payable claim.

## LONG-TERM CARE PRODUCTS

A Long-Term Care claim filed by individual diagnosed with coronavirus would likely be payable if they meet the policy definition and they are receiving covered services. If a claimant is quarantined and not receiving covered services, no benefits would likely be payable.

## ACCIDENT PRODUCTS

Accident products do not provide benefits for the diagnosis or treatment of coronavirus except where the product includes a Sickness Hospital Confinement Rider which may provide benefits due to the confinement of a covered sickness.

## HOSPITAL INDEMNITY PRODUCTS

Admission/confinement due to a positive diagnosis of coronavirus may be considered for eligible benefits provided all other provisions of the policy are met. This includes, but is not limited to, meeting the facility definition to which the insured is admitted/confined.

## LIFE INSURANCE PRODUCTS

Coronavirus is a covered illness for our group and voluntary life insurance products. Benefits would be paid according to policy provisions.

## ACCIDENTAL DEATH & DISMEMBERMENT PRODUCTS

Accidental Death & Dismemberment coverage does not apply with a coronavirus diagnosis.

## WORK-LIFE BALANCE EMPLOYEE ASSISTANCE PROGRAM (EAP)

This service can help employees with managing anxiety around this pandemic. They have also created a few COVID based webinars:

- **“COVID-19: Facts You Need to Know”.** The 45 minute webinar includes the most recent information available from the CDC and the WHO.
- **“Coronavirus (COVID-19): The Psychological Effects”.** In this 15 minute webinar, insights on addressing the emotional impact of the coronavirus outbreak.

It's included in most of our Long Term Disability policies.

## WORLDWIDE EMERGENCY TRAVEL ASSISTANCE

When traveling, one phone call can connect employees and their family members to medical, legal and other services 24/7, and can provide custom travel support during this pandemic. It's available with group Long Term and Short Term Disability Insurance. It's included with most of our group Long Term Disability policies.

### CONTACT US:

Contact us anytime Monday through Friday 8 a.m. to 8 p.m. EST if you have any questions about your Unum coverage or need personalized support. We're here to help.

- For employers and plan administrators, call 800-ASK-UNUM (800-275-8686).
- For employees and their families, call 866-679-3054.
- For brokers and sales partners, call 800-ASK-UNUM (800-275-8686).