

COMPLIANCE OVERVIEW



Examples

The Notice provides the following examples to illustrate the duration of the relief:

Example 1: If a qualified beneficiary would have been required to make a COBRA election by **March 1, 2020**, that requirement is delayed until **Feb. 28, 2021**. This date is the earlier of one year from March 1, 2020, or the end of the Outbreak Period (**which remains ongoing**).

Example 2: If a qualified beneficiary would have been required to make a COBRA election by March 1, 2021, that election requirement is delayed until the earlier of one year from that date (that is, March 1, 2022) or the end of the Outbreak Period.

Example 3: If a plan would have been required to furnish a notice or disclosure by **March 1, 2020**, the relief would end with respect to that notice or disclosure on **Feb. 28, 2021**. The responsible plan fiduciary would be required to ensure that the notice or disclosure was furnished on or before March 1, 2021.

In all of these examples, the delay for actions required or permitted that is provided by the Notices does not exceed one year.

Reasonable Accommodations

The DOL recognizes that plan participants and beneficiaries may continue to encounter problems when the relief is no longer available, due to the one-year limit. Accordingly, plan fiduciaries should make reasonable accommodations to prevent the loss of or undue delay in payment of benefits in these cases and should take steps to minimize the possibility of individuals losing benefits because of a failure to comply with pre-established time frames.

- The administrator or other fiduciary should consider **affirmatively sending a notice** regarding the end of the relief period when individuals are at risk of losing coverage.
- Plan disclosures issued prior to or during the pandemic **may need to be reissued or amended** if those disclosures failed to provide accurate information regarding the time in which participants and beneficiaries were required to take action (for example, COBRA election notices and claims procedure notices).
- In the case of ERISA group health plans, plans should consider ways to ensure that participants and beneficiaries who are losing coverage under their group health plans **are made aware of other coverage options** that may be available to them, including the opportunity to obtain coverage through the Exchange in their state.

The DOL also acknowledges that full and timely compliance with ERISA's disclosure and claims processing requirements by plans and service providers may not always be possible. In the case of fiduciaries that have acted in good faith and with reasonable diligence under the circumstances, the DOL's approach to enforcement will be marked by an emphasis on compliance assistance, and includes grace periods and other relief.

Application to Non-federal Governmental Plans

While the extension of time frames included in the guidance is **not mandatory** for non-federal governmental plans, plan sponsors of non-federal governmental plans are encouraged by the applicable federal agencies to provide similar relief to participants and beneficiaries. The Notice states that the Department of the Treasury, IRS, and Health and Human Services have advised the DOL that they concur with the guidance regarding the continuation of relief, citing to a prior [bulletin](#)