

## TOP QUESTIONS & ANSWERS ABOUT DISABILITY BENEFITS RELATED TO CORONAVIRUS

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The coronavirus has opened up a series of complex questions related to group disability benefits and what may be covered under group plans. The coverage issues are as fluid as the virus itself. To help our customers, we have inventoried replies to the most common questions at this time. The information below is based on survey of the major disability carriers. The list of questions grow as we collect more information and we will issue updates accordingly. Please call your Conner Strong & Buckelew account representative with any questions. *We are here to help and support our clients during these challenging times.*

**Q: Is an individual who is quarantined but not sick or diagnosed with the coronavirus considered disabled?**

**A:** Generally, no. The disability carriers 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.

**Q: Are quarantined individuals "in active employment"? Does coverage continue during a quarantine?**

**A:** Generally, disability carriers 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 understand that the disability carriers 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). Generally, an individual's disability coverage will continue while they are quarantined per these guidelines if premiums are paid.

**Q: Does coronavirus qualify for FMLA?**

**A:** 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, disability carriers will consider applicable state leave laws and any corporate leave policies currently administered by your disability carrier.

**Q: Do coronavirus issues qualify for Short Term Disability?**

**A:** 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 qualify.

**Q: Do coronavirus issues qualify for Long Term Disability?**

**A:** If a person is diagnosed with coronavirus, a claim for fully-insured LTD 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.

**Q: How does coronavirus interact with the Americans with Disabilities Act?**

**A:** 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.

**Q: How does coronavirus interact with Accidental Death & Dismemberment Coverage?**

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

**Questions**

Questions with the above; please contact your Conner Strong & Buckelew account representative.

