



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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FMLA and COBRA

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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FMLA and COBRA

Reference Number: MTAS-899

Family and medical leave itself is not a qualifying event under COBRA, as employers are required by FMLA to maintain group health insurance coverage for employees on leave. If an employee on FMLA leave notifies the organization that he/she does not intend to return to work, however, a COBRA qualifying event may occur. Additionally, if additional unpaid leave is used after exhaustion of FMLA, a COBRA qualifying event may occur, also.

Some of the notifications described below may not apply if you are administering your COBRA programs in-house. The bolded notices represent the critical notifications that employers often must design. Sample forms are available through MTAS.

REQUIRED SCHEDULE OF NOTICES		
REQUIRED COBRA NOTICES	RESPONSIBLE PARTY	TIME FRAME
<u>General COBRA Notice</u>	Plan administrator to covered employee and spouse	Within 90 days of coverage becoming effective
<i>Consider new hires, open enrollment and special enrollment periods, qualifying events (marriage or addition of domestic partner), implementation of new plan(s), rehires. Consider your cafeteria plans and EAP plans as well.</i>		
<u>Employer Qualifying Event Notice</u>	Employer to plan administrator	30 days after QE
<i>Includes plan information, covered employee, qualifying event and date of qualifying event. Employers have 30 days following date of QE to notify plan administrators. Plan administrators have 14 days following notice of QE to notify QBs. Employers who act as plan administrators have 44 days from the date of the event to notify QBs.</i>		
<u>Employee Qualifying Event Notice(s)</u>	Employee or qualified beneficiary to plan administrator	60 days after QE
<i>Plan sponsors should make sure a reasonable written procedure is in place for employees and QBs to follow at the time of a QE. Employees and QBs then have the responsibility to notify plan administrator within 60 days of a QE. Employees' and QBs' failure to follow the reasonable notice requirements may result in denial of continuation of coverage.</i>		
<u>Election Notice</u>	Plan administrator to covered employees and QBs	14 days after notice of QE or 44 days (for some QEs)
<i>This is the actual offering of COBRA, which provides the employee and QBs the opportunity to elect coverage.</i>		
<u>Notice of COBRA Unavailability</u>	Plan administrator to employees and beneficiaries who provide notice of QE	Same as election notice
<i>New notice required by the May 27, 2004, Final Notice Rules. This notice must be sent when a plan determines that a QB is not eligible for COBRA.</i>		
<u>Notice of Early Termination of COBRA</u>	Plan administrator to covered employees and QBs	As soon as practicable once termination of coverage is determined by plan administrator
<i>New notice required by the May 26, 2004, Final Notice Rules. This notice must be sent to notify QBs of a termination of benefits if benefits terminate earlier than the full COBRA period. In some cases, this may be combined with HIPAA Certificate of Credible Coverage, which also is required upon termination of benefits.</i>		

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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