

SECTION TWELVE: Weekly Accident and Sickness Benefits

I. Introduction

If you become temporarily disabled as a result of a non-work related injury, accident or illness and cannot work, you may be eligible for a Weekly Accident and Sickness (“WA&S”) benefit of up to \$500 per week and a credit of 25 hours per week towards your health benefits for up to 26 weeks. A W-2 will be issued for any money received from this benefit. **NO hours will be contributed towards pension.**

II. Eligibility

To qualify for WA&S Benefits, you must satisfy all of the following criteria:

- A. You were an active employee working at the time of your injury** (*i.e.*, you cannot be out on unemployment, out-of-work due to lay-off or terminated from your job).
- B. You are covered on Level 1 or Level 1 EBL medical benefits.**
- C. You worked at least one hour of covered employment after the effective date of your Level 1 or Level 1 EBL coverage before filing a claim.**
- D. You are unable to perform work in covered employment for at least 8 days due to a non-work related illness, injury or accident.**
- E. You are not receiving a pension.** As of the date of your retirement, you are no longer eligible for this benefit.
- F. You are not receiving unemployment benefits, workers compensation benefits, Social Security Disability benefits, or any income from employment or any other source of income** (*i.e.* other employment).
- G. Submit all of the completed forms to the Fund Office within forty-five days of the date of the covered incident.**
 - 1. The “date of the covered incident” is the first date on which you are unable to perform work due to a non-work related illness, injury or accident.**
- H. Can not file more than one WA&S claim within a 24 month period.**

You are eligible for weekly accident and sickness benefits only once every 24 months. This means that you may file only one claim for benefits during a 24 month period. For example, if you file a claim on July 1, 2018, and benefits are awarded for that claim, you may not file another claim for benefits until on or after July 1, 2020. The Trustees may, in their sole discretion, permit you to file

another claim within the 24 month period if your injury or illness is severe and requires hospitalization. The claim, if approved, will only give you the remainder of the 26 weeks.

III. What You Need To Do to Apply for WA&S Benefits

The Fund Office administers your WA&S Benefits, according to the following procedures:

- A. If you become disabled, you must call the Fund Office for the proper paperwork which includes all of the following:**
1. Accident and Sickness Claim Form
 2. Attending Physician's Report (APR)
 3. Authorization to Release Information and Reimbursement Agreement
 4. Form W-4S (tax form)
 5. Authorization for Release of Protected Health information
 6. Temporary Disability Insurance (TDI) information
 7. A self-addressed envelope
- B. Complete the Accident and Sickness Claim Form. Faxed copies will not be accepted.**
- C. Ask Your Attending Physician(s) to Complete a Statement of Evidence of Your Disability (APR) and Mail it Back to the Fund Office. Faxed copies will not be accepted.**
- D. Read and Complete the Authorization to Release Information Form;** be sure to choose the box that best describes your situation. You must have this form notarized. Faxed copies will not be accepted.
- E. Apply for Temporary Disability Insurance (TDI) and submit your approval or denial to the Fund Office. *You will need to apply for TDI, and submit your approval or denial to the Fund Office before any benefits will be paid.*** If you are employed in a state where you are not eligible for TDI you will be required to complete an Affidavit to start your claim while you are waiting for a denial from TDI.

F. Complete and sign form W-4S:

1. If you want Federal and Rhode Island income tax withheld, the minimum Federal amount to be withheld is \$20 and all withholding must be in whole dollars, no cents. Faxed copies will not be accepted.
2. If you do not want Federal and Rhode Island income taxes withheld from the benefit payments, indicate "NONE" in the amount to be withheld box. Faxed copies will not be accepted.
3. You will receive a W2 for the amount of money received from your WA&S claim.

G. Authorization to release information; be sure to complete front and back of the form. Faxed copies will not be accepted.

H. Deliver (hand or mail) all of the completed information to the Fund Office in the envelope provided. Faxed copies will not be accepted.

I. The Fund Office will mail your employer a "13-Week Form" to determine your gross weekly pay during the 13 weeks immediately before your covered incident. Your benefit is up to \$500 or 75% of the average of your gross weekly earnings, whichever is less.

J. If requested by the Fund, you must undergo a physical examination by the Fund's independent doctor at any time while you are seeking or receiving WA&S benefits. Your failure to submit to an examination may affect your eligibility for WA&S benefits.

K. Please note that all of this information must be completed and returned to the Fund Office **no later than 45 days from date of the covered incident.** The "date of the covered incident" is the first date on which you are unable to perform work due to a non-work related illness, injury or accident. *If a completed claim form is not filed within that period, you will have no rights to benefits under this Section.* The Trustees may, in their sole discretion, permit you to file documents after the deadline for good cause shown. Good cause will be determined by the Trustees in their sole discretion. You have a right to appeal any claim in writing to the Board of Trustees.

IV. How Benefits Are Paid

The Weekly Accident and Sickness Benefit is designed to help you maintain your health coverage. It may provide income as a supplement to Temporary Disability Insurance (TDI) or supplement any short-term disability income you may receive from another source. The maximum weekly disability income you can receive from both sources combined is \$500 or 75% of the average of your gross weekly earnings, whichever is less. The 75% is calculated based on your average 13 week gross pay immediately before your covered incident.

Maximum Weekly Benefit

If you do not have other disability income, the Fund's benefit provides up to \$500 per week or 75% of the average of your weekly earnings, whichever is less and contribution credit of 25 hours per week for up to 26 weeks.

For example: Jason average gross earning is \$700 per week through his employer. He receives a weekly short-term disability benefit of \$500 through Temporary Disability Insurance (TDI). If he applies for the weekly accident and sickness benefit, he would not be receiving any money from the Plan since he is earning the maximum weekly benefit of \$500, through TDI.

However, Brian average gross earning is \$600 per week through his employer. He also receives a weekly short-term disability benefit of \$250 through TDI. If he applies for weekly accident and sickness benefit through this Plan, the maximum amount he could receive from TDI and the Plan combined is \$450 ($\$600 \times 75\%$) per week. Through this Plan he would be eligible to receive a weekly benefit of \$200 ($\450 gross earnings - $\$250$ weekly TDI) per week.

V. Mental Injuries

The Fund will pay weekly accident and sickness benefits for mental injury claims **only in the following situations:**

If you become disabled as a result of a mental injury caused or accompanied by identifiable physical trauma or from a mental injury caused by emotional stress resulting from a situation of substantially greater dimensions than the day-to-day emotional strain and tension which employees typically encounter on a daily basis without serious mental injury, you may be eligible for benefits. In addition, the Fund will provide weekly accident and sickness benefits where the mental injury results in hospitalization.

The Fund's Trustees have final, discretionary authority to determine whether a mental injury may result in eligibility for weekly accident and sickness benefits.

VI. Receiving Your Benefit

A. When Payment Begins

Your weekly benefit payments will begin on the eighth day of your disability and may continue as long as you are disabled, up to 26 weeks. You will receive a benefit for the first seven days of your disability after you have been out on disability for a full 30 days.

B. Credit Towards Eligibility Requirements

You will receive 25 hours per week credit toward your ongoing eligibility requirements, after your employer has met their obligation, for a maximum of 26 weeks. **No pension contributions will be made on your behalf for Weekly Accident and Sickness benefits.**

C. Effect of Retirement on Benefits

If you retire, your Weekly Accident and Sickness benefits end as of your retirement date. Please notify the Fund Office as soon you apply for your Pension.

Notify the Fund Office immediately when:

- *You recover from your disability;*
- *You return to work;*
- *There is a change in the amount of benefits you receive from other sources.*
- *You retire*

D. Work Related Injury Exception

Disabilities that result from a work-related illness or injury are not covered. In addition, any period of disability that exists at the same time as a work-related illness or injury is not covered. If you have applied and been denied by Workers' Compensation, upon proof of your denial, you may apply for this benefit subject to completion of a reimbursement agreement.

E. Reimbursement for Recovery from Third Party

If you receive any payment from a third party relating to your disability claim, you will be required to reimburse the Fund Office for any and all of the Weekly Accident and Sickness benefit that you received based on the reimbursement agreement. If you fail to notify the Fund of a third party recovery, your benefits may be suspended as a result. For more details see Section Fifteen.