

Disability Income

Definitions

The below provides specific meanings to words commonly found in the documents related to HM Life Insurance Company of New York's Disability Income product, such as the Policy and Certificate. Other than references to he, him, his, you, your, yours, we, us or our, the words defined below and capitalized within the text of documents related to Disability Income have the meanings set forth below.

Active Service means that the Employee is either:

- at work on one of the Employee's scheduled work days and is performing his regular duties on a scheduled basis, either at one of the Employer's usual places of business or at some other location to which the Employer's business requires him to travel;
- on a scheduled holiday, vacation day or period of employer-approved paid leave of absence, only if the Employee was in Active Service on the preceding scheduled workday.

A Covered Person is considered in Active Service if he is not one of the following:

- an In-Patient in a Hospital, skilled nursing facility, rehabilitation hospital or convalescent/personal care facility or receiving out-patient care and/or therapy that affects a Covered Person's ability to perform his regular duties on a scheduled basis;
- confined at home under the care of a Physician or Doctor for a treatment of an injury or sickness; or
- Totally Disabled.

If an Employee was insured under another group disability income plan administered by the Policyholder on the last day before the effective date of his coverage under the Policy, he can become insured under the Policy on the Effective Date of the Certificate without meeting the Active Service requirement. However, the benefits we pay for a new period of Disability beginning after he becomes insured under the Policy, but before he meets the Active Service requirement, will be the benefits payable under the Policy or the benefits which would have been payable under the Prior Plan if the Prior Plan had remained in force, whichever are less, reduced by any benefits payable under the Prior Plan.

Affiliate or Affiliated means a company or organization that is subsidiary to, affiliated with or controlled by the Policyholder.

Provide **Applicant Information** means an Employee must sign our enrollment form and complete the Applicant Information section of that form.

Benefit Amount means the Disability Income payable to a Covered Person according to the terms of the Policy.

Certificate means the document issued for delivery to the Covered Person that lists the benefits, conditions and limits of the Policy.

Company or we, us, our, means HM Life Insurance Company of New York, domiciled in New York.

Confined means a Covered Person is registered as an Inpatient in a Hospital upon recommendation of a Physician or Doctor, or as an outpatient in a Hospital because of surgery.

Covered Person means an Employee for whom an enrollment form has been accepted by us, the required premium has been paid when due and for whom coverage under this Policy remains in force

Disabled means a Covered Person is either Totally Disabled or Partially Disabled. A Covered Person will be considered Disabled during the Elimination Period if he is Totally Disabled and throughout the Benefit Period if he is either Totally Disabled or Partially Disabled, as defined below. A Covered Person will not be considered Disabled during a period of Temporary Recovery.

Domestic Partner means an individual who has entered into a Domestic Partnership with the Employee.

Domestic Partnership means a relationship comprised of:

- Registration as a domestic partnership or an alternative affidavit of domestic partnership;
- Proof of cohabitation (e.g., a driver's license, tax return or other sufficient proof); and

- Evidence of two or more of the following:
 - Joint bank account
 - Joint credit card or charge card
 - Joint obligation on a loan
 - Status as an authorized signatory on the partner’s bank account, credit card or charge card
 - Joint ownership of holdings or investments
 - Joint ownership of residence
 - Joint ownership of real estate other than residence
 - Listing of both partners as tenants on the lease of the shared residence
 - Shared rental payments of residence – need not be shared 50/50
 - Listing of both partners as tenants on a lease or shared rental payments for property other than residence
 - A common household and shared household expenses, e.g., grocery bills, utility bills, telephone bills, etc. – need not be shared 50/50
 - Shared household budget for purposes of receiving government benefits
 - Status of one as representative payee for the other’s government benefits
 - Joint ownership of major items of personal property (e.g., appliances, furniture)
 - Joint ownership of a motor vehicle
 - Joint responsibility for child care (e.g., school documents, guardianship)
 - Shared child care expenses (e.g., babysitting, day care, school bills, etc.) – need not be shared 50/50
 - Execution of wills naming each other as executor and/or beneficiary
 - Designation as beneficiary under the other’s life insurance policy
 - Designation as beneficiary under the other’s retirement benefits account
 - Mutual grant of durable power of attorney
 - Mutual grant of authority to make health care decisions (e.g., health care power of attorney)
 - Affidavit by creditor or other individual able to testify to partners’ financial interdependence
 - Other item(s) of proof sufficient to establish economic interdependency under the circumstances of the particular case.

Employee means a full-time Employee of the Policyholder who works an average of 15 hours per week.

Enrollment Period or Open Enrollment Period means a period of time agreed upon by the Policyholder and the Company, during which an Employee may apply for insurance.

He, him or his means an individual, male or female.

Hospital means an institution that meets all of the following:

- it is licensed by the Joint Commission on Accreditation of Health Care Organizations as a Hospital pursuant to applicable law;
- it is primarily and continuously engaged in providing medical care and treatment to sick and injured persons;
- it is managed under the supervision of a staff of legally licensed physicians;
- it provides 24-hour nursing services by or under the supervision of a graduate registered nurse (R.N.);
- it has medical, diagnostic and treatment facilities, with major surgical facilities on its premises, or available on a prearranged basis;
- it charges for its services.

The term Hospital does not include a clinic, facility, or unit of a Hospital for:

- rehabilitation, convalescent or custodial care; or
- the aged.

Injury means accidental bodily injury that:

- occurs while the Covered Person is insured under the Policy and after any applicable Eligibility Waiting Period;
- is not subject to the Pre-Existing Condition Limitation; and
- is not otherwise excluded under the terms of the Policy.

In-Patient means a Covered Person who is confined overnight for at least one full day or 24 continuous hours in a Hospital and incurs room and board charges. The requirement that a person be charged for room and board does not apply to confinement in a Veteran’s Administration Hospital or Federal Government Hospital, and in such case, the term “In-Patient” shall mean a Covered Person is required to be confined for a period determined by applicable law governing such facility.

Job means a group of similar positions within an establishment that are identical with respect to their major or significant tasks. There may be one or many persons employed in the same Job. As used above, an “establishment” is a public or private employing unit that produces, provides and/or sells goods or services at a single physical location. An establishment may range in size from a single self-employed worker to thousands of workers.

Occupation means a group of Jobs, found at more than one establishment, in which a common set of tasks are performed and related in terms of similar objectives, methodologies, materials, products, worker actions or worker characteristics.

Organic Mental Disorder means a psychological, cognitive or behavioral abnormality associated with transient or permanent dysfunction of the brain, usually characterized by the presence of an Organic Brain Syndrome. Organic Brain Syndrome means any acute or chronic mental dysfunction (as delirium or senile dementia) resulting chiefly from physical changes in brain structure and characterized especially by impaired cognition.

Own Occupation means an occupation that involves Substantial and Material Duties of the same general character as the Covered Person’s Job with his employer when he becomes Disabled. A Covered Person’s Own Occupation is not limited to the specific Job duties he was performing for his employer or to a job at the same location. A Covered Person will not be considered Disabled from his Own Occupation if he is able to perform the Substantial and Material Duties of a Job within the same general occupation for his employer or another employer.

Partial Disability or Partially Disabled means that due to an accidental Injury or Sickness a Covered Person: is unable to perform at least one of the Substantial and Material Duties of his Own Occupation; can earn no more than half of his Weekly Earnings; and is under the regular care of a Physician or Doctor for the condition causing the Disability.

Physician or Doctor means a licensed health care provider practicing within the scope of his license and rendering care and treatment to a Covered Person that is appropriate for the condition and locality and who is not:

- employed or retained by the Policyholder;
- living in the Covered Person’s household;
- a parent, sibling, spouse, Domestic Partner or child of the Covered Person; or
- the Covered Person himself.

Plan Year or annual or annually means a period of twelve consecutive months beginning on the Policy Effective Date and subsequent anniversary dates.

Prior Plan means another group disability income plan on an insured or self-funded basis administered by the Policyholder and in effect on the day before the effective date of an Employee’s insurance under the Policy.

Registered Nurse means a registered graduate professional nurse (R.N.), a licensed practical nurse.

Sickness means an illness, infection, disease or any other abnormal condition that is not caused solely by or the result of an injury that:

- is first manifested while the Covered Person is insured under the Policy and after any applicable Eligibility Waiting Period;
- is not subject to the Pre-Existing Condition Limitation; and
- is not otherwise excluded under the terms of this Policy.

Pregnancy and complications of pregnancy are considered as sicknesses.

Social Worker means a licensed clinical social worker.

Substantial and Material Duties or Substantial and Material Duty means the duties that an employer normally requires for the performance of an occupation that cannot be reasonably omitted or modified. Substantial and Material Duties include Working the number of hours required in a Covered Person’s regularly scheduled work week, up to 40 hours per week. Any requirement that a person works in excess of 40 hours per week will not be considered a Substantial and Material Duty.

Temporary Recovery or Temporarily Recovered means any period that we do not consider a Covered Person to be Disabled. No Disability Income Benefits are payable during a period of Temporary Recovery. A period of Temporary Recovery will not count toward satisfaction of the Elimination Period or reduce the Benefit Period for the same or a related condition.

Total Disability or Totally Disabled means a Covered Person is currently unable, as a result of an accidental Injury or Sickness, to perform the Substantial and Material Duties of his Own Occupation with or without reasonable accommodation by an employer, and he is not Working at all. Nothing in this definition extends the Benefit Period shown in the Schedule of Benefits.

Weekly Earnings means a Covered Person’s weekly rate of earnings from his employer, including commissions and tax deferred contributions he makes to a qualified plan sponsored by his employer, but excluding bonuses, overtime pay and any other extra compensation. The following rules apply to the computation of the weekly rate of earnings:

- **Commissions:** A Covered Person’s weekly rate of earnings on any date includes his average weekly commissions during the prior calendar year (or during the period of employment if less than one calendar year).
- **Monthly pay:** Monthly earnings are divided by 4.333 to find a Covered Person’s weekly rate of earnings.

- **Hourly pay:** A Covered Person's hourly pay rate is multiplied by the number of hours he is regularly scheduled to work per week (but not more than 40) to find his weekly rate of earnings. If a Covered Person does not have regular work hours, his weekly rate of earnings on any date will be based on the average number of hours he worked per week during the prior calendar year (or during his period of employment if less than one calendar year), but not more than 40.

Working means a Covered Person is performing a Job or Occupation for an employer or through self-employment for which he receives income.