

Can I change my insurance/benefit election(s) during the Plan Year?

Election changes during the Plan Year are regulated by the Internal Revenue Service, ***not the Employer***. Generally, you cannot change your Benefit elections you have selected during the Plan Year, although your election will terminate if you are no longer working for the Employer. Normally, you may change your Benefit elections only during the Annual Open Enrollment Period, and then only for the coming Plan Year. There are several important exceptions to this general rule:

You may change or revoke your previous elections during the Plan year if you file a written request for change with the Plan Administrator within 31 days of any of the following qualifying events-

- 1. Change in Status.** If one or more of the following Changes in Status occur, you may revoke your old election and make a new election, provided that both the revocation and new election are on account of and correspond with (are consistent with) the Change in Status event (as described below). The occurrences which qualify as a Change in Status include the events described below, as well as any other events which the Plan Administrator determines are permitted under subsequent IRS regulations, but only when those events affect Benefit eligibility of either yourself, your spouse and/or your Dependents:
 - A change in your legal marital status (such as marriage, legal separation, annulment, divorce or death of your Spouse)
 - A change in the number of your tax Dependents (such as the birth of a child, adoption or placement for adoption of a Dependent, or death of a Dependent)
 - Any of the following events that change the employment status of you, your Spouse, or your Dependent ***and that affects benefit eligibility under either your Benefit Plan (including this Flexible Benefit Plan) or that of your Spouse or your Dependents.*** Such events include any of the following changes in employment status: termination or commencement of employment, a strike or lockout, a commencement of or return from an unpaid leave of absence, a change in worksite, switching from salaried to hourly-paid, bargaining unit, part-time to full-time and vice versa; a reduction or increase in hours of employment; ***or any other similar change which causes you, your Spouse and/or your Dependent's to become, or cease to be, eligible for a particular Benefit.***
 - An event that causes your Dependent to satisfy, or cease to satisfy, an eligibility requirement for a particular benefit
 - A change in your, your Spouse's or your Dependent's place of residence

If a Change in Status occurs, you must inform the Plan Administrator and complete a new Benefit Enrollment Form) within 31 days of the occurrence. *If you wish to change your election based on a Change in Status, you must establish that the Change in Status affects you, your Spouse's or your Dependent's Benefit eligibility and that the election change is on account of and corresponds with the Change in Status event. As a general rule, a desired election change will be found to be*

consistent with a Change in Status event if the event affects coverage eligibility. In addition, you must also satisfy the following specific requirements in order to alter your election based on that Change in Status:

- *Loss of Dependent Eligibility.* A special rule governs which type of election changes are consistent with the Change in Status. For a change in Status involving your divorce, annulment or legal separation from your Spouse, the death of your Spouse or your Dependent, or your Dependent ceasing to satisfy the eligibility requirements for coverage, you may only elect to cancel health benefits for the affected Spouse or Dependent. A change in election for any individual other than your Spouse involved in the divorce, annulment, or legal separation, your deceased Spouse or Dependent, or your Dependent that ceased to satisfy the eligibility requirements would fail to correspond with that Change in Status.

Example: Employee Mike is married to Sharon, and they have one child. The employer offers a calendar year flexible benefit plan that allows employees to elect no health coverage, employee-only coverage, employee-plus-one-dependent coverage, or family coverage. Before the plan year, Mike elects family coverage for himself, his wife Sharon, and their child. Mike and Sharon subsequently divorce during the plan year. Sharon loses eligibility for coverage under the plan, while the child is still eligible for coverage under the plan. Mike now wishes to cancel his previous election and elect no health coverage. The divorce between Mike and Sharon constitutes a Change in Status. An election to cancel coverage for Sharon is consistent with this change in Status. However, an election to cancel coverage for Mike and/or the child is not consistent with this Change in Status. In contrast, an election to change to employee-plus-one-dependent coverage would be consistent with this change in Status.

- *Gain of Coverage Eligibility Under Another Employer's Plan.* For a Change in Status in which you, your Spouse, or your Dependent gain eligibility for coverage under another employer's cafeteria (flexible benefit) plan (or qualified benefit plan) as a result of a change in your marital status or a change in your, your Spouse's, or your Dependent's employment status, your election to cease or decrease coverage for that individual under the Plan would correspond with that Change in Status *only* if coverage for that individual becomes effective or is increased under the other employer's plan.
2. **Special Enrollment Rights.** If you, your Spouse and/or a Dependent are entitled to special enrollment rights under a group health plan, you may change your election to correspond with the special enrollment right. Thus, for example, if you declined enrollment in medical coverage for yourself or your eligible dependents because of other medical coverage and eligibility for such coverage is

- subsequently lost due to certain reasons (i.e., due to legal separation, divorce, death, termination of employment, reduction in hours, or exhaustion or COBRA period), you may be able to elect coverage under the Plan for yourself and your eligible dependents who lost such coverage. Furthermore, if you have a new dependent as a result of marriage, birth, adoption, or placement for adoption, you may also be able change your election provided that you request the change within 31 days after the marriage, birth, adoption, or placement for adoption.
3. Certain Judgments and Orders. If a judgment, decree or order from a divorce, separation, annulment or custody change requires your Dependent child (including a foster child who is your tax Dependent) to be covered under this Plan you may change your election to provide coverage for the Dependent child. If the order requires that another individual (such as your former spouse) cover the Dependent child, you may change your election to revoke coverage for the child.
 4. Entitlement to Medicare or Medicaid. If you, your Spouse, or a Dependent becomes entitled to or loses medical coverage under Medicare or Medicaid, you may add or cancel that person's coverage under this Plan.
 5. Loss of coverage Under Group Health Plan of Governmental or Educational Institution. Mid-year election changes may be permitted on account of certain coverage losses under group health plans of certain governmental or educational institutions.
 6. FMLA/COBRA. Mid-year election changes may be permitted on account of qualifying FMLA leave or due to qualifying events leading to COBRA coverage eligibility.

Additionally, the Plan's Administrator may modify your election(s) downward during the Plan Year if you are a Key Employee or Highly Compensated Individual (as defined by the Internal Revenue Code), if necessary to prevent the Plan from becoming discriminatory within the meaning of the Federal income tax law.