

**AMENDMENT TO  
Mohawk Local School District Section 125 Cafeteria Plan**

BY THIS AGREEMENT, **Mohawk Local School District** ("Plan Sponsor") hereby amends the above-referenced plan (herein referred to as the "Plan").

- 1. AUTHORITY AND SCOPE.** This amendment is being made pursuant to the Plan Sponsor's general authority to amend the Plan.
- 2. EFFECTIVE DATE.** The provisions of this amendment to the Plan shall be effective as of the dates and/or during the time periods described in the following sections.
- 3. DEFINED TERMS.** Unless specifically defined below, capitalized words shall be defined as provided in the Plan document.
  - a. "Claim Run-out Period" means the period of time following the end of a Plan Year or following the termination of participation during which Participants may submit claims for eligible expenses incurred during the Plan Year.
  - b. "Health FSA" shall mean the Health Flexible Spending Account, the Limited Purpose Health Flexible Spending Account, and the Post-Deductible Health Flexible Spending Account to the extent the Plan includes such accounts.
  - c. "Outbreak Period" shall mean the period of time beginning on March 1, 2020, and ending either sixty (60) days after the end of the COVID-19 National Emergency or on such other date announced by the DOL and IRS in future guidance.
- 4. CLAIM SUBMISSION DEADLINE.** The Health FSA is amended to provide that the Claim Run-out Period shall be suspended during the Outbreak Period. As a result, any portion of a Claim Run-out Period that overlaps with the Outbreak Period shall remain available following the expiration of the Outbreak Period.
- 5. APPEAL DEADLINE.** The Plan's appeal procedures are amended to provide that the timeframe for submitting an appeal of an adverse benefit determination shall be suspended during the Outbreak Period. As a result, any portion of such timeframe that overlaps with the Outbreak Period shall remain available following the expiration of the Outbreak Period.
- 6. ELIGIBLE MEDICAL EXPENSES.** The definition of eligible expense applicable under the Plan's Health Flexible Spending Account, Limited Purpose Health Flexible Spending Account, and Post-Deductible Health Flexible Spending Account (as applicable) is amended to provide that over-the-counter drugs and medicines may be eligible expenses regardless of whether they have been prescribed. Furthermore, the definition of eligible expense applicable under the Plan's Health Flexible Spending Account and Post-Deductible Health Flexible Spending Account (as applicable) is amended to include "menstrual care products" as defined in Section 223(d)(2)(D) of the Internal Revenue Code.
- 7. ELIGIBLE EXPENSE UNDER LIMITED PURPOSE HEALTH FLEXIBLE SPENDING ACCOUNT AND POST-DEDUCTIBLE HEALTH FLEXIBLE SPENDING ACCOUNT.**

The definition of Eligible Expense under the Limited Purpose Health Flexible Spending Account and Post-Deductible Health Flexible Spending Account (to the extent included in the Plan) is amended to include expenses for telehealth and other remote care services that otherwise constitute medical

care under Section 213(d) of the Internal Revenue Code and that are incurred between January 1, 2020, and the last day of the Plan Year beginning on or before December 31, 2021.

8. **SUPERSEDING EFFECT.** The provisions contained herein shall apply notwithstanding any language in the Plan to the contrary.

IN WITNESS WHEREOF, this Amendment has been executed this 25 day of January, 2021.

**Mohawk Local School District**

By Rumonda Pease

## Mohawk Local School District Section 125 Cafeteria Plan

March 27, 2020

**General.** This is a Summary of Material Modification regarding the **Mohawk Local School District** Section 125 Cafeteria Plan ("the Plan"). This Summary of Material Modification supplements the Summary Plan Description ("Summary") previously provided to you. You should retain this document with your copy of the Summary.

**Plan Sponsor Information.** The legal name, address, and Federal employer identification number of the employer sponsoring the Plan (the "Employer") are:

**Mohawk Local School District**  
605 State Highway 231  
Sycamore OH 44882

EIN: 34-6407662

**DEFINED TERMS.** Unless specifically defined below, capitalized words shall be defined as provided in the Plan document.

- a. "Health FSA" shall mean the Health Flexible Spending Account, the Limited Purpose Health Flexible Spending Account, and the Post-Deductible Health Flexible Spending Account to the extent the Plan includes such accounts.

**Summary of Modifications.** The following changes have been made to the Plan:

- **Claim Submission Deadline.** The Health Flexible Spending Account have been amended to provide that all claim submission periods are suspended during the "Outbreak Period." The "Outbreak Period" is the period of time beginning on March 1, 2020, and ending either sixty (60) days after the end of the COVID-19 National Emergency or on such other date announced by the DOL and IRS in future guidance.

As a result of this amendment, any portion of a claim run-out period (i.e., the period of time for submitting claims incurred during a plan year (or, for former participants, incurred while you were a participant)) that overlaps with the Outbreak Period will remain available following the expiration of the Outbreak Period. *For example, 30 days of the 90-day claim run-out period that followed the end of the 2019 Plan Year will remain available once the Outbreak Period expires and you will be able to submit claims incurred during the 2019 Plan Year during that 30-day period.*

- **Appeal Deadline.** The Plan's appeal procedures have been amended to provide that the timeframe for submitting an appeal of an adverse benefit determination is suspended during the Outbreak Period (as defined above). If you have had a claim denied under the Plan, any portion of the timeframe for appealing the denial that overlaps with the Outbreak Period will remain available following the expiration of the Outbreak Period.
- **COBRA Deadlines.** Certain timeframes related to COBRA continuation coverage that are described in the Summary have been temporarily suspended during the Outbreak Period. The affected timeframes include the timeframe for the Plan Administrator to provide an election notice following a qualifying event, the timeframes for qualified beneficiaries to notify the Plan of a qualifying event or second qualifying event, the timeframe for making a COBRA election, and the timeframes for making COBRA premium payments. As a result of this change, any portion of such a timeframe that overlaps with the Outbreak Period shall remain available following the expiration of the Outbreak Period. The election notice that will be provided if/when you experience a COBRA qualifying event occurring during the Outbreak Period will include information regarding the suspended timeframes/deadlines.

- **Reimbursements for Certain Over-the-Counter Expenses.** Effective with respect to any expenses incurred on or after January 1, 2020, the Plan has been amended to adjust the expenses for which you may receive reimbursement under the Health Flexible Spending Account.

As a result of this amendment, the following expenses are eligible for reimbursement under the Health Flexible Spending Account and Post-Deductible Health Flexible Spending Account (after satisfaction of the deductible):

- Over-the-counter (OTC) drugs and medicines regardless of whether they have been prescribed (i.e., OTC drugs and medicines can now be reimbursed regardless of whether you have a prescription for the OTC drug or medicine); and
- Menstrual care products, which include tampons, pads, liners, cups, sponges, or similar products used by individuals with respect to menstruation.

As a result of this amendment, the following expenses are eligible for reimbursement under the Limited Purpose Health Flexible Spending Account:

- OTC drugs and medicines for dental or vision care regardless of whether they have been prescribed (i.e., OTC drugs and medicines can now be reimbursed regardless of whether you have a prescription for the OTC drug or medicine).
- **Eligible Expense under Limited Purpose Health Flexible Spending Account and Post-Deductible Health Flexible Spending Account.** The eligible expenses that may be reimbursed under the Limited Purpose Health Flexible Spending Account and Post-Deductible Health Flexible Spending Account have changed. Specifically, expenses for telehealth and other remote care services that otherwise constitute medical care under Section 213(d) of the Internal Revenue Code and that are incurred between January 1, 2020, and the last day of the Plan Year beginning on or before December 31, 2021, are now eligible for reimbursement. These eligible expenses need not be for dental or vision care.