The County of San Diego established a Cafeteria Plan (the “Plan”) effective October 1, 1990 (and as Amended and Restated on March 1, 2006; January 1, 2008; January 1, 2010; June 1, 2010; January 1, 2013; January 1, 2014; January 1, 2016; and January 1, 2018. The County of San Diego hereby amends the Plan effective retroactively to January 1, 2020.

All eligible employees have been informed of the changes allowed under this Amendment.

Carryover Provision for the Health Care FSA, Limited Scope Health Care FSA and Dependent Care Spending Account

Notwithstanding section 6.17 of the Plan or any other provision of the Plan to the contrary, effective January 1, 2020, unused amounts, up to the maximum amount allowed by federal law for a carryover provision, remaining in a Participant’s Health Care FSA, Limited Scope Health Care FSA or Dependent Care Spending Account at the end of a Plan Year can be carried over and used to reimburse the Participant for eligible expenses that are incurred during the next Plan Year.

Pursuant to the Consolidated Appropriations Act (CAA) and IRS Notice 2021-15, all unused funds from the 2020 Plan Year may be carried over the 2021 Plan Year and all unused funds from the 2021 Plan Year may be carried over to the 2022 Plan Year.

Health Care FSA funds may only be used to reimburse eligible medical expenses (see Section 1.14). Limited Scope Health Care FSA funds may only be used to reimburse eligible dental and vision expenses (see Section 1.12). Dependent Care Spending Account funds may only be used to reimburse eligible dependent care expenses (see Section 1.31).

Any unused amount in excess of the maximum amount allowed by federal law for a carryover provision shall be forfeited.

Allow Certain 2020 Dependent Care Spending Account Participants to Use Funds for 13 year old Dependents

Notwithstanding any other provisions of the Plan to the contrary, the following change shall be effective January 1, 2021. The following change only applies to certain Participants as outlined below and is only applicable to remaining Dependent Care Spending Account funds from the 2020 Plan Year:

A Participant who meets the following requirements may use remaining Dependent Care Spending Account funds from the 2020 Plan Year to reimburse expenses incurred during 2021 for a dependent who would otherwise meet the definition of a Dependent under the Dependent Care FSA (see section 1.08) except for the fact that the dependent is now 13 years of age:

- The Participant must have remaining Dependent Care Spending Account funds from the 2020 Plan Year;
The Participant must have a child who met the definition of a Dependent under the Dependent Care FSA (see Section 1.08) at the beginning of the 2020 Plan Year but who reached age 13 during the 2020 Plan Year; and

- The Participant must incur expenses for Qualifying Services (see section 1.30) during the 2021 Plan Year for that specific child who is under the age of 14 at the time the expenses were incurred.

Special Enrollments and/or Modifications due to Pandemic

Due to the COVID-19 pandemic, the Internal Revenue Service (IRS) along with other federal agencies eased restrictions on mid-year enrollments and changes. Notwithstanding any other provision of the Plan to the contrary during the 2020 and 2021 Plan Years, an eligible employee may choose to newly enroll in the Health Care FSA, Limited Scope Health Care FSA and/or Dependent Care Spending Account or a current participant may choose to increase or decrease the Health Care FSA, Limited Scope Health Care FSA and/or Dependent Care Spending Account annual election. However, a current Health Care FSA or Limited Scope Health Care FSA Participant cannot decrease the current annual election to an amount less than the amount that the Participant has already been reimbursed for the Plan Year.

Extended Claims Filing Period for the Health Care FSA, Limited Scope Health Care FSA and Dependent Care Spending Account for the 2019 and 2020 Plan Years

Only Expenses incurred while an Employee is a Participant are eligible for reimbursement.

**2019 Plan Year:** Claims for the 2019 Plan Year must be incurred from January 1, 2019 through December 31, 2019. Only qualified Expenses incurred during this time period are eligible for reimbursement. The deadline for submitting requests for reimbursement is generally March 31, 2020 immediately following the end of the Plan Year. However, the President declared a National Emergency due to COVID-19, which extended the deadline through the full period of the National Emergency plus an additional 60 days but not to extend more than one (1) full year. Notwithstanding any other provision of the Plan or other materials previously distributed by the Employer to the contrary, all claims for the 2019 Plan Year must be filed by March 31, 2021. After that date, the 2019 Health Care FSA, Limited Scope Health Care FSA and Dependent Care Spending Account will be closed and any remaining funds left unclaimed will be forfeited.

**2020 Plan Year:** Claims for the 2020 Plan Year must be incurred from January 1, 2020 through December 31, 2020. Only qualified Expenses incurred during this time period are eligible for reimbursement. The deadline for submitting requests for reimbursement is generally March 31, 2021 immediately following the end of the Plan Year. However, the President declared a National Emergency due to COVID-19, which extended the deadline through the full period of the National Emergency plus an additional 60 days but not to extend more than one (1) full year. The end of the National Emergency is still unknown. Notwithstanding any other provision of the Plan or other materials previously distributed by the Employer to the contrary, all claims for the 2020 Plan Year must be filed by March 31, 2022 or 60 days beyond the end of the National Emergency (whichever is sooner). After that date, the 2020 Health
Care FSA, Limited Scope Health Care FSA and Dependent Care Spending Account will be closed and any remaining funds left unclaimed will be forfeited.

IN WITNESS WHEREOF, and as conclusive evidence of the adoption of the foregoing amendment to the County of San Diego Cafeteria Plan, the County of San Diego has caused this Amendment to be executed in its name and on its behalf, on this _____ day of December, 2021.

County of San Diego

Signature: ________________________________
Title: ________________________________

Witnessed by
Signature: ________________________________