

Article II — Participation and Level of Coverage

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§ 20-201 Commencement of Participation.

Every Qualified Employee shall become eligible to participate in the Plan on the date he becomes a participant in the Cafeteria Plan. An eligible Qualified Employee will become a

Participant in this Plan on the effective date of a valid election under the Cafeteria Plan to receive Medical Expense Reimbursement coverage under this Plan.

§ 20-202 Cessation of Participation.

(a) **In General.** Except as otherwise provided in this § 20-202, a Participant will cease to be a Participant as of the date on which his election under the Cafeteria Plan to receive Medical Expense Reimbursement under this Plan expires or is terminated.

(b) **Termination of Election Due to Loss of Status as a Cafeteria Plan Participant.** If a Participant's election under the Cafeteria Plan terminates under § 14-308 (relating to Automatic Termination of election due to loss of status as a participant in the Cafeteria Plan and a Qualified Employee), the Participant will continue to be a Participant in this Plan until the *earlier* of—

(1) fourteen (14) calendar days after the termination of the Participant's Cafeteria Plan election, *or*

(2) the end of the Plan Year in which the termination occurred,

unless further extended under subsection (c).

(c) **Continuation of Coverage.** If a Participant is eligible to elect to continue coverage under the provisions of § 20-205(a), and elects to do so in a timely manner, the Participant will continue to be a Participant until the end of the then-current Plan Year.

(d) **Termination of Plan.** Notwithstanding anything to the contrary contained in this § 20-202, a Participant will cease to be a Participant in this Plan no later than the date as of which this Plan is terminated.

§ 20-203 Reinstatement of Former Participant.

A former Participant may become a Participant in this Plan again in accordance with the provisions of § 20-201.

§ 20-204 Level of Coverage.

A Participant may elect to receive coverage under this Plan for any Plan Year in any Coverage Amount up to Two Thousand Five Hundred Dollars (\$2,500.00). Except as otherwise provided in this Chapter, all rules concerning elections by a Participant to receive, modify, or terminate coverage under this Plan are as stated in the Cafeteria Plan, which is incorporated herein by reference.

§ 20-205 Continuation of Coverage.

(a) **Contributions to the Plan Exceed Reimbursements Received.** If a Participant's election under the Cafeteria Plan terminates under § 14-308 (relating to Automatic Termination of election), and as of the date the Participant ceased to be a Qualified Employee the amount contributed to this Plan on behalf of the Participant for the Plan Year in which the election terminated exceeds the amount of reimbursements already made to the Participant from his Medical Expense Reimbursement Account for that Plan Year, the Participant may elect to continue coverage as a Participant under this Plan through the end of that Plan Year, *provided* that he agrees to pay bi-weekly premiums to this Plan through the end of that Plan Year at the same times and in the same amounts as the bi-weekly salary reduction which would have been made under § 14-303(b)(2) for coverage in this Plan under the Cafeteria Plan if the Participant had remained a participant in the Cafeteria Plan and an employee of the Employer. Any such agreement to pay premiums to this Plan shall be on a form provided by the Plan, may not be revoked, and shall provide that the Plan may collect any delinquent payments. The Participant may not terminate such continued coverage under this Plan and his obligation to make premium payments to this Plan simply by ceasing to pay the required premiums when due. The election under this § 20-205(a) must be made no later than due date of the first bi-weekly premium payment for the continued coverage.

(b) COBRA Continuation Coverage.

(1) **Federal COBRA.** The Employer is not obligated to provide federal COBRA continuation coverage under this Plan because it normally employs fewer than twenty employees. 42 U.S.C. § 300bb-1(b)(1); Treas. Regs. § 54.4980B-2 (Q&A 5). In addition, under Treas. Regs. § 54.4980B-2 (Q&A 8(d)), COBRA continuation coverage in this Plan is not required after the Plan Year of the qualifying event, and under Treas. Regs. § 54.4980B-2 (Q&A 8(e)), COBRA continuation coverage in this Plan is not required for the Plan Year of the qualifying event beyond what is provided under subsection (a) of this § 20-205. However, if the number of employees should increase or the legal requirements change such that the continuation coverage rules do apply to this Plan, this Plan shall provide such coverage to the extent required by law and elected by the qualified beneficiaries, subject to the payment of periodic premiums in an amount equal to the current Coverage Amount (without reduction for any reimbursements previously paid) divided by the portion of the Plan Year for which a particular premium payment provides continuation coverage.

(2) **Pennsylvania Mini-COBRA.** The Employer is also not obligated to provide the shorter-duration Pennsylvania mini-COBRA continuation coverage under this Plan because it is a self-insured plan and not group policy issued by an "insurer". 40 PA. STAT. ANN. § 764j(g)(4), (5). However, if the legal requirements change such that the Pennsylvania mini-COBRA continuation coverage rules do apply to this Plan, this Plan shall provide such coverage to the extent required by law and elected by the covered employee and/or eligible dependent, subject to the payment of periodic premiums equal to the current Coverage Amount (without reduction for any reimbursements previously paid) divided by the portion of the Plan Year for which a particular premium payment provides continuation coverage.