

**Article X — Miscellaneous**

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## **Article X — Miscellaneous**

### **§ 20A-1001 Acquittance.**

This Plan is purely voluntary on the part of the Employer. Except as provided in this Chapter, neither the establishment of the Plan, any modification thereof, nor the payment of any benefits under the Plan shall be construed as giving to any Participant or any other person any legal or equitable right against the Employer, any officer or employee of the Employer, or the Administrator.

### **§ 20A-1002 Limitation of Liability.**

Each person who becomes a Participant under this Plan expressly agrees and understands that neither the Employer, the Administrator, nor any of their officers and agents shall be subject in any way to any suit or litigation, or to any personal liability for any reason whatsoever in connection with this Plan or its operation, *except* for their willful neglect or fraud.

**§ 20A-1003 Employment Rights.**

Nothing contained in this Plan shall be construed or interpreted as giving any employee of the Employer the right to be retained in the service of any Employer or shall affect or impair any terms of employment with any Employer, the right of any Employer to control its employees, and the right of any Employer to terminate the service of any employee at any time, subject to applicable provisions of law and applicable collective bargaining agreements.

**§ 20A-1004 Information to be Furnished.**

Participants shall provide the Employer and the Administrator with such information and evidence, and shall sign such documents, as may reasonably be requested from time to time for the purpose of administering the Plan.

**§ 20A-1005 Delegation of Authority by Employer.**

Whenever any Employer is permitted or required to do or perform any act, matter, or thing under this Plan, it shall be done or performed by any officer duly authorized to perform same by the Employer.

**§ 20A-1006 Interpretation.**

This Plan is designed to satisfy the requirements for a health reimbursement arrangement under IRS Notices 2002-45 and 2013-54, and an accident or health plan within the meaning of Code §§ 105(e) and 106, as they may be amended from time to time, in order to qualify for exclusion from gross income for federal income tax purposes under Code § 105(b). Unless a contrary intent shall appear herein, all terms used in this Plan shall be interpreted in the same manner as corresponding terms are used in those provisions and the regulations, rulings, and interpretations issued thereunder.

**§ 20A-1007 Construction.**

This Plan shall be construed and administered according to the laws of the United States of America and the Commonwealth of Pennsylvania.

**§ 20A-1008 Gender and Number.**

Whenever any words are used in this Plan in the masculine gender, they shall be construed as though they were also used in the feminine gender in all appropriate cases. Whenever any words are used in either the singular or plural form, they shall be construed as though they were also used in the other form in all appropriate cases.

**§ 20A-1009 Headings.**

Article, section, subsection, paragraph, subparagraph, clause, subclause, and other headings are included in this Chapter for convenience only and shall not be taken into account in construing the provisions of this Chapter.

**§ 20A-1010 Severability.**

Any provision of this Chapter which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating or rendering unenforceable the remaining provisions of this Chapter, and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. To the extent permitted by applicable law, the Employer hereby waives any provision of law which renders any provision of this Chapter prohibited or unenforceable in any respect.

**§ 20A-1011 USERRA and Other Statutes.**

Notwithstanding anything to the contrary in this Chapter, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with the Uniformed Services Employment and Reemployment Rights Act and the regulations thereunder, and contributions and benefits shall also be provided in accordance with the applicable requirements of any other federal or Pennsylvania law or regulation.