

**Article IX — Miscellaneous**

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## Article IX — Miscellaneous

### § 20-901 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.

[Ord. 454 01-10-2007]

### § 20-902 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.

[Ord. 454 01-10-2007]

### **§ 20-903 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.

[Ord. 454 01-10-2007]

### **§ 20-904 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.

[Ord. 454 01-10-2007]

### **§ 20-905 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.

[Ord. 454 01-10-2007]

### **§ 20-906 Interpretation.**

This Plan is designed to satisfy the requirements of Code § 105(b) for a medical expense reimbursement program, Code § 106(a) for an employer-provided accident or health plan, and the regulations under Code § 125 for a qualified health flexible spending arrangement offered through a cafeteria plan. 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.

[Ords. 454 01-10-2007, 515 12-23-2013]

### **§ 20-907 Construction.**

This Plan shall be construed and administered according to the laws of the United States of America and the Commonwealth of Pennsylvania. Further, this Plan shall be construed and administered so as to conform to the requirements for qualification under Code §§ 105(b) and 106(a), and the regulations thereunder, and the regulations under Code § 125 for a qualified health flexible spending arrangement offered through a cafeteria plan, and shall be deemed

amended automatically to conform to such legal requirements as in effect from time to time to the extent necessary.

[Ords. 454 01-10-2007, 515 12-23-2013]

### **§ 20-908 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.

[Ord. 454 01-10-2007]

### **§ 20-909 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.

[Ord. 454 01-10-2007]

### **§ 20-910 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.

[Ord. 454 01-10-2007]