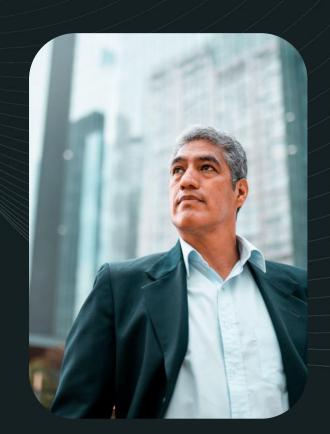
Permitted Election Change Event Chart



2024 Edition

Consistency Rule

For certain life events referred to as a "change in status," the election change generally must be consistent with the event. This means that the election change must be **on account of and correspond with the event that affects eligibility for coverage** under the employer's plan.

The six categories of change in status events subject to this consistency rule are as follows.

- Change in employee's legal marital status
- Change in number of dependents
- Change in employment status
- Dependent satisfies (or ceases to satisfy) dependent eligibility requirements
- Change in residence
- Commencement or termination of adoption proceedings



According to IRS guidelines (Treas. Reg. §1.125-4), participants can change their employee benefits elections under a Cafeteria Plan either (1) during an open enrollment period; or (2) mid-year pursuant to a permitted election change event.

The purpose of this chart is to identify examples of employee, spouse, or dependent life events that may create a permitted election change event. This chart does not address plan changes (e.g., change in plan design, change in plan costs) that may also create a permitted election change event. Furthermore, this chart assumes that the organization's Section 125 Cafeteria Plan Document is drafted to allow all of the available permitted election change events recognized by the IRS.

Most cafeteria plans provide that employees must make an election change request within 30 days of the event. The plan cannot accept any election change once the (typically 30-day) window has closed.

There is no requirement that a permitted election change event be substantiated with documentation (i.e., beyond the employee's certification of the event) unless the employer suspects fraud—however the plan may impose a documentation requirement on any or all events.



Permitted Election Change Chart

Status Event

Medical

Dental

Vision

Flexible Spending Accounts

Marriage:

Note: See page 17 for provisions addressing establishment of a domestic partnership.

You may:

- Enroll yourself, your new spouse and any eligible dependent children
- Add your new spouse and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new spouse's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

HIPAA Special Enrollment Event: Permits you to change medical plan options.

You may:

- Enroll yourself, your new spouse and any eligible dependent children
- Add your new spouse and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new spouse's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

- Enroll yourself, your new spouse and any eligible dependent children
- Add your new spouse and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new spouse's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

Health Care FSA

- Enroll/Increase your contributions for the remainder of the plan year
- Revoke/decrease your contributions if you or your dependent(s) enroll in the new spouse's health plan

Dependent Care FSA

- Enroll if you gain an eligible dependent, and your spouse is employed/ disabled/ FT student
- Increase/decrease your contributions for the remainder of the plan year, if expenses increase/decrease as result of marriage
- Stop participating if spouse is not employed, disabled or FT student

Coverage/Cancellation is generally effective as of the first of the month following your election change request.



Permitted Election Change Chart

Status Event

Medical

Dental

Vision

Flexible Spending Accounts

Divorce or Legal Separation

Note: Legal Separation is a legal status that requires a court document.

See page 18 for provisions addressing termination of a domestic partnership.

You may:

- Enroll yourself and any eligible dependent children if you have lost coverage under your former spouse's group plan
- Cancel your former spouse's coverage
- Cancel your dependent children's coverage if they will enroll in former spouse's group plan coverage

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

- Enroll yourself and any eligible dependent children if you have lost coverage under your former spouse's group plan
- Cancel your former spouse's coverage
- Cancel your dependent children's coverage if they will enroll in former spouse's group plan coverage

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

- Enroll yourself and any eligible dependent children if you have lost coverage under your former spouse's group plan
- Cancel your former spouse's coverage
- Cancel your dependent children's coverage if they will enroll in former spouse's group plan coverage

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

Health Care FSA

- Decrease/Revoke your contributions for the remainder of the plan year
- Enroll/Increase your contributions if you lose coverage under the former spouse's health plan

Dependent Care FSA

- Enroll/Increase your contributions for the remainder of the plan year, if expenses increase as result of divorce/legal separation
- Decrease/Revoke your contributions if change eliminates need for care.

Coverage/Cancellation is generally effective as of the first of the month following your election change request.



Permitted Election Change Chart

Status Event

Medical

Dental

Vision

Flexible Spending Accounts

Birth/Adoption/Placement for Adoption

You may:

- Enroll yourself, your spouse, and/or the child.
- Cancel your coverage if you enroll in your spouse's group plan

Coverage/Change is effective the date of birth, adoption, or placement for adoption.

HIPAA Special Enrollment Event:

Permits you to change medical plan options.

You may:

- Enroll yourself, your spouse and the child.
- Cancel your coverage if you enroll in your spouse's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

 Surviving spouse and/or any covered dependents will be eligible for COBRA coverage for up to 36 months if the plan is timely notified of the qualifying event.

You may:

- Enroll yourself, your spouse and the child.
- Cancel your coverage if you enroll in your spouse's group plan.

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

 Surviving spouse and/or any covered dependents will be eligible for COBRA coverage for up to 36 months if the plan is timely notified of the qualifying event.

You may:

Health Care FSA

- Enroll/Increase your contributions for the remainder of the plan year.
- Decrease/Revoke your contributions if you enroll in your spouse's medical plan.

Dependent Care FSA

 Enroll/Increase your contributions for the remainder of the plan year.

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

Health Care FSA

May be able to continue participation through the end of the plan year if COBRA applies.

Dependent Care FSA

May be able to continue participation through the end of the plan year depending on the plan terms.

Death of an Employee

 Surviving spouse and/or any covered dependents will be eligible for COBRA coverage for up to 36 months if the plan is timely notified of the qualifying event.

Permitted Election Change Chart

Medical

Remove your ineligible

dependent from your

The ineligible dependent will

be eligible for COBRA if the

plan is timely notified of the

generally be effective the date

Status Event

Dependent Child Status

Child loses eligibility

under group plan,

Child loses eligibility for

student insurance

including death

Change

You must:

coverage

qualifying event.

Coverage/Change will

the dependent no longer

qualifies as an eligible

 Remove your ineligible dependent from your coverage

Dental

The ineligible dependent will be eligible for COBRA if the plan is timely notified of the qualifying event.

Coverage/Change will generally be effective the date the dependent no longer qualifies as an eligible dependent.

You may:

dependent.

Enroll the child

Coverage is generally effective as of the first of the month following your election change request.

You must:

You may:

Enroll the child

Coverage is generally effective as of the first of the month following your election change request.

Vision

You must:

 Remove vour ineligible dependent from your coverage.

The ineligible dependent will be eligible for COBRA if the plan is timely notified of the qualifying event.

Coverage/Change will generally be effective the date the dependent no longer qualifies as an eligible dependent.

You may:

Enroll the child.

Coverage is generally effective as of the first of the month following your election change request.

Flexible Spending Accounts

You may:

Health Care FSA

 Decrease/Revoke contributions for the remainder of the plan year for dependent who loses eligibility.

Dependent Care FSA

 Decrease/Revoke contributions for the remainder of the plan year for dependent who loses eliaibility.

Cancellation is generally effective as of the first of the month following your election change request.

Health Care FSA

No changes permitted

Dependent Care FSA

No Changes permitted



Permitted Election Change Chart

Status Event

Employment Related Changes

 Spouse becomes newly eligible for his/her employer sponsored plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

 If you and/or your spouse become ineligible for spouse or parent's employer sponsored plan (e.g. termination of employment, reduction in hours, age 26 loss)

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

Medical

You may:

- Change your coverage from "EE + Family or Dependents", to "EE only" if any of your eligible dependents enroll in your spouse's new plan.
- Stop participating if you and your eligible dependents enroll in your spouse's plan.

You may:

 Enroll yourself and your eligible dependents if you and your eligible dependents were covered under your spouse's plan

HIPAA Special Enrollment Event:

Permits you to change medical plan options.

Dental

You may:

- Change your coverage from "EE + Family or Dependents", to "EE only" if any of your eligible dependents enroll in your spouse's new plan.
- Stop participating if you and your eligible dependents enroll in your spouse's plan.

You may:

 Enroll yourself and your eligible dependents if you and your eligible dependents were covered under your spouse's plan

Vision

You may:

- Change your coverage from "EE + Family or Dependents", to "EE only" if any of your eligible dependents enroll in your spouse's new plan.
- Stop participating if you and your eligible dependents enroll in your spouse's plan.

You may:

 Enroll yourself and your eligible dependents if you and your eligible dependents were covered under your spouse's plan

Flexible Spending Accounts

You may:

Health Care FSA

- Decrease/Revoke your contributions for the remainder of the plan year if you gain eligibility for health coverage under your spouse's plan.
- Enroll/Increase your contributions if you or your spouse lose coverage under a spouse's/parent's health plan

Dependent Care FSA

- Enroll if your spouse becomes employed or a FT student
- Increase/decrease your contributions for the remainder of the plan year to reflect changes in cost of coverage
- Stop participating if your spouse is no longer a FT student or employed
- Enroll/increase your contributions if your spouse loses dependent care FSA eligibility



Permitted Election Change Chart

Status Event

Employment Related Changes Continued

 Spouse's or Parent's Annual Open Enrollment Period (Different Plan Year)

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

Medical

You may:

- If your spouse/parent cancels medical coverage for you, him/herself, or children, you may enroll yourself (including as needed to enroll a dependent), your spouse, and children whose coverage was cancelled.
- Cancel medical coverage for yourself and any dependents who enroll in your spouse's/parent's plan at OE.

Dental

You may:

- If your spouse/parent cancels dental coverage for you, him/herself, or children, you may enroll yourself (including as needed to enroll a dependent), your spouse, and children whose coverage was cancelled
- Cancel dental coverage for yourself and any dependents who enroll in your spouse's/parent's plan at OE

Vision

You may:

- If your spouse/parent cancels vision coverage for you, him/herself, or children, you may enroll yourself (including as needed to enroll a dependent), your spouse, and children whose coverage was cancelled
- Cancel vision coverage for yourself and any dependents who enroll in your spouse's/parent's plan at OE

Flexible Spending Accounts

You may:

Health Care FSA

No changes permitted

Dependent Care FSA

- Enroll/Increase your contributions for the remainder of the plan year if your spouse decreases/revokes dependent care FSA election
- Decrease/Revoke your contributions if your spouse enroll/increases dependent care FSA election



Permitted Election Change Chart

Status Event

Change of Residency/Moving (must affect eligibility)

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

Enrollment in Medicare or Medicaid

(Employee, Spouse, or Dependent)

Medical

You may:

- Enroll in a plan option available in new location if vour current plan is not
- Enroll in newly available plan option (regional HMO)
- If you are enrolled in an HMO, and your covered dependent moves, you may enroll yourself and your eligible dependents in another option that provides coverage for you and your eligible dependents

You may:

 Cancel your, your spouse's or your dependent's coverage, as applicable

Cancellation is generally effective as of the first of the month following your election change request

Dental

No impact (unless enrolled in a Dental HMO)

You may:

 Cancel vour, vour spouse's or your dependent's coverage, as applicable

Cancellation is generally effective as of the first of the month following your election change request

Vision

No impact

You may:

Cancel vour, vour spouse's

coverage, as applicable

or your dependent's

Cancellation is generally

change request

effective as of the first of the

month following your election

Flexible Spending Accounts

You may:

Health Care FSA

No changes permitted

Dependent Care FSA

if move affects DC expenses:

- Enroll
- Increases/Decrease vour contribution for the remainder of the plan year
- Stop participating

You may:

Health Care FSA

 Decrease/Revoke vour contributions for the remainder of the plan year

Dependent Care FSA

Election change is generally effective as of the first of the month following your election change request.

No Changes permitted



Permitted Election Change Chart

Medical

Status Event

Loss of Eligibility for Medicare or Medicaid/CHIP (Employee, Spouse, or

Dependent)

Eligibility for Medicaid/CHIP Premium Assistance

You may:

Enroll yourself and/or the spouse or dependent who lost Medicare/Medicaid/CHIP

HIPAA Special Enrollment Event: Loss of Medicaid/CHIP permits you to change medical plan options. Also, loss of Medicaid permits a 60-day election window.

You may:

 Enroll yourself and/or the spouse or dependent who lost Medicare /Medicaid/CHIP

HIPAA Special Enrollment Event: Loss of Medicaid/CHIP permits you to change medical plan options. Also, eligibility for Medicaid/CHIP premium assistance permits a 60-day election window

Dental

You may:

 Enroll yourself and/or the spouse or dependent who lost Medicare, Medicaid, CHIP

You may:

No changes permitted

Vision

You may:

 Enroll yourself and/or the spouse or dependent who lost Medicare, Medicaid, CHIP

Flexible Spending Accounts

You may:

Health Care FSA

 Enroll/Increase your contributions for the remainder of the plan year

Dependent Care FSA

No changes permitted

You may:

No changes permitted

You may:

Health Care FSA

 Decrease/Revoke your contributions for the remainder of the plan year

Dependent Care FSA

No Changes permitted

Election change is generally effective as of the first of the month following your election change request.



Permitted Election Change Chart

Status Event

Judgment, Decree, or Court Order

(Including Qualified Medical Child Support Orders and National Medical Support Notices–QMCSO/NMSN)

Medical

You must:

- Enroll yourself, and eligible dependent children covered by the judgment, decree or court order.
- Change your coverage from "EE only" to "EE + Family or Dependents", consistent with the judgment, decree or court order
- Changes will generally be effective as of the date of the judgment, decree or court order

Dental

You must:

- Enroll yourself, and eligible dependent children covered by the judgment, decree or court order.
- Change your coverage from "EE only" to "EE + Family or Dependents", consistent with the judgment, decree or court order
- Changes will generally be effective as of the date of the judgment, decree or court order

Vision

You must:

- Enroll yourself, and eligible dependent children covered by the judgment, decree or court order.
- Change your coverage from "EE only" to "EE + Family or Dependents", consistent with the judgment, decree or court order

Changes will generally be effective as of the date of the judgment, decree or court order

Flexible Spending Accounts

You may:

Health Care FSA

 Enroll/Increase contributions for the remainder of the plan year

Dependent Care FSA

No changes permitted

Coverage is generally effective as of the first of the month following your election change request.

Pre-Tax HSA Contributions May be Changed Monthly

(No Event Needed–Employer Must Allow the Change)

You may:

No changes permitted

You may:

No changes permitted

You may:

No changes permitted

You may:

Health Care FSA

No changes permitted

Dependent Care FSA

No Changes permitted



Permitted Election Change Chart

Medical

Status Event

Dental

Vision

Flexible Spending Accounts

COBRA Events:

Employee COBRA (or state mini-COBRA) event when an employee remains eligible for the Cafeteria Plan—the employee is still on payroll receiving pay from the employer, such as:

 Reduction in work hours resulting in employee no longer eligible for benefits;

10

 Dependent reaching maximum age under group plan and employee continues coverage for dependent under COBRA (Note: Adult child's COBRA coverage will qualify for pre-tax payment only through the end of the year in which the child turns age 26)

You may:

 Increase employee's contribution to cover the COBRA premium rate– 102%

You may:

 Increase employee's contribution to cover the COBRA premium rate– 102%

You may:

 Increase employee's contribution to cover the COBRA premium rate— 102%

You may:

Health Care FSA

- Increase employee's contribution to cover the COBRA premium rate—102%
- Dependent Care FSA
- No changes permitted



Permitted Election Change Chart

Flexible Spending Status Event Medical Vision Dental Accounts You may: You may: You may: **ACA-Related Event:** You may: Reduction in Hours Cancel coverage No changes permitted No changes permitted Health Care FSA No changes permitted Cancellation is generally Note: To qualify for this event, Dependent Care FSA vou must meet both of the effective as of the first of the No changes permitted month following your election following two requirements: change request. 1. You must have had a change in employment status so that you will reasonably be expected to average less the 30 hours of service per week; AND 2. You must enroll in another plan that provides minimum essential coverage no later than the first day of the second month following the month in which you drop coverage.



Permitted Election Change Chart

Flexible Spending Accounts Status Event Medical Dental Vision **ACA-Related Event:** You may: You may: You may: You may: **Exchange Enrollment** Cancel coverage No changes permitted No changes permitted Health Care FSA No changes permitted You must enroll in the Note: To qualify for this event, Dependent Care FSA Exchange/Marketplace (e.g., you must meet either of the No changes permitted Covered California. following two events: Healthcare.gov) no later than the day immediately following 1. If your employer plan is nonthe last day of the employer calendar year, you may drop coverage being cancelled. coverage at the end of the calendar year Cancellation is generally effective as of the first of the OR month following your election change request. 2. If you experience a Special Enrollment Period (SEP) on the Exchange/Marketplace (e.g., Covered California, Healthcare.gov)



Permitted Election Change Chart

Flexible Spending Status Event Medical Vision Dental Accounts **ACA-Related Event:** You may: "Family Glitch" Fix to You may: You may: You may: Revoke Coverage for Cancel coverage for the No changes permitted No changes permitted Health Care FSA **Family Members** family member(s) No changes permitted Note: To qualify, you must meet Cancellation is generally Dependent Care FSA both of these two requirements: effective as of the first of the No changes permitted month following your election 1. Your family member is change request. eligible for a Special Enrollment Period (SEP) on the Exchange/Marketplace (e.g., Covered California, Healthcare.gov) or seeking to enroll in the Exchange /Marketplace during its open enrollment period; AND 2. Your family member must enroll in Exchange / Marketplace coverage no later than the day immediately following the last day employer coverage is in place for the family member



Permitted Election Change Chart

Flexible Spending Status Event Medical Vision Dental Accounts You may: Change in Use of Daycare You may: You may: You may: or Davcare Costs No changes permitted No changes permitted No changes permitted Health Care FSA No changes permitted Note: Applies to any change in employee's daycare costs— Dependent Care FSA including change in use of Enroll/Increase your contributions daycare, change in a daycare for the remainder of the plan year provider, or a change in an if you have new daycare existing daycare provider's cost. expenses (e.g., spouse begins to work, or you acquire a new Exception: This event does not dependent with eligible apply where the cost change is expenses) or your cost of imposed by a dependent care davcare increases (e.g., existing provider who is a relative of the daycare increases costs, or employee. change to a new daycare that is more expensive) Decrease/Revoke your contributions for the remainder of the plan year if your daycare expenses reduce or cease. For example, your dependent reaches age 13, you change to a new daycare that is more



expensive, or your spouse stops

working

Permitted Election Change Chart

Status Event

Medical

Dental

Vision

Flexible Spending Accounts

Establishment of a Domestic Partnership:

Note: Plans that cover domestic partners should generally follow the same quidelines as for marriage in page 3. However, unless the domestic partner is a tax dependent, these Section 125 Cafeteria Plan rules technically do not apply because the employee pays for domestic partner coverage on an after-tax basis. Adding a domestic partner is not a HIPAA Special Enrollment event.

You may:

- Enroll yourself, your new domestic partner and any eligible dependent children
- Add your new domestic partner and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new domestic partner's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

- Enroll yourself, your new domestic partner and any eligible dependent children
- Add your new domestic partner and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new domestic partner's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

- Enroll yourself, your new domestic partner and any eligible dependent children
- Add your new domestic partner and any eligible dependent children to your plan
- Cancel your coverage if you enroll in your new domestic partner's group plan

Coverage/Cancellation is generally effective as of the first of the month following your election change request.

You may:

Health Care FSA

No changes permitted

Dependent Care FSA

No changes permitted



Permitted Election Change Chart

Status Event

Medical

Dental

Vision

Flexible Spending Accounts

Termination of Domestic Partner Coverage: (Non-Tax Dependent) Upon Request

Note: Unless the domestic partner is a tax dependent, these Section 125 Cafeteria Plan rules technically do not apply because the employee pays for domestic partner coverage on an after-tax basis.

Therefore, you may terminate your non-tax dependent domestic coverage upon request without experiencing a Section 125 permitted election change event.

A domestic partner's tax dependent status for these purposes is determined under Internal Revenue Code §105(b). Consult your personal tax advisor for more details.

You may:

 Cancel coverage for the domestic partner and domestic partner's children upon request

Cancellation is generally effective as of the first of the month following your election change request.

You may:

 Cancel coverage for the domestic partner and domestic partner's children upon request

Cancellation is generally effective as of the first of the month following your election change request.

You may:

 Cancel coverage for the domestic partner and domestic partner's children upon request

Cancellation is generally effective as of the first of the month following your election change request.

You may:

Health Care FSANo changes permitted

Dependent Care FSA

No changes permitted



Content Disclaimer

Section 125 Cafeteria Plan Permitted Election Change Event Chart

The intent of this analysis is to provide the recipient with general information regarding the status of, and/or potential concerns related to, the recipient's current employee benefits issues. This analysis does not necessarily fully address the recipient's specific issue, and it should not be construed as, nor is it intended to provide, legal advice. Furthermore, this message does not establish an attorney-client relationship. Questions regarding specific issues should be addressed to the person(s) who provide legal advice to the recipient regarding employee benefits issues (e.g., the recipient's general counsel or an attorney hired by the recipient who specializes in employee benefits law).

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Thank you

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