

Plan Amendment to the Mammoth-San Manuel Unified School District Health and Welfare Benefit Plan

This document is an Amendment to the Mammoth-San Manuel Unified School District Health and Welfare Benefit Plan (the “Plan”). All of the terms and conditions stated in the Plan Document continue in effect unless specifically changed by the terms of this Amendment. All capitalized terms in this Amendment are defined in Article II (Definitions) of the Plan Document, unless specifically defined in this Amendment. This Amendment is effective as of the dates specified below and for any future plan years, unless indicated otherwise or amended by the Employer.

Availability of COBRA Subsidies

The Plan Document’s rules on continuation coverage under the Consolidated Omnibus Budget Reconciliation Act are expanded to include the following special compliance provisions, immediately preceding subparagraph (a):

Sections 7.9(a) through 7.9(h) are subject to the COBRA subsidy in Section 7.9(i).

In addition, Section 7.9(i) is added to the Plan Document, as follows:

Subsidy Available. Pursuant to the American Rescue Plan Act (ARPA), the full cost of COBRA premiums will be subsidized by the Plan Administrator for certain qualified beneficiaries, from April 1, 2021 through Sept. 30, 2021. The election period for subsidized COBRA under ARPA begins on April 1, 2021, and runs until 60 days after the date individuals receive notice from the Plan Administrator of the availability of the COBRA subsidy.

Qualified beneficiaries can elect subsidized COBRA if they:

- Become eligible for COBRA due to involuntary job termination or reduction in hours between April 1 and Sept. 30, 2021;
- Previously declined COBRA after becoming eligible due to involuntary job termination or reduction in hours, but would still be within their COBRA coverage period had they elected the coverage at that point; or
- Previously elected COBRA but discontinued coverage before April 1, 2021.

COBRA under the ARPA election extension starts with the first period of coverage beginning on or after April 1, 2021, and continues through the end of the COBRA coverage period. The COBRA coverage period is the period that would have applied had the individual elected the continuation coverage when first eligible following the initial qualifying event. For individuals who previously elected COBRA, discontinued it, and are not using the ARPA extended election period to obtain COBRA, the COBRA coverage period is calculated as if they had not dropped the coverage. The Plan Administrator will provide notice of the expiration of the COBRA subsidy.

Extended Plan Deadlines – Special Compliance Provision

The Plan is amended to include the following special compliance provision:

Deadline Extensions Related to COVID-19 Pandemic: Pursuant to guidance issued by the Departments of Labor and the Treasury (“Departments”), certain deadlines are extended regarding the participant deadlines for:

- Requesting special enrollment under HIPAA;
- Electing COBRA continuation coverage;
- Making COBRA premium payments;
- Notifying the Plan Administrator of a qualifying event (or disability determination) under COBRA;
- Filing a claim for benefits;
- Appealing an adverse benefit determination; and
- Commencing an external review after exhausting all internal appeals procedures.

In addition, the deadlines for the Plan Administrator to furnish benefit statements and other notices and disclosures under ERISA are extended, provided the Plan Administrator will provide the documents as soon as administratively practicable under the circumstances.

Pursuant to Disaster Relief Notice 2021-01, the applicable deadlines under the initial relief are extended until the earlier of:

- One year from the date participants or the plan was first eligible for relief; or
- 60 days after the announced end of the National Emergency (the end of the Outbreak Period).

On the applicable date, the time frames for individuals with periods that were previously disregarded will resume. In no case will a disregarded period exceed one year. The Plan Administrator will continue to make reasonable accommodations to prevent the loss of or delay in payment of benefits.

Summary of Material Modifications to the Mammoth-San Manuel Unified School District Health and Welfare Benefit Plan

This document is intended to notify you of important changes to the Mammoth-San Manuel Unified School District Health and Welfare Benefit Plan (the “Plan”). New federal laws and regulatory guidance, many of which are related to the COVID-19 pandemic, make important changes to the Plan. Please read below for information on these Plan changes. If you have questions about these changes in benefits, please contact your Plan Administrator at 520-385-2337.

This notice serves as a Summary of Material Modifications (SMM) that supplements your Summary Plan Description (“SPD”) for the Plan. Please keep this notice with your SPD. Any capitalized terms that are not defined in this SMM are defined your SPD.

Note: Except as amended by this document, all terms, conditions, limitations and exclusions of the SPD will remain in full force and effect. In the event of any discrepancy between this SMM and the SPD, the provisions of this SMM will govern.

Availability of COBRA Subsidies

The American Rescue Plan Act requires the full cost of COBRA premiums from April 1, 2021 through Sept. 30, 2021 to be subsidized by the Plan Administrator for eligible Employees (and their family members). The election period for subsidized COBRA begins on April 1, 2021, and runs until 60 days after the date individuals receive notice from the Plan Administrator of the availability of the COBRA subsidy.

Eligible employees (and their Spouse or dependent children, if applicable) can elect subsidized COBRA if they:

- Become eligible for COBRA due to involuntary job termination or reduction in hours between April 1 and Sept. 30, 2021;
- Previously declined COBRA after becoming eligible due to involuntary job termination or reduction in hours, but would still be within their COBRA coverage period had they elected the coverage at that point; or
- Previously elected COBRA but discontinued coverage before April 1, 2021.

The Plan Administrator will provide notice of the expiration of the COBRA subsidy.

Extension of Certain Deadlines under the Plan

Due to the COVID-19 pandemic, the federal government has issued guidance that extends certain deadlines for Participants to take certain actions under the Plan. In general, Participants that were subject to a deadline listed below, that expired March 1, 2020 or later, will have the applicable deadline extended until the earlier of:

- One year from the date they were first eligible for relief; or
- 60 days after the announced end of the National Emergency.

This extension does not apply to Plan deadlines that expired prior to March 1, 2020.

- **HIPAA Special Enrollment Deadlines:** You have the right to enroll yourself and/or your eligible family members in the Plan during the Plan Year when certain events occur, such as when you, your Spouse or your Dependents lose eligibility for any other group health plan or if you have a new Spouse or Dependent as a result of marriage, birth, adoption or placement for adoption. The 30-day (or 60-day) deadline for you to request special enrollment under the Plan is extended during the period described above.
- **COBRA Continuation Coverage Deadlines:** The following deadlines for COBRA continuation coverage are extended:
 - The 60-day deadline to elect COBRA continuation coverage;
 - Deadlines for making COBRA premium payments;
 - Deadline to notify the Plan Administrator of a qualifying event (for example, a divorce); and
 - Deadline to notify the Plan Administrator of a determination of disability by the Social Security Administration (for purposes of the 11-month disability extension under COBRA).
- **Deadlines for Filing Benefit Claims and Requesting Appeals:** The Plan deadlines for filing a claim for benefits, appealing a denial of a benefits claim and requesting an external review after exhausting the Plan's internal appeals procedures are extended during the period described above.

The deadlines for the Plan Administrator to furnish certain notices and disclosures are also extended, provided the Plan Administrator will provide the required documents as soon as administratively practicable under the circumstances. The Plan Administrator will continue to make reasonable accommodations to Participants to prevent the loss of or delay in payment of benefits.