Newfront

Section 125 Cafeteria Plan

Permitted Election Change Event Chart 2023 Edition







Section 125 Cafeteria Plan Rules for Administering Mid-Year Employee Election Change Requests

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. You must make your election change request within 30 days of the event. The plan cannot accept any election change once the 30-day window has closed.

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. 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



Permitted Election Change Event Chart

Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Marriage	You may	You may	You may	You may
Note: Plans that cover domestic partners should generally follow the same guidelines. 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. See page 15 for additional provisions addressing termination of coverage for a non-tax dependent domestic partner.	 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. 	 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. 	 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. 	 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.



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Divorce or Legal Separation	You may	You may	You may	You may
Note: Legal Separation is a legal status that requires a court action. Plans that cover domestic partners should generally follow the same guidelines. 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.	 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 	 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 	 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 	 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
See page 15 for additional provisions addressing termination of coverage for a non-tax dependent domestic partner.	Coverage/Cancellation is generally effective as of the first of the month following your election change request.	Coverage/Cancellation is generally effective as of the first of the month following your election change request.	Coverage/Cancellation is generally effective as of the first of the month following your election change request.	need for care. Coverage/Cancellation is generally effective as of the first of the month following your election change request.



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 	 You may Enroll yourself, your spouse and the child Cancel your coverage if you enroll in your spouse's group plan Coverage/Cancellation is 	 You may Enroll yourself, your spouse and the child. Cancel your coverage if you enroll in your spouse's group plan. Coverage/Cancellation is	 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
	the date of birth, adoption, or placement for adoption. HIPAA Special Enrollment Event: Permits you to change medical plan options.	generally effective as of the first of the month following your election change request.	generally effective as of the first of the month following your election change request.	 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.
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.	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.	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.	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.



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Dependent Child Status Change	You must	You must	You must	You may
Child loses eligibility under group plan, including death	Remove your ineligible dependent from your coverage The ineligible dependent will be eligible for COBRA if the plan is timely notified of the qualifying event.	Remove your ineligible dependent from your coverage The ineligible dependent will be eligible for COBRA if the plan is timely notified of the qualifying event.	Remove your ineligible dependent from your coverage The ineligible dependent will be eligible for COBRA if the plan is timely notified of the qualifying event.	 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 eligibility.
	Coverage/Change will generally be effective the date the dependent no longer qualifies as an eligible dependent.	Coverage/Change will generally be effective the date the dependent no longer qualifies as an eligible dependent.	Coverage/Change will generally be effective the date the dependent no longer qualifies as an eligible dependent.	Cancellation is generally effective as of the first of the month following your election change request.
Child loses eligibility for student insurance	Enroll the child	You mayEnroll the child	You may • Enroll the child	 Health Care FSA No changes permitted Dependent Care FSA No changes permitted



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
 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. 	 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 	 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 	 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 dependent enroll in your spouse's plan 	 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
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.	 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 benefit plan options 	Enroll yourself and your eligible dependents if you and your eligible dependents were covered under your spouse's plan	 Enroll yourself and your eligible dependents if you and your eligible dependents were covered under your spouse's plan 	 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



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Employment Related Changes Continued	You may If your spouse/parent	You mayIf your spouse/parent	You mayIf your spouse/parent	You may Health Care FSA
Spouse's or Parent's Annual Open Enrollment Period (Different Plan Year)	cancels medical coverage for you, him/herself, or children, you may enroll yourself (including as needed to enroll a	cancels dental coverage for you, him/herself, or children, you may enroll yourself (including as needed to enroll a	cancels vision coverage for you, him/herself, or children, you may enroll yourself	 No changes permitted Dependent Care FSA Enroll/Increase your contributions for the remainder of the plan year if
Coverage/Cancellation is generally effective as of the first of the month following your election change request.	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.	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	(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	your spouse decreases/revokes dependent care FSA election • Decrease/Revoke your contributions if your spouse enroll/increases dependent care FSA election



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Change of Residence/ Moving (must affect eligibility) Coverage/Cancellation is generally effective as of the first of the month following your election change request.	 You may Enroll in a plan option available in new location if your 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 	No impact (unless enrolled in a Dental HMO)	No impact	You may Health Care FSA No changes permitted Dependent Care FSA If move affects DC expenses: Enroll Increase/Decrease your contributions for the remainder of the plan year. Stop participating
Enrollment in Medicare or Medicaid (Employee, Spouse, or Dependent)	 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. 	 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. 	 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. 	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.



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Loss of Eligibility for Medicare or Medicaid/CHIP (Employee, Spouse, or Dependent)	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.	Enroll yourself and/or the spouse or dependent who lost Medicare/Medicaid/CHIP	Enroll yourself and/or the spouse or dependent who lost Medicare/Medicaid/CHIP	 You may Health Care FSA Enroll/Increase your contributions for the remainder of the plan year Dependent Care FSA No changes permitted
Eligibility for Medicaid/CHIP Premium Assistance	You may Enroll yourself and/or the spouse or dependent who became eligible for Medicare/Medicaid/CHIP premium assistance 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.	You may No changes permitted	You may No changes permitted	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.



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Judgment, Decree, or Court Order (Including Qualified Medical Child Support Orders and National Medical Support Notices—QMCSO/NMSN)	 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 	 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 	 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 	 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 mayNo changes permitted	You may Health Care FSA No changes permitted Dependent Care FSA No changes permitted



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
COBRA Events	You may	You may	You may	You may
 Note: Employee COBRA (or Cal-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; or 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) 	contribution to cover the COBRA premium rate – 102%	Increase employee's contribution to cover the COBRA premium rate – 102%	Increase employee's contribution to cover the COBRA premium rate – 102%	 Health Care FSA Enroll/Increase contributions for the remainder of the plan year Dependent Care FSA No changes permitted



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
ACA-Related Event: Reduction in Hours	You may	You may	You may	You may
 Note: To qualify for this event, you must meet both of the following two requirements: 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; 	Cancel coverage Cancellation is generally effective as of the first of the month following your election change request.	No changes permitted	No changes permitted	 Health Care FSA No changes permitted Dependent Care FSA No changes permitted
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.				



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



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
New ACA-Related Event: "Family Glitch" Fix to Revoke Coverage for Family Members Note: To qualify, you must meet both of these two requirements: 1. Your family member is 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;	Cancel coverage for the family member(s) Cancellation is generally effective as of the first of the month following your election change request.	No changes permitted	You may No changes permitted	You may Health Care FSA No changes permitted Dependent Care FSA No changes permitted
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.				



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 §152, as modified by §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.	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.	Health Care FSA • No changes permitted Dependent Care FSA • No changes permitted



Status Event	Medical	Dental	Vision	Flexible Spending Accounts
Change in Use of Daycare or Daycare Costs Note: Applies to any change in employee's daycare costs—including change in use of daycare, change in a daycare provider, or a change in an existing daycare provider's cost. Exception: This event does not apply where the cost change is imposed by a dependent care provider who is a relative of the employee.	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 Enroll/Increase your contributions for the remainder of the plan year if you have new daycare expenses (e.g., spouse begins to work, or you acquire a new dependent with eligible expenses) or your cost of daycare increases (e.g., existing daycare increases costs, or 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

Thank You!



License #0H55918 Newfront Disclaimer: The information provided is of a general nature and an educational resource. It is not intended to provide advice or address the situation of any particular individual or entity.

Any recipient shall be responsible for the use to which it puts this document. Newfront shall have no liability for the information provided. While care has been taken to produce this document, Newfront does not warrant, represent or guarantee the completeness, accuracy, adequacy or fitness with respect to the information contained in this document. The information provided does not reflect new circumstances or additional regulatory and legal changes. The issues addressed may have legal or financial implications, and we recommend you speak to your legal and financial advisors before acting on any of the information provided.