

Dependent Care Flexible Spending Account Summary Plan Description

For Plan Year 2022

UNIVERSITY
OF
CALIFORNIA

IMPORTANT INFORMATION

CLAIMS DEADLINE EXTENSION

In response to the COVID-19 pandemic, federal law allowed employers to provide flexibility in the use of Dependent Care Flexible Spending Account (DepCare FSA) funds contributed in 2021. Funds contributed in 2021 can be used for reimbursement of claims incurred in calendar years 2021 and 2022 (from Jan. 1, 2021 through Dec. 31, 2022).

Here are the claims rules and deadlines for 2021 and 2022:

- Funds contributed in 2021 can be used to reimburse claims for expenses incurred in **2021 and/or 2022**, with a claims filing deadline of **Jan. 31, 2023**.
- Funds contributed in 2022 can be used to reimburse claims for expenses incurred from **Jan. 1, 2022 through March 15, 2023**, with a claims filing deadline of **April 15, 2023**.

NONDISCRIMINATION REQUIREMENTS

To prevent the DepCare FSA from being characterized by the IRS as discriminatory in favor of highly-compensated employees—and therefore no longer eligible for favorable tax treatment—the University may reject any elections or reduce contributions or benefits of the plan. This means your payroll deductions may be reduced or stopped, and/or your taxable income will be adjusted, as needed to satisfy the nondiscrimination requirements.

Making sure that your child or other loved one is well cared for while you're working can sometimes be costly. Fortunately, UC's Dependent Care Flexible Spending Account (DepCare FSA) allows you to set aside pretax money each year for dependent care expenses, helping you budget for these costs and saving you money on taxes.

How the DepCare FSA Works..... 4

How to Get Reimbursed..... 7

Other Important Things to Know About the DepCare FSA..... 8

Midyear Changes Allowed for the Depcare FSA..... 9

How the DepCare FSA Works

You decide each year how much you want to contribute to your DepCare Flexible Spending Account (FSA). The amount you specify is taken in monthly installments from your paycheck, before federal, Social Security (FICA) and most state taxes are calculated.

You may use the money for eligible expenses you incur during the plan year (from Jan. 1 through Dec. 31) and the grace period (through March 15 of the following year). You pay your dependent care expenses as usual, then submit claim forms and receipts to WEX, the company that administers the FSA for UC. WEX will send you a reimbursement for the amount of the claim, or for the amount remaining in your DepCare FSA, if less.

You need to submit all claims by April 15 of the following year.

Because your DepCare FSA contributions reduce your taxable income, participation will lower your taxes. For example, if you're in a 20 percent tax bracket, each \$100 you contribute can save you \$20 in taxes. Check with your tax advisor for the details that apply to your situation.

Choose your contribution level carefully, because any money left in your account will be forfeited. You can use the online FSA calculator at wexinc.com/insights/benefits-toolkit/fsa-calculator. Don't forget to take into account summer months when child care may not be needed, the date your child turns 13 and any other circumstances that might affect your contribution levels.

You might be able to reduce your taxes even more by using the dependent care tax credit instead of, or in addition to, the DepCare FSA. The tax credit is a percentage of allowable expenses; the percentage varies according to your income level. Any expenses reimbursed via the DepCare FSA will reduce the expenses eligible for the tax credit. It's best to consult your tax advisor for help figuring out the best option. You can also consult IRS Publication 503, *Child and Dependent Care Expenses*, available through the IRS website or by calling the IRS toll-free at 800-829-1040.

ELIGIBILITY

If you have Full, Mid-Level, or Core benefits, you're eligible to participate in the DepCare FSA.

If you are married, both you and your spouse must have earned income in order to participate, unless your spouse is incapable of self-care or is a full-time student. (See "How Much You Can Contribute," on page 5, for more about this.)

If you're an academic student employee or graduate student researcher, you're eligible to participate in the DepCare FSA for Academic Student Employees (ASEs), which is for both represented and non-represented ASEs, including graduate student researchers.

To learn more about the DepCare FSA for Academic Student Employees, please see ucal.us/DepCareforASE

WHEN TO SIGN UP

You need to enroll each year if you want to participate.

You may enroll when you first become eligible, usually during your first 31 days as a newly eligible employee. After that, you must sign up each year during Open Enrollment, usually in November, if you want to continue to participate.

You may also enroll at other times during the year if you have a family or employment status change. See the chart on page 9, "Midyear Changes Allowed for the DepCare FSA," for details on allowable changes.

WHEN COVERAGE BEGINS

If you enroll when you're first eligible or after a family or employment change, your coverage starts the first day of the month following your enrollment, subject to payroll deadlines. If you enroll midyear, expenses incurred before your coverage begins aren't eligible.

If you sign up during Open Enrollment in the fall, coverage begins the following Jan. 1.

DEPENDENTS ELIGIBLE FOR COVERAGE

You may use the funds in your DepCare FSA to cover expenses for these eligible dependents:

- Your children up to age 13 who are in your custody and claimed as dependents on your tax return
- A spouse who is physically or mentally incapable of self-care
- A dependent who lives with you—such as a child 13 or older, parent, sibling, in-law or domestic partner—who is physically or mentally incapable of self-care and claimed as a dependent on your tax return

If care is provided outside your home for a spouse or dependent over age 13 who is incapable of self-care, the spouse or dependent must live in your home at least eight hours a day.

IF YOU'RE DIVORCED

If you have custody of your child, he or she is eligible for DepCare FSA coverage even if you don't claim the child as a tax dependent. If you don't have custody, you can't be reimbursed under a dependent care FSA, even if you claim the child as a tax dependent.

HOW MUCH YOU CAN CONTRIBUTE

The minimum annual contribution is \$180.

The maximum is the lesser of:

- \$5,000 per plan year (\$2,500 if you are married and filing a separate income tax return)
- Your total earned income
- Your spouse's total earned income

In general, the maximum contribution limits are the same regardless of the number of dependents you have, and whether you are single or married. If your spouse is also eligible to participate in a dependent care FSA, your combined contributions should not exceed these maximums. This also applies if you and your spouse both work at UC.

If your spouse is incapable of self-care or is a full-time student* and you claim one dependent, his or her earned income is considered to be at least \$250 per month (\$3,000/year). If this is your situation, then your maximum contribution is likely to be \$3,000. If your spouse is incapable of self-care or a full-time student and you claim two or more dependents, your spouse's earned income is considered to be at least \$300 per month, or \$6,000/year.

Under certain circumstances, the IRS does not consider you married for the purposes of the DepCare FSA program. If your situation falls into one of the following categories, then your spouse's income can't be considered in determining your maximum allowable contribution to the DepCare FSA:

- You are legally separated or divorced or
- You are married but your spouse has not lived in your household during the last six months of the tax year and you:
 - File a separate tax return
 - Maintain a household that is the principal residence of the qualifying dependent for more than half the taxable year and
 - Pay over half the cost of maintaining your home for this year

ELIGIBLE AND INELIGIBLE EXPENSES

The Internal Revenue Code, sections 21 and 29, sets these rules determining which expenses can be paid with your DepCare FSA funds:

- The care must be for an eligible dependent and be necessary so that you—and your spouse, if you're married—can work or look for work. (You must have work income during the year.) Or, if your spouse is not working or seeking work, he or she must be a full-time student or incapable of self-care.
- If care is provided in a day care center, the center must charge a fee. If the center cares for six or more dependents who don't reside there, it must comply with all state and local licensing laws and applicable regulations.

Some examples of eligible expenses for qualifying dependents include:

- Before- and afterschool care
- Preschool and nursery school expenses
- Extended day programs
- Au pair and nanny services (the amounts paid for the care of the dependent)
- Babysitting expenses (both in and outside of your home)
- Summer day camp for a child under 13
- Elder day care expenses

Use It or Lose It

Remember that any money you don't use during the year and its grace period will be forfeited—so it's important to estimate your expenses carefully. You can't roll your unused funds over to the next year after the grace period ends, nor can you receive the unused portion in cash.

* To be considered a full-time student, your spouse must attend school for at least five calendar months, for the number of hours considered by the school to be full-time. The months need not be consecutive.

How the DepCare FSA Works

Some examples of ineligible expenses include:

- Amounts paid to your spouse, your child under age 19, a parent of your child who is not your spouse, or a person for whom you or your spouse is entitled to claim as a dependent on your tax return
- Expenses attributable to a disabled spouse or tax dependent living outside your household
- Educational expenses
- Tuition for kindergarten and above
- Food expenses, unless inseparable from care
- Incidental expenses such as extra charges for special events or activities, unless inseparable from care
- Overnight camp

For a detailed list of eligible and ineligible expenses, please see the WEX website at wexinc.com/insights/benefits-toolkit/eligible-expenses.

Expenses are considered to have been incurred when the care is provided—not when you are billed, charged, or pay for it.

WEX acceptance of an expense doesn't assure IRS approval of the expenses. It's your responsibility to make sure that any expenses you submit are eligible under the IRS rules.

Do You Work Part-Time?

If so, when filing your DepCare claims you'll need to allocate your expenses between your working and non-working days; generally, you can use your DepCare funds only to cover expenses for your working days.

For example, say that you work three days a week and your child is in day care five days a week, at a cost of \$300 per week, or \$60 per day. You may only claim \$180 worth of expenses (\$60 per day for the three days you work).

There is an exception: If your dependent care provider requires that you pay the full weekly fee regardless of the number of days that care is actually provided, then the full expense is considered employment-related and would be covered.

HOW TO ENROLL

If you're a newly eligible employee, or during Open Enrollment, you may enroll by logging in to your account on UCPATH, at ucpath.universityofcalifornia.edu. Academic student employees and graduate student researchers can also enroll on UCPATH, or contact the UCPATH Center for assistance.

HOW TO TRACK YOUR BALANCE

You can check your balance anytime online or in the mobile app. Each time a reimbursement is issued, you'll receive an Explanation of Benefits, either posted to your online account (if reimbursed by direct deposit) or via U.S. mail (if reimbursed by check), that reflects your current account balance. Toward year's end, you'll receive a statement of year-to-date account activity to ensure you are aware of your remaining balance.

HOW TO CHANGE OR CANCEL CONTRIBUTIONS

Certain changes to your family or employment status may allow you a new 31-day window during which you may start or cancel participation, or change your contribution amount. Please contact UCPATH or complete the "Health Benefits Enrollment for Life Event" form and submit it to UCPATH. The chart, "Midyear Changes Allowed for the DepCare FSA," on page 9, shows the details. The changes you make to your participation in the plan must be made on account of, and consistent with, the change(s) in your family or employment. You can't make changes retroactively.

How to Get Reimbursed

You'll need to fill out a claim form and, in some cases, provide appropriate documentation to substantiate your expense. If the employee and provider certifications on the claim form are completed and signed, no additional documentation is required. If the provider certification isn't completed and signed, you'll need to submit an itemized statement from the provider that includes:

- The start and end dates of service
- The name(s) and date(s) of birth of your dependent(s)
- An itemization of charges
- The provider's name, address and tax identification or Social Security number

If your expenses aren't clearly eligible, WEX may ask you for additional information to determine whether reimbursement is allowed.

You may file your claim form and documentation in one of four ways:

ONLINE

Log in to your account at uc-fsa.com, click "Submit a Claim" and complete the applicable fields. You are able to attach the corresponding receipt directly within your online account.

BY FAX

Log in to your account at uc-fsa.com to download a reimbursement form. Submit your completed reimbursement form and supporting documentation using the fax number listed on the form.

BY MAIL

Log in to your account at uc-fsa.com, download and complete a reimbursement form. Send the completed reimbursement form and supporting documentation to the address on the form.

BY MOBILE APP

Upload your claims and documents by using your mobile phone. You can use your phone to take a photo of your supporting document to complete your submission.

Whichever method you use, don't forget to sign the claim form.

If your claim is more than the balance in your account, WEX will reimburse you up to the amount of your balance and hold your claim until the next contribution is deposited in your account. You don't need to re-file the claim.

Remember that you'll need to file all your claims and documentation by April 15 of the year following the plan year. If you don't, you'll lose any money left in your account. Mailed claims must be postmarked by April 15; you may also fax claims to the number on the form.

Reimbursement should happen quickly, as WEX has established a daily payment schedule for the DepCare FSA. Once your request has been reviewed and approved, it will be scheduled for payment and your reimbursement will be issued the next business day. If you prefer direct deposit, you can set it up by logging in to your WEX account.

If you enroll two years in a row and have a balance left from the first year on December 31, that balance will be used first for any expenses you incur during your first-year grace period (from Jan. 1 through March 15 of year two).

WEX Benefits Mobile App

You can download the WEX mobile app in the Apple App Store or Google Play by searching for "Benefits by WEX". After you install the app, follow the instructions to create an account.

TIP

When you file your federal tax return, you'll need to list each care provider's name, address and taxpayer identification number (usually the Social Security number). If your provider is a nonprofit organization under IRC 501(c)(3), such as a day care center operated by a nonprofit religious or educational group, you should indicate "tax exempt."

Other Important Things to Know About the DepCare FSA

IMPLICATIONS FOR SOCIAL SECURITY, RETIREMENT PLANS AND UNEMPLOYMENT

Your contributions to the DepCare FSA, because they're made on a pretax basis, lower the earnings on which your Social Security taxes are based. This means your future Social Security earnings may be reduced. (If your earnings after your DepCare FSA contributions are above the Social Security wage base—for 2022, \$147,000—there will be little to no effect on your benefits.) Your pretax DepCare FSA contributions may also reduce the earnings used to calculate your unemployment insurance benefits.

Your DepCare FSA contributions don't affect the wages used to calculate your UCRP contributions or benefits; nor do they affect your Tax-Deferred 403(b) Plan or 457(b) Deferred Compensation Plan maximum annual contribution amounts.

HOW TO APPEAL A CLAIM

If WEX denies a claim in whole or in part, a written explanation will be sent within three business days of receiving your request for reimbursement. If the claim was denied because it is not consistent with the terms of the plan—for example, because the expense was ineligible or the claim submitted after the deadline—WEX handles the appeal. You have 180 days from the first denial date to submit additional documentation. Submit claim appeals to:

WEX
P.O. Box 2926
Fargo, ND 58108-2926

If an expense paid with the debit card or auto-substantiated is later determined not to be eligible for reimbursement or you are unable to provide the required documentation to substantiate the claim, you will need to repay the plan or offset the amount of the denied claim with other eligible expenses.

If your claim is denied because WEX finds that you or a family member are not eligible for participation in the plan, the University will handle the appeal. Under these circumstances, your request for an appeal should be directed to:

University of California, Office of the President
Health & Welfare Benefits
Attn: Eligibility Appeal
1111 Franklin St.
Oakland, CA 94607

Generally, the University will respond to your request within 120 days of receiving your request or (if later) within 60 days of receiving any additional materials requested from you, your UC location or another relevant party. It's possible, however, that the University may require a longer period of review. The University's decision on appeal is final.

WHEN COVERAGE ENDS

Any expenses you incur after your DepCare FSA participation ends aren't eligible for reimbursement. Here are the details of when coverage may end, depending on your circumstances:

IF YOU DON'T RE-ENROLL

If you decide not to re-enroll during Open Enrollment, your participation ends at the end of the plan year (Dec. 31). However, you can incur expenses and use remaining funds left in your account through March 15 of the following year, referred to as the grace period.

LEAVING UC EMPLOYMENT

Your participation in the DepCare FSA ends when you leave UC employment. If you are paid monthly, DepCare coverage ends the last day of the month in which you separate from UC. If you are paid biweekly, coverage ends the last day of the pay period in which you made your final DepCare contribution. You may continue to submit claims for expenses incurred up to the coverage end date, until the deadline for the plan year.

RETIREMENT

If you retire immediately after leaving your job and the separation and retirement dates are in the same calendar month, your coverage ends on the last day of the month following the month in which separation occurs. For example, if you separate on March 1 and retire on March 2, your coverage ends April 30.

LEAVES WITHOUT PAY

Your contributions to your DepCare FSA stop when you begin a leave without pay. If you are paid monthly, DepCare coverage ends the last day of the month in which the leave without pay begins. If you are paid biweekly, coverage ends the last day of the pay period in which you make your final DepCare contribution. You may continue to submit claims for expenses incurred up to the coverage end date, until the deadline for the plan year.

If your leave was for less than 120 days and you return in the same plan year, you may enroll in the DepCare FSA with the same annual contribution as before your leave. However, if you've experienced a change in status, such as adding a dependent or changing your care provider, you may choose a new contribution; see the table "Midyear Changes Allowed for the DepCare FSA" on page 9 for details. If your leave was 120 days or longer, or you return in a new plan year, you may choose a new annual contribution.

TEMPORARY LAYOFF

When you begin a temporary layoff, your contributions to the DepCare FSA stop. Your participation ends on the last day of the pay period following the pay period during which you go on leave. While you're laid off, you may continue to submit claims for eligible expenses you incurred before the layoff; expenses incurred during the layoff period generally aren't eligible. You and your spouse must be working or looking for work to participate in the DepCare FSA.

Midyear Changes Allowed for the DepCare FSA

In this table:

- “Dependent” means these individuals, as long as they live with you:
 - Your legal spouse, if physically or mentally incapable of self-care
 - Anyone you claim as a federal tax dependent, such as:
 - Your child under age 13 in your custody
 - Your child age 13 or older, domestic partner, parent, sibling or in-law if claimed as a dependent on your tax return and physically or mentally incapable of self-care
- “Dependent care FSA” means a dependent care flexible spending account

Event	Actions Allowed			
	Enroll	Increase Contribution	Disenroll	Decrease Contribution
Change in your marital status				
You marry and gain an eligible dependent	Yes	Yes	No	No
You marry and your spouse is either not employed or is enrolled in the spouse’s employer’s dependent care FSA	No	No	Yes	Yes
You lose your spouse through death, divorce, legal separation or annulment and your spouse was enrolled in the spouse’s employer’s dependent care FSA	Yes	Yes	No	No
Gain or loss of a dependent				
You gain an eligible dependent (for example, through birth, adoption or your spouse becomes incapable of self-care)	Yes	Yes	No	No
You lose an eligible dependent (for example, through death, a child reaches age 13 or a child is no longer a tax dependent)	No	No	Yes	Yes
Change in employment status of spouse that affects benefits eligibility				
Your spouse gains eligibility for and enrolls in own employer’s dependent care FSA because your spouse starts employment or has an employment status change	No	No	Yes	Yes
Your spouse loses eligibility for own employer’s dependent care FSA because your spouse ends employment or has an employment status change	Yes	Yes	No	No
Note that for a married employee to be or remain eligible for the DepCare FSA, the spouse must be working or looking for work (unless is a fulltime student or incapable of self-care)				
Cost change (doesn’t apply if provider is a relative, by blood or marriage, of the employee)				
Dependent care provider increases cost of service	Yes	Yes	Yes	Yes
Dependent care provider decreases cost of service	Yes	No	No	Yes

Midyear Changes Allowed for the DepCare FSA

Event	Actions Allowed			
	Enroll	Increase Contribution	Disenroll	Decrease Contribution
Change in dependent care provider or coverage				
You change dependent care providers	Yes	Yes	Yes	Yes
There is a reduction in hours or dependent care ends (for example, a child starts school)	No	No	Yes	Yes
You change (in whole or in part) from paid care to no care or free care	No	No	Yes	Yes
You change (in whole or in part) from free or no care to paid care	Yes	Yes	No	No
Your spouse starts employment	Yes	Yes	No	No
Your spouse ends employment	No	No	Yes	Yes
You or your spouse change work schedule (going from full- to part-time or vice versa) in a way that creates, changes or eliminates the need for dependent care	Yes	Yes	Yes	Yes
Your spouse who is not working or looking for work becomes a full-time student or becomes incapable of self-care	Yes	No	No	No
Your spouse who is not working or looking for work is no longer a full-time student or is no longer incapable of self-care	No	No	Yes	No

Questions?

Contact WEX at 844-561-1338 or visit uc-fsa.com

By authority of the Regents, University of California Human Resources, located in Oakland, administers all benefit plans in accordance with applicable plan documents and regulations, custodial agreements, University of California Group Insurance Regulations, group insurance contracts, and state and federal laws. No person is authorized to provide benefits information not contained in these source documents, and information not contained in these source documents cannot be relied upon as having been authorized by the Regents. Source documents are available for inspection upon request (800-888-8267). What is written here does not constitute a guarantee of plan coverage or benefits—particular rules and eligibility requirements must be met before benefits can be received. The University of California intends to continue the benefits described here indefinitely; however, the benefits of all employees, retirees, and plan beneficiaries are subject to change or termination at the time of contract renewal or at any other time by the University or other governing authorities. The University also reserves the right to determine new premiums, employer contributions and monthly costs at any time. Health and welfare benefits are not accrued or vested benefit entitlements. UC's contribution toward the monthly cost of the coverage is determined by UC and may change or stop altogether, and may be affected by the state of California's annual budget appropriation. If you belong to an exclusively represented bargaining unit, some of your benefits may differ from the ones described here. For more information, employees should contact their Human Resources Office and retirees should call the Retirement Administration Service Center (800-888-8267).

In conformance with applicable law and University policy, the University is an affirmative action/equal opportunity employer. Please send inquiries regarding the University's affirmative action and equal opportunity policies for staff to Systemwide AA/EEO Policy Coordinator, University of California, Office of the President, 1111 Franklin Street, Oakland, CA 94607, and for faculty to the Office of Academic Personnel and Programs, University of California, Office of the President, 1111 Franklin Street, Oakland, CA 94607.

