

**FIRST AMENDMENT
TO
THE UNIVERSITY OF CHICAGO CAFETERIA PLAN**

WHEREAS, the University of Chicago (the “University”) maintains The University of Chicago Cafeteria Plan, as amended and restated effective December 1, 2020 (the “Plan”) for the benefit of its eligible employees and their dependents;

WHEREAS, the Plan may be amended from time to time by the Board of Trustees (the “Board”) pursuant to Section 12.1 of the Plan and the Board and has delegated to the President of the University (the “President”) the authority to act for the Board with respect to the Plan;

WHEREAS, the President has delegated the authority to Chief Financial Officer of the University to make certain amendments to the Plan; and

WHEREAS, the University desires to amend maximum annual contribution to the Dependent Care FSA for the 2021 Plan Year and to adopt certain changes to the Health Care FSA and Dependent Care FSA as permitted by the Consolidated Appropriations Act of 2021 and related guidance.

NOW THEREFORE, the Plan is hereby amended as follows:

1. Section 8.3 of the Plan is hereby amended to read as follows, effective January 1, 2021:

“8.3 Contributions. For each Participant who elects to contribute to a Dependent Care FSA, the Administrator will establish a Dependent Care FSA for each Plan Year. Each Participant's Dependent Care FSA will contain zero dollars (\$0.00) initially and at the commencement of each Plan Year. The maximum annual contribution that a Participant can make to his or her Dependent Care FSA is the lesser of: (i) the maximum amount allowed to be excluded from gross income under Code Section 129(a)(2), as adjusted; (ii) the Participant’s earned income; (iii) the earned income of the Participant's Spouse, if applicable; or (iv) the amount determined by the Administrator and as described in the enrollment materials or Dependent Care FSA plan summary, the applicable provisions of which are incorporated herein by reference. The Administrator may establish a minimum annual Dependent Care FSA contribution.”

2. Section I of Appendix C is hereby amended to read as follows, effective January 1, 2021:

“I. Special Health Care FSA and Dependent Care FSA Elections. During the period beginning April 1, 2020 and ending December 31, 2021, a Participant may, with respect to the remainder of the applicable Plan Year, make one election per Plan Year to increase or decrease an election under the Health Care FSA and one election per Plan Year to increase or decrease an election under the Dependent Care FSA, without regard to whether the change is otherwise permitted by the Plan, and in accordance with IRS

Notice 2020-29 and IRS Notice 2021-15. Any such election to decrease cannot: (1) result in an allocation of Plan amounts to a Health Care FSA or Dependent Care FSA that is less than the amount already reimbursed from the Participant's Health Care FSA or Dependent Care FSA, as applicable, or (2) be less than the amount already contributed to the Health Care FSA or Dependent Care FSA, as applicable. This provision shall not be construed to permit an Employee to enroll in the Health Care FSA or Dependent Care FSA if not otherwise eligible under another section of the Plan."

3. Section III of Appendix C is hereby amended to read as follows, effective January 1, 2020:

"III. 2020 Health Care FSA Reimbursement Request Deadline. For Participants who do not participate in the HSA Benefit for the 2020 Plan Year, the Administrator must receive a request for a Health Care FSA reimbursement of Medical Expenses incurred during the 2019 Plan Year on or before June 30, 2021."

4. Appendix C is hereby amended to add the following new Sections V, VI, and VII to the end thereof, effective January 1, 2020:

"V. Qualifying Individuals for the 2020 Plan Year. For purposes of determining whether an expense is a Dependent Care Expense for the 2020 Plan Year, a 'Qualifying Individual' shall include a dependent (as defined in Code Section 152(a)(1)) of a Participant who is under the age of 14.

VI. Carryover of Unused Health Care FSA Balances. For Participants who do not participate in the HSA Benefit for the 2021 Plan Year, amounts that remain in a Participant's Health Care FSA at the end of the 2020 Plan Year shall be carried over to the immediately following Plan Year and may be used to reimburse Medical Expenses that are incurred during the 2021 Plan Year. Any amounts carried over from the 2020 Plan Year that remain in the Health Care FSA after the processing of all claims for the 2021 Plan Year pursuant to Section 7.6 of the Plan will be forfeited.

VII. Carryover of Unused Dependent Care FSA Balances. Amounts that remain in a Participant's Dependent Care FSA at the end of the 2020 Plan Year shall be carried over to the immediately following Plan Year and may be used to reimburse Dependent Care Expenses that are incurred during the 2021 Plan Year. For purposes of determining whether an expense is a Dependent Care Expense that can be reimbursed by amounts carried over from the 2020 Plan Year, a 'Qualifying Individual' shall include a dependent (as defined in Code Section 152(a)(1)) of a Participant who is under the age of 14. Any amounts carried over from the 2020 Plan Year that remain in the Dependent Care FSA after the processing of all claims for the 2021 Plan Year pursuant to Section 8.6 of the Plan will be forfeited."

IN WITNESS WHEREOF, the undersigned hereby executes on behalf of the University, this First Amendment to the Plan as of this 1st day of June, 2021.

THE UNIVERSITY OF CHICAGO

BY: _____
Ivan Samstein
Vice President and Chief Financial Officer