

CLEVELAND PUBLIC LIBRARY

Human Resources Committee

October 19, 2021

**RESOLUTION AMENDING CLEVELAND PUBLIC LIBRARY FLEXIBLE SPENDING  
ACCOUNT PLAN**

WHEREAS, In January 2012, the Board of Trustees of the Cleveland Public Library (“Library”) adopted a Restated Flexible Spending Account Plan for employees of the Cleveland Public Library in accordance with Internal Revenue Code Section 125 (Cafeteria Plan) permitting employees to make pre-tax contributions to health and dependent care Flexible Spending Accounts for qualified out-of-pocket expenses; and

WHEREAS, The Restated Flexible Spending Account Plan currently has different eligibility requirements for non-bargaining unit staff and those represented by SEIU District 1199 and Local 860; and

WHEREAS, For purposes of consistency, the Library Administration determined it is beneficial to revise the Restated Flexible Spending Account Plan as shown in Exhibit A to this Resolution to provide that all staff other than substitutes and pages who are regularly scheduled to work a minimum of 20 hours per week are eligible to participate in the Flexible Spending Account Plan; now therefore be it resolved

RESOLVED, That the Board of Trustees of the Cleveland Public Library hereby adopts and approves the attached amendment to the Cleveland Public Library’s Flexible Spending Account Plan in the manner and to the extent described in the amendment, which changes shall be effective as of October 22, 2021, and authorizes the Executive Director, CEO or his designee to execute the Plan amendment.

# EXHIBIT A

## FOURTH AMENDMENT TO THE CLEVELAND PUBLIC LIBRARY FLEXIBLE SPENDING ACCOUNT PLAN

This Fourth Amendment (“Amendment”) to the Cleveland Public Library’s Flexible Spending Account Plan (the “Plan”) is hereby adopted by the Cleveland Public Library (the “Employer”) and is effective as of October 22, 2021.

WHEREAS, the Employer adopted the restated Plan in January 2012 for the benefit of its employees; and

WHEREAS, on October 21, 2021, the Cleveland Public Library Board of Trustees adopted a resolution permitting the Employer to amend the Plan for a fourth time; and

WHEREAS, the Employer desires to amend the Plan to redefine the eligible employee requirements;

NOW, THEREFORE, this Amendment is adopted as follows:

1. Article I, Section 2 titled, “What Are the Eligibility Requirements of Our Plan?” shall be deleted in its entirety and replaced with the following text:

“All staff other than substitutes and pages who are regularly scheduled to work a minimum of 20 hours per week are eligible to join the plan.”

2. Article I, Section 4 titled, “Are There Any Employees Who are Not Eligible?” is hereby modified as follows:

“Yes, there are certain employees who are not eligible to join the Plan. They are employees who do not meet the eligibility requirements set forth above. Temporary agency staff hired to work on a "casual basis"; independent contractors; members of the Employer's Board of Trustees; contract vendors’ staff; substitutes; pages; and non-bargaining unit staff Employees who are regularly scheduled to work fewer than 20 hours per week are not eligible to participate in this Plan.”

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Amendment is hereby adopted to be effective as of the date set forth above.

CLEVELAND PUBLIC LIBRARY

By: \_\_\_\_\_

Title: Executive Director, CEO

Date: \_\_\_\_\_