

## **TERMS YOU SHOULD KNOW**

There are several words and phrases that have a specific meaning under the Legal Services Plan. This section explains those terms so you can better understand your benefits. These terms are printed in **boldface** when they appear to let you know they are defined here.

**Annual enrollment:** the period of time each year designated by the Company in which you can generally make changes in your benefits. Elections made during annual enrollment are effective on the first day of the following calendar year.

**Avaya Health and Benefits Decision Center:** the resource to call to enroll, make changes in your coverage or ask questions about the Legal Services Plan. See “Important Contacts.”

**Claims Administrator:** the company authorized by Avaya Inc. to administer the Legal Services Plan.

**Consultation:** the opportunity to discuss a personal legal matter with an attorney over the phone or in the attorney’s office before the attorney actually represents you.

**Class I dependents:** include your **lawful spouse** and each unmarried child through December 31st of the year in which the child reaches age 23.

To be eligible, a child must be:

- Your biological child and/or your legally adopted child living with you, including any child in the formal legal process of adoption, regardless of residence,
- A stepchild living with you, or
- A child living with you for whom you or your **lawful spouse** is the legal guardian. This does not include “wards of the state” or “foster children.”

Class I dependents also include each unmarried child of any age who is determined to be eligible by the applicable medical Claims Administrator by meeting all of the following criteria:

- Incapable of self-support,
- Physically or mentally handicapped, and
- Fully dependent on you for support.

To be covered as Class I dependents, children beyond the age of 23 years must be certified for coverage by the applicable medical Claims Administrator under The Avaya

Inc. Medical Expense Plan for Salaried Employees. You must complete an application form available from your applicable medical Claims Administrator and submit it for approval to the address listed on the form.

No coverage is available for a child over age 23 who is incapacitated for a short time due to illness or accident (e.g., a broken leg).

**Domestic Partner:** an individual (same-gender or opposite-gender) is your domestic partner if you both complete and file with the **Avaya Health and Benefits Decision Center** a notarized Domestic Partner Affidavit in which you both attest that you met all of the following requirements:

- Reside in the same household,
- Are age 18 or older,
- Have mental sufficiency to enter into a valid contract,
- Are not related to each other by blood,
- Are not legally married to any other person,
- Have a close and committed personal relationship with each other; intend to continue such relationship indefinitely; and have no such relationship with anyone else, and
- Have joint responsibility for each other's welfare and financial obligations.

In addition to the aforementioned requirements, the following criteria must be satisfied if applicable:

- Have complied with any state or local registration process for domestic partners; are the same-gender, reside in a state that recognizes same-gender marriages and are legally married under the laws of that state; or reside in a state that recognizes same-sex civil unions and have legally entered into such a civil union.

**Domestic partnership dependent:** is the natural or adopted child of a **domestic partner**, a child whom the **domestic partner** is in the formal, legal process of adopting, or a child living with you for whom the **domestic partner** is the legal guardian.

**Eligible dependents:** your eligible **Class I dependents**, eligible **domestic partner** and eligible **domestic partnership dependents**.

**Eligible employee:** a regular, active, full-time or part-time, salaried employee who works for a **Participating Company**. Temporary employees are not eligible to participate in the Legal Services Plan.

Individuals who are not paid from the U.S. payroll of a **Participating Company**, who are employed by an independent company (such as an employment agency), or whose services are rendered pursuant to an agreement excluding participation in benefit plans are not eligible to participate in the Legal Services Plan.

**Lawful spouse:** a person who is recognized as the lawful husband or lawful wife for federal income tax purposes. An **eligible employee** residing in a state that recognizes common law marriage must satisfy the specific minimum state requirements to be married under common law.

**Living will:** a document that instructs your doctors on your wishes concerning life support systems if you have a terminal condition. Living wills are valid in most states and must conform to state law.

**Non-Participating Law Firm:** a law firm that does *not* have an agreement with the **Claims Administrator** to provide prepaid legal services under the Legal Services Plan.

**Open matter:** generally, a matter is open if you actually had an office visit with an attorney, you requested the attorney to represent you regarding that matter, and the attorney actually began to represent you regarding that matter.

**Participating Company:** Avaya and such other companies that have elected to participate in the Legal Services Plan, with the prior approval of Avaya.

**Participating Law Firm:** a law firm that has an agreement with the **Claims Administrator** to provide prepaid legal services under the Legal Services Plan.

**Plan Attorney:** an attorney who works for a **Participating Law Firm**.

**Qualified Domestic Relations Order (QDRO):** a court order, usually in connection with a divorce or legal settlement, that requires part or all of your retirement benefits to be paid to meet a property settlement agreement, alimony or dependent support payments. Avaya Inc. has a policy to comply with the requirements of a QDRO.

**Qualified Medical Child Support Order (QMCSO):** a judgment, decree or order issued by a court that requires medical plan coverage for a participant's child and that has been determined by the Claims Administrator (see "Important Contacts") to be qualified under the Internal Revenue Code of 1986, as amended. Avaya Inc. has a policy to comply with the requirements of a QMCSO.

**Uncontested adoption:** an adoption in which all parties are in agreement.