



Board Administration Policy

Dissolution of Marriage or Registered Domestic Partnership

I. Purpose

- A. This policy governs the management and operation of the retirement system with respect to the Dissolution of Marriage or Registered Domestic Partnership (RDP) for the benefit of its membership, including its retired members and their survivors, dependents, and beneficiaries.

II. Community Property

- A. Effective August 1, 1997, pursuant to Resolution N. 97-474 of the Board of Supervisors of San Joaquin County, SJERA shall accept orders pertaining to the division of the community property interest in a member's account only if such orders are issued (1) by a court of competent jurisdiction, (2) in conformance with the provisions of Family Code Section 2610 and (3) in conformance with the provisions of Article 8.4 of the CERL, commencing at Government Code Section 31685. SJERA shall return orders which are not in conformance with these criteria to the parties for revision.

III. Nonmember Rights

- A. For the purposes of this policy, the former spouse/partner of the employee member is referred to as the nonmember.
- B. A nonmember who, pursuant to an appropriate court order, elects to establish a separate account, as authorized by Article 8.4 of the CERL, may exercise the rights of a member, except that (a) a nonmember is not eligible to apply for or receive a disability retirement allowance, (b) a nonmember's pre-retirement death benefits shall consist of return of the contributions and interest in the nonmember's account, and (c) a non-member is not eligible to participate in the election of Board members.
- C. Pursuant to Section 31685 (c), the nonmember is entitled to the following:
 - i. The right to a retirement allowance.
 - ii. The right to a refund of accumulated retirement contributions.
 - iii. The right to redeposit accumulated retirement contributions that are eligible for redeposit by the member.
 - iv. The right to purchase service credit that is eligible for purchase by the member.
 - v. The right to designate a beneficiary to receive his or her accumulated contributions payable at the time of the nonmember's death.
 - vi. The right to designate a beneficiary for any unpaid allowance payable at the time of the nonmember's death.

IV. Election of Optional Allowances

A. A nonmember may retire pursuant to the provisions of the CERL and/or PEPRA and may elect any of the optional retirement allowances, set forth therein subject to the limitations thereof.

V. Actuarial Equivalency

A. Benefits determined pursuant to this policy shall be determined on the basis of the actuarial economic and demographic assumptions and values prescribed by the Board of Retirement. Under no circumstances shall SJCERA be required to make payments in any manner that will result in an increase in the amount of benefits provided under the plan.

VI. Approval

A. All joinders of SJCERA in dissolution of marriage proceedings and domestic relations orders resulting therefrom are subject to legal review and approval. All applications for nonmember benefits submitted pursuant to this section shall be placed on the Board of Retirement agenda for ratification of staff's actions.

VII. Law Prevails

A. In the event of a conflict between this policy and the County Employees Retirement Law, the Public Employees' Pension Reform Act, or other applicable statutes arises, the law shall prevail.

VIII. Policy Review

A. Staff shall review this Policy at least once every three years to ensure that it remains relevant, appropriate, and in compliance. Any revisions or amendments to this policy must be approved by the Board of Retirement in accordance with the bylaws.

IX. History

- 03/01/2017 Bylaws Amended and Approved by the Board of Supervisors
- 12/08/2017 Bylaw Section 12 Converted to Policy
- 06/28/2018 Reviewed, no changes required; Staff updated format
- 04/12/2019 Policy Review section amended to at least once every three years
- 07/12/2019 Amended to define nonmember, align the approval process to current practice, and make other non-substantive changes.

Certification of Board Adoption:


 Clerk of the Board

07/12/2019

Date