



## Board Administration Policy

# Normal Retirement Age – IRC 401(a)

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### I. Purpose

- A. This policy reaffirms and clarifies the existing practices of the Association with respect to the normal retirement age applicable for the Association in accordance with Internal Revenue Code section 401(a) and Treasury regulations issued thereunder.

### II. Normal Retirement Age

#### A. General Members

1. Normal Retirement Age for general members is age 59 years, or if later, the date at which a Member vests in his or her right to receive a monthly retirement allowance from the Association. In accordance with the CERL, normal retirement age is not later than age 70 years.

#### B. Safety Members

1. Normal Retirement Age for safety members is age 54 years, or if later, the date at which a Member vests in his or her right to receive a monthly retirement allowance from the Association. In accordance with the CERL, normal retirement age is not later than age 70 years.
2. For purposes of this policy, “Safety member” shall mean a member who immediately prior to retirement was employed in a job classification in the Safety retirement category as designated by the CERL, or as determined by the Board, and who was eligible for a safety retirement allowance from SJCERA. “General member” shall mean all other SJCERA members.

#### C. Basis for Determining

1. These normal retirement ages are based on data provided by the Association's actuary finding that the most typical retirement age for general members of the Association is age 59 years and the most typical retirement age for safety members of the Association is 54 years.

#### D. Adjustment

1. The Board of Retirement for the Association may change the normal retirement age determined herein to the extent required to comply with Code section 401(a) or for any other reasons determined by the Board. The normal retirement age determined herein does not create any “vested rights” under California or federal law including but not limited to the contracts clause of the California Constitution.

**III. Code and Regulations Prevail**

A. This policy is intended to be in accordance with the Internal Revenue Code (Code) and the applicable Treasury regulations. To the extent there is a conflict between this policy and the Code and Treasury regulations, the applicable law will govern.


**IV. 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.

**V. History**

01/01/2015	Effective Date of Bylaw Section 23
12/08/2017	Extracted from Bylaws into policy
06/29/2018	Staff reviewed, no content changes; updated format
04/12/2019	Policy Review section amended at least once every three years

**Certification of Board Adoption:**

	04/12/2019
Clerk of the Board	Date