

SAN DIEGO COUNTY EMPLOYEES RETIREMENT ASSOCIATION

ANTI-ASSIGNMENT-CODE SECTION 401(a)(13) POLICY

I. PURPOSE

To clarify the provisions of Section 31452 of the California Government Code and to affirm that, although the San Diego County Employees Retirement Association (the "Association") is not subject to the general prohibition on assignment and alienation under Section 410(a)(13) of the Internal Revenue Code of 1986, as amended (the "Code"), the Association shall comply with certain exceptions to Code section 401(a)(13) (as amended), to the extent set forth in Section II.A and Section II.B, below.

II. POLICY

A. Code Section 401(a)(13) Exceptions

Notwithstanding any provision of the Association to the contrary and recognizing the general prohibition on assignment and alienation, the Association shall comply with the following exceptions to Code section 401(a)(13):

1. Enforcement of a federal tax levy made pursuant to Code section 6331 or collection by the United States on a judgment resulting from an unpaid tax assessment, to the extent permitted under Treasury Regulation section 1.401(a)-13(b)(2);
2. Offset of a Member's benefit against an amount owed to the Association by the Member as a result of a crime involving the Association or a breach of fiduciary duty to the Association, to the extent permitted under Code section 401(a)(13)(C);
3. Assignments or alienations made pursuant to any other federal statute to the extent that such statute provides an exception to the Code section 401(a)(13) (as amended) general prohibition on assignment and alienation; and
4. Assignments made pursuant to a valid qualified domestic relations order.

B. Other Exceptions

1. For the purpose of clarity, the exceptions set forth in Section II.A, above, shall be applied in addition to, and not in limitation of, any other provisions of the Association that provide an exception to the otherwise applicable prohibition on assignment and

alienation, including: Any assignment specifically provided for under the County Employees Retirement Law of 1937 (Title 3, Division 4, Part 3, Chapters 3 and 3.9, Sections 31450 *et seq.* of the California Government Code), including, but not limited to Section 31452.5 thereof.

2. Any assignment specifically provided for under the California Public Employees' Pension Reform Act of 2013 including, but not limited to, Sections 7522.70, 7522.72, and 7522.74 of the California Government Code.

III. Effective Date

This policy is effective as of July 1, 2013.

REVIEW

This policy shall be reviewed by the Board at least every three (3) years and may be amended at any time.

HISTORY

June 5, 2014	Adopted
March 15, 2018	Revised.