

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 401(a)(13) of the Internal Revenue Code of 1986, as amended (the "Code"), the Association shall comply with certain exceptions to the Code section 401(a)(13) general prohibition on assignment and alienation, to the extent set forth in Section II.A, below, in addition to the otherwise applicable exceptions to the Association's prohibition on assignment and alienation, as set forth in Section II.B, below.

II. POLICY

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

Notwithstanding any provision of the Association to the contrary, the Association shall comply with the following exceptions to the Code section 401(a)(13) general prohibition on assignment and alienation with respect to the otherwise applicable prohibition on assignment and alienation set forth in Section 31452 of the California Government Code:

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); and
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) general prohibition on assignment and alienation, including the Mandatory Victims Restitution Act of 1996 and the Federal Debt Collection Procedure Act.

Except to the extent otherwise provided in Section II.B, below, the Association shall not comply with any exception to the Code section 401(a)(13) general prohibition on assignment and alienation that is not specifically set forth in this Section II.A.

B. Other Exceptions

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 set forth in Section 31452 of the California Government Code, including, but not limited to, the following:

1. Section 31603 of the California Government Code;
2. Section 704.110 of the California Code of Civil Procedure; and

3. 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.

The exceptions set forth in Section II.A, above, shall also be applied in addition to, and not in limitation of, Sections 7522.70, 7522.72, and 7522.74 of the California Government Code, and any other applicable provision of the California Public Employees' Pension Reform Act of 2013.

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