

**VENTURA COUNTY EMPLOYEES' RETIREMENT  
ASSOCIATION**

**REGULATIONS FOR**

**IRC CODE § 401(a)**

**DISTRIBUTION RESTRICTIONS**

# **VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

## **REGULATIONS FOR IRC SECTION 401(a) RETURN TO WORK AND SEPARATION FROM SERVICE**

### **SECTION I. PURPOSE AND SCOPE**

In accordance with section 31485.15 and section 31525 of the California Government Code, the regulations set forth herein are effective as of January 25, 2016, and reaffirm and clarify the existing practices of the Ventura County Employees' Retirement Association (the "Association") with respect to the return to work of retired Members and a bona fide separation from service prior to such return to work applicable for the Association in accordance with the Internal Revenue Code (the "Code"). For these regulations, Code includes the Treasury regulations issued under the Code.

These regulations are intended to be in accordance with the Code and the applicable Treasury regulations. To the extent there is a conflict between these regulations and the Code and Treasury regulations, the applicable federal law will govern.

The Association may establish any reasonable procedures dealing with the return to work of Members following retirement under the Association and the requirement for a bona fide separation of service that it deems necessary or desirable for complying with applicable tax laws or for administrative purposes.

Terms defined in the County Employees' Retirement Law of 1937 (the "CERL") apply here unless otherwise stated.

### **SECTION II. RETURN TO WORK AND BONA FIDE SEPARATION FROM SERVICE**

For purposes of employment with the County or a participating employer under the Association after retirement for service, a Member who has not attained Normal Retirement Age (as established by the Association) shall have a bona fide separation from service to the extent required by section 401(a) of Title 26 of the United States Code. A bona fide separation from service is defined as follows:

1. The Member has not entered into any predetermined agreement (either written or unwritten) with the County or a participating employer under the Association prior to retirement to return to work after retirement, regardless of the length of the separation.
2. Prior to entering into an agreement to return or returning to employment with the County or a participating employer under the Association while retired, the Member must have a separation from service of at least the greater of (a) any required separation from service prior to return to work required under the terms of the California Public Employees' Pension Reform Act of 2013 or (b) a 60-day separation from service.

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3. The Member may be employed by the County or a participating employer under the Association prior to the time in sections 1 and 2 for emergency situations as defined in Government Code section 8558 and under the PEPRA return to work restrictions.
  
4. The Member must acknowledge in writing to VCERA at the time of retirement that the Member has been informed of the requirements set forth in this regulation imposing limitations on post-retirement employment and that no prearrangement to be reemployed while retired exists. The Member must also agree that, if any of the provisions of this regulation regarding bona fide separation from service are violated as determined by the Board of Retirement, the Member's retirement allowance shall be suspended immediately and shall not be reinstated until the Member has a bona fide separation from service or reaches Normal Retirement Age as established by the Association, whichever occurs first.