




RETIREMENT BOARD POLICY AND REFERENCE MANUAL

SUBJECT: REDEPOSIT OF CONTRIBUTIONS, AND APPLICATION TO REDEPOSIT CONTRIBUTIONS DUE TO FINANCIAL HARDSHIP OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE EMPLOYEE	Section: 2-35 Date Adopted/Revised: 4/25/2017
SYSTEM(S): JOINT	Approved:  Retirement Administrator

A. Purpose of Policy

The purpose of this policy statement is twofold; first to acknowledge that any member upon re-entry to either Retirement System may within thirty days of re-entry elect to redeposit in the Retirement Fund. Second to provide objective standards and procedures with respect to applications to redeposit contributions due to financial hardship or other circumstances beyond the control of the employee, consistent with Section 3-534(b) and 3-427(b) of the Fresno Municipal Code.

Fresno Municipal Code Sections 3-534(b) and 3-427(b) read in part:

Any member upon re-entry to the Retirement System may within thirty days of re-entry elect to redeposit in the Retirement Fund, in one lump sum or in equal bi-weekly payments spread over a time period not to exceed five years, an amount equal to that which the member withdrew from the Retirement Fund.

The Retirement Board may also create an open thirty-day period for allowing an individual member to elect to redeposit in accordance with this subsection upon a finding that an employee has been inequitably denied an opportunity to redeposit due to financial hardship or other circumstances beyond the control of the employee.

B. Scope of Policy

This policy is to apply to all applications for Redeposit of Contributions or Redeposit of Contributions Due to Financial Hardship or Other Circumstance Beyond the Control of the Employee under Fresno Municipal Code section 3-534(b) and 3-427(b).

C. Procedures

Applicant Responsibilities

An individual applying for redeposit of contributions due to financial hardship or other circumstance beyond the control of the employee:

1. Shall submit for Redeposit of Contributions Due to Financial Hardship or Other Circumstance to the Board in writing;

2. Shall explain what occurred at the time of return to City service that was inequitable and that denied the applicant the opportunity to redeposit contributions at that time;
3. Shall explain in detail the nature of the financial hardship or other circumstances making the individual unable to redeposit upon return to city service;
4. Shall provide an estimate of the annual income and expenses of the individual or family unit, if any, at the time of return to city service;
5. Shall provide an estimate of the assets and liabilities of the individual or family unit, if any, at the time of return to city service;
6. Shall explain to what extent insurance proceeds, such as health or auto insurance or government benefits, funded the hardship;
7. Shall provide documentation, such as medical records, to substantiate the hardship or other circumstance;
8. Shall provide a timeline of relevant events underlying the inability to redeposit upon return to city service; and
9. Shall sign the application under penalty of perjury.

Staff Responsibilities

1. Shall provide a copy of this Board policy to all individuals returning to permanent city service.
2. Shall record in the employees file any known reasons for the employee declining to redeposit upon returning to City employment,
3. Shall provide an application and a copy of this policy to interested parties and answer questions.
4. Shall notify an applicant that the burden of persuasion rests with applicant.

Board Responsibilities

1. Shall apply the burden of persuasion to the applicant.
2. Shall evaluate the facts put forth by the applicant to show that the applicant had been inequitably denied the opportunity to redeposit contributions.
3. Shall evaluate the facts underlying an Application for Redeposit of Contributions Due to Financial Hardship or Other Circumstance. Examples of financial hardship include the loss of employment of an immediate family member, significant medical expenses not covered by insurance of an immediate family member, significant expenditures unreimbursed by insurance arising from earthquake, fire, flood, or other natural disaster, or other significant event resulting in unexpected financial expenditures. Examples of circumstances that are not financial hardships include financial hardship due to financial mismanagement or voluntary actions.

4. Shall evaluate the facts underlying an Application for Redeposit of Contributions Due to Financial Hardship due to Other Circumstance. Examples of nonfinancial circumstances include serious emotional distress arising from the death or serious illness of an immediate family member.
5. Shall retain the discretion to interpret this policy and the terms in it.

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1. Adopted 9/08/2010
 2. Revised 4/25/2017 to incorporate amendments to FMC §3-402(j) AND §3-427(b) in the Fire & Police Retirement System