

# **Village of Tequesta General Employees' Pension Fund**

## **Ordinance Amending Plan as a Result of IRS Determination Letter**

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In early 2016, the Village of Tequesta General Employees' Pension Fund filed for an IRS Determination Letter that the Plan is operated in compliance with the requirements of the Internal Revenue Code. Earlier this year, the favorable Determination Letter was received. The Determination Letter is contingent upon an amendment to the Plan document as follows:

- Section 2 (page 2) - Definitions; Definition "Credited Service." The new language adds a provision to comply with the Uniform Services Employment and Reemployment Rights Act (USERRA) which requires a member who leaves employment for military service and who is disabled or dies while on such service to be treated as if they were rehired effective the day before the death or disability.
- Section 2 (page 3) - Definitions; Definition of "Salary" or "Compensation." The new language adds a provision to comply with USERRA by including as pensionable differential wages paid by the employer to a member while on intervening military service.
- Section 4 Board of Trustees; subsection 6 (Page 7) – incorporates the provisions of Florida Statutes §112.656 to establish the Trustees fiduciary duties.
- Section 9 Disability; subsection 3 (Pages 15 and 16) – incorporates the USERRA provisions regarding the injuries sustained in the Military into the disability exclusion for injuries sustained while in the armed forces.
- Section 19 Miscellaneous Provisions; subsection 3 Rollover Distributions (Page 27) - Updates plan to permit a non-spouse beneficiary to rollover assets to an individual retirement account.
- Section 19 Miscellaneous Provisions; subsection 4 (Page 28) – Updates the plan to provide that a mandatory distribution without member approval can only be made in the event that the distribution is less than \$1,000.00 in accord with federal law.