

7/2-28-92
ORDINANCE No. 116069

Law Department

COUNCIL BILL No. 108951

The City of

AN ORDINANCE authorizing withholding and payment of benefits of members of the City Employees Retirement System as directed by Qualified Domestic Relations Orders and orders of the State Department of Social and Health Services, adding a new Seattle Municipal Code Section 4.36.295, and amending Sections 4.36.230E, 4.36260, and 4.36.270 therefor.

Honorable President:

Your Committee on Finance, B

to which was referred the within Co report that we have considered the s

Do pass 3-0

1/29/92

Full Council

COMPTROLLER FILE No. _____

Introduced: DEC 3 1991	By: SIBONGA
Referred: DEC 9 1991	To: Finance, Budget and Mgmt
Referred:	To:
Referred:	To:
Reported: FEB 10 1992	Second Reading: FEB 10 1992
Third Reading: FEB 10 1992	Signed: FEB 10 1992
Presented to Mayor: FEB 11 1992	Approved: FEB 18 1992
Returned to City Clerk: FEB 18 1992	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Finance, Budget, Management & Personnel

was referred the within Council Bill No. 108951

we have considered the same and respectfully recommend that the same:

do pass 3-0

1/29/92

Full Council vote 9-0



Committee Chair

ORDINANCE

116069

1
2 AN ORDINANCE authorizing withholding and payment of benefits of
3 members of the City Employees Retirement System as directed
4 by Qualified Domestic Relations Orders and orders of the
5 State Department of Social and Health Services, adding a
6 new Seattle Municipal Code Section 4.36.295, and amending
7 Sections 4.36.230E, 4.36260, and 4.36.270 therefor.

8 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

9 Section 1. There is added to Seattle Municipal Code
10 Chapter 4.36 a new Section 4.36.295, as follows:

11 4.36.295 Qualified Domestic Relations Orders; Orders of State
12 Department of Social and Health Services to Withhold
13 and Deliver.

14 A. Authority. the Director may make payments to:

15 (1) a spouse, former spouse, child, or other
16 dependent of a member as directed in an order of
17 the court that constitutes a qualified domestic
18 relations order under 26 USC §414(p); and/or

19 (2) the Washington State Department of Social and
20 Health Services as directed in an order to
21 withhold and deliver under RCW 70.20A.080,

22 each subject to the terms and conditions of this section, and
23 to supplemental requirements that may be adopted by the Director
24 by rule consistent with state and federal law to implement this
25 ordinance.

26 The term "order" as used in this section means either or
27 both of the foregoing orders, and the term "Alternate Payee"
28 means the recipient of payment on account of an order.

29 B. Limitations. Any payment to an Alternate Payee
30 pursuant to an order shall reduce by a like amount the payment
31 of benefits or withdrawal of contributions that would otherwise
32 have been payable to or on account of the member without the
33 order. Payment of an order shall first commence when benefits
34 or a withdrawal of contributions is made to or on account of the

1 member. The amount paid shall not exceed the benefits payable
2 under this chapter and the retirement option selected by the
3 member, or in the case of a withdrawal of accumulated contri-
4 butions, the amount on deposit to the credit of the member.

5 A payment to the Alternate Payee shall cease if the
6 payment to a member would end on account of his or her death
7 under a retirement option (Sections 4.36.210-.260) or the
8 member's re-employment (Sections 4.36.240 and 4.36.310) in the
9 absence of the order. The Director may not, on account of such
10 an order, limit or coerce the decision of an eligible member to
11 accept a disability allowance (Sections 4.36.220-.230) or, if
12 on disability retirement, to return to City employment (Sections
13 4.36.240-.250), or to convert to a service retirement allowance
14 (Section 4.36.240); to withdraw accumulated contributions or to
15 leave his or her contributions on deposit (Section 4.36.190),
16 or to select a payment option (Sections 4.36.210-.260).

17 C. Formula for determination. If the member is already
18 receiving benefits or has arranged to receive payment at a
19 proximate date, the order must identify the Alternate Payee and
20 the amount to be paid as

21 (1) a precise sum to be paid in a single payment or
22 in equal monthly installments and the duration of the install-
23 ment payments; or

24 (2) a fixed percentage of the member's "disposable
25 earnings" as defined in RCW 74.20A.090 or "disposable benefits"
26 as defined in RCW 41.50.500(2), which are payable under the
27 payment option that the member has selected.

28 If the member is not yet receiving benefits or has not
arranged to receive payment at a proximate date, the order may
also determine the amount payable to an Alternate Payee by a
formula or ratio that becomes complete upon the Director
supplying the member's creditable or gross contributions; for

1 example, a ratio that measures the member's creditable service
2 on the date of the order to the member's creditable service at
3 the time of retirement, or the member's contributions at a
4 stated date, or a stipulated amount to the member's total
5 contributions at the time benefits commence, or a withdrawal of
6 accumulated contributions occurs. The City will not increase
7 payments by an interest factor or adjust dollar values by a
8 price index in calculating the payment to an Alternate Payee.

9 D. Rounding of Numbers. A percentage of "disposal bene-
10 fits" or a ratio on a formula must be capable of being expressed
11 as a decimal to no more than three places; fractions extending
12 beyond the third decimal place will be rounded to the nearest
13 number at the third decimal place and the amount of any warrant
14 rounded to the nearest cent.

15 E. Filing of Orders for Future Use. The Director may keep
16 orders on file until such time as the member makes a withdrawal
17 of accumulated contributions or draws benefits. If such an
18 order is on file as to a member, the Director may delay payment
19 of benefits or of accumulated contributions for up to thirty
20 (30) days in order to determine whether or not the order is
21 current and in effect.

22 F. Alternate Payee's Responsibility. An Alternate Payee
23 has the responsibility of supplying and maintaining with the
24 Director a current mailing address for making payments; if pay-
25 ments are to commence upon occurrence of an event, informing the
26 Director when the event occurs; and in the event of an erroneous
27 overpayment, returning to the City the warrant for issuance of
28 another in the correct amount. Warrants returned on account of
an incorrect address may be held as unclaimed property.

Section 2. Subsection E of Seattle Municipal Code Section
4.36.230 (Ordinance 78444, Section 16, as last amended by
Ordinance 95183) is further amended as follows:

1 E. Any surviving spouse of a member receiving a dis-
2 ability retirement allowance may, if named as beneficiary, elect
3 to receive and thereupon shall be paid in lieu of benefits under
4 Section 4.36.230D a monthly benefit the equivalent of a
5 survivor's "Option E" retirement allowance computed on the basis
6 of the member's age at date of death, years of creditable
7 service, and normal and matching contributions reduced by all
8 sums theretofore paid the deceased member as annuity on normal
9 contributions and pension on matching contributions, and, if
10 applicable, by payments to an Alternate Payee under a court or
11 department order as contemplated by Section 4.36.295. The
12 spouse may elect to receive a cash payment if not to exceed one-
13 half of the deceased member's remaining normal contributions,
14 and such cash payment shall effect a reduction of the survivor's
15 monthly benefit by the amount of annuity such payment would have
16 purchased.

17 Section 3. Seattle Municipal Code Section 4.36.260
18 (Ordinance 78444, Section 18, as last amended by Ordinance
19 107228, Section 3) is further amended as follows:

20 4.36.260 Optional lesser retirement allowances.

21 A member may elect to receive, in lieu of the retirement
22 allowance provided for in Section 4.36.210, its actuarial
23 equivalent in the form of a lesser retirement allowance, payable
24 in accordance with the terms and conditions of one of the
25 options set forth in this section. Election of any option must
26 be made by written application filed with the Board of Adminis-
27 tration at least thirty (30) days in advance of retirement as
28 provided in Section 4.36.200, and shall not be effective unless
approved by the Board prior to retirement of the member.

 OPTION A. The lesser retirement allowance shall be payable
to the member throughout his life; provided, that if he dies
before he receives in annuity payments pursuant to Section

1 4.36.210A1 a total amount equal to the amount of his accu-
2 mulated contributions as of the date of his retirement, the
3 balance of such accumulated contributions shall be paid on one
4 lump sum to his estate or to such person as he shall nominate
5 by written designation duly executed and filed with the Board.

6 OPTION B. The lesser retirement allowance shall be payable
7 to a member throughout his life, provided that if he die before
8 he receives in annuity payments pursuant to Section 4.36.210A1
9 a total amount equal to the amount of his accumulated contribu-
10 tions as of the date of his retirement, the annuity payments
11 resulting from his accumulated contributions shall be continued
12 and paid to his estate or to such person as he shall nominate
13 by written designation duly executed and filed with the Board,
14 until the total amount of annuity payment shall equal the amount
15 of his accumulated contributions as it was at the date of his
16 retirement.

17 OPTION C. The member shall elect a "guaranteed period" of
18 any number of years. If he dies before the lesser retirement
19 allowance has been paid to him for the number of years elected
20 by him as the "guaranteed period," the lesser retirement allow-
21 ance shall be continued to the end of the "guaranteed period,"
22 and during such continuation shall be paid to his estate or to
23 such person as he shall nominate by written designation duly
24 executed and filed with the Board.

25 OPTION D. The lesser retirement allowance shall be payable
26 to the member throughout life, and after the death of the
27 member, one-half ($\frac{1}{2}$) of the lesser retirement allowance shall
28 be continued throughout the life of and paid to the wife or
husband of the member.

OPTION E. The lesser retirement allowance shall be payable
to the member throughout life, and after death of the member it
shall be continued throughout the life of and paid to the wife

1 or husband of the member.

2 The amount paid to a member, a beneficiary or a surviving
3 spouse shall be reduced by payments made to an Alternate Payee
4 under a court or department order as contemplated by Section
5 4.36.295.

6 Section 4. Seattle Municipal Code Section 4.36.270
7 (Ordinance 78444, Section 19 as last amended by Ordinance
8 107228, Section 4) is further amended by adding a new subsection
9 D, as follows:

10 D. The amount paid to a member's estate, beneficiary or
11 surviving spouse may be reduced by payments made to an Alternate
12 Payee under a court or department order as contemplated by
13 Section 4.36.295.
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(To be used for all Ordinances except Emergency.)

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 10th day of February, 1992,
and signed by me in open session in authentication of its passage this 10th day of February, 1992.

Geo. Benson
President of the City Council.

Approved by me this 18th day of February, 1992.

Norman B. Price
Mayor.

Filed by me this 18th day of February, 1992.

Norwood J. Brooks
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Margaret Carter*
Deputy Clerk.

Seattle City Employees' System

Board of Administration

Roger A. Howeller, Executive Director



October 25, 1991

Paul Kraabel, President
Seattle City Council

Dear Councilman Kraabel:

The Board of Administration of the Seattle City Employees' Retirement System respectfully requests the passage of an ordinance which will provide the authority and procedure to make pension deductions and related payments as directed by certain court orders in marital dissolution actions, and orders of the State of Washington, Department of Social and Health Services for child support under RCW Chapter 74.20A. There is no cost impact associated with this ordinance request.

Attached is a copy of the proposed legislation.

Very truly yours,

BOARD OF ADMINISTRATION

Roger A. Howeller
Executive Director

RAH/lu
Attachment

SEATTLE CITY ATTORNEY

MARK H. SIDRAN

MEMORANDUM

TO: Roger Howeler, Executive Director
City Employee's Retirement System

FROM: The Law Department

By: Jorgen G. Bader 
Assistant City Attorney

DATE: September 24, 1991

RE: Amending Retirement Ordinance to authorize payment of certain Qualified Domestic Relations Orders and Order of the State Department of Social and Health Services to withhold and deliver

The attached ordinance authorizes the Director to make payments as directed by certain court orders in marital dissolution actions and orders of the State of Washington, Department of Social and Health Services for child support under RCW Chapter 74.20A.

The Current Law

Seattle Municipal Code 4.36.290 forbids assignment, garnishment and attachment of retirement allowances and benefits.

RCW Chapter 74.20A empowers the State of Washington Department of Social and Health Services ("DSHS") to issue Orders to Withhold and Deliver requiring an employer or a parent who is found to be responsible for making child support payments and is substantially in arrears to withhold an amount up to fifty percent of the parent's "disposable benefits" until the sum due is paid. "Disposable earnings" and "disposable benefits" refer to the net payment after withholding income taxes. Orders to Withhold and Deliver take precedence over the ordinance prohibiting assignment, garnishment or attachment of benefits.

26 USC §414 requires that private pension plans honor qualified domestic relations orders ("QDRO's") in order to be exempt from income taxes. A QDRO is a court judgment, decree or order pursuant to a state domestic relations law, relating to the provision of child support, alimony or marital property rights to

Roger Howeller
September 24, 1991
Page 2

a spouse, former spouse, child, or other dependent that meets certain standards. A QDRO must name the person to receive payment, called the "Alternate Payee;" the amount or percentage of the member's benefits to be paid to each Alternate Payee or the manner in which the amount or percentage is to be determined; and the number or duration of payments. QDRO's generally operate within the plan, benefits, and options provided and assign a portion of the payments otherwise payable to the member to an Alternate Payee. However, an exception is made allowing QDRO's to require payment to be made to an Alternate Payee while the member continues working if the member has reached at least age 50 and the earliest retirement age allowed under the plan, and if the member would be entitled to the amount if he or she retired. A QDRO reduces the payment to the member, and if the member remarries, to the member's new spouse or dependent.

Lawyers who represent spouses and dependents in the area of family law argue that public pension plans are subject to QDRO's by reason of 26 USC §414 (p)(11). It provides as follows:

"(11) Application of rules to governmental and church plans. -- For purposes of this title, a distribution or payment from a governmental plan (as defined in subsection (D)) or a church plan (as described in subsection (3)) shall be treated as made pursuant to a qualified domestic relations order if it were made pursuant to a domestic relations order which meets the requirements of clause (i) of paragraph (1)(A)."

Government lawyers respond that the foregoing section addresses payments made by governmental plans and church plans that elect to honor QDRO's. It does not in itself require government plans to honor them.

The State of Washington, in Chapter 365, Laws of 1991, amended its pension statutes to honor certain QDRO's through "mandatory benefits assignment orders." The statute sets out the form of the order and its conditions, and is the exclusive remedy enforceable against the state systems. The statute requires that orders set out a sum certain or a percentage of disposal income or benefits. RCW 41.50.650; it limits the payment to 50% of the amount otherwise payable to the member. RCW 41.50.570. If two QDRO's are on file, the state apportions the disposable earnings available to the alternate payees in the ratio of the amounts payable. RCW 41.50.570. The Department ceases payment if either the member or the alternate payee dies, whichever comes first. Chapter 304, Laws, of 1991, Section 16.

The Proposed Ordinance

The proposed ordinance would authorize the Director to make payments to Alternate Payees under certain QDRO's and orders of DSHS to Withhold and Deliver. Payments would be made from amounts otherwise payable to the member and cease should payments to the member cease. The ordinance would preserve in the member the determinations whether to seek disability retirement and, on disability retirement, convert to regular retirement; to return to City employment; and to select retirement options, including withdrawal of accumulated contributions. The City would only accommodate orders that set a precise sum or a percentage of "disposable earnings" or "disposable benefits." When an Alternate Payee receives a payment, the amount to the member or the member's beneficiaries is reduced by a like amount.

The proposed ordinance would be more restrictive with respect to QDRO's than those applicable to private pension plans. Like the state, it would require a precise figure or percentage formula; it would not accept QDRO's that require escalation by an interest factor or a cost-of-living index, and it would not accept QDRO's where the amount of the payment depends upon facts that require outside research. It would not make payment on QDRO's while a member is in active service. It would require an Alternate Payee to return warrants in the event of an erroneous overpayment. The proposed ordinance, however, omits the fifty percent (50%) limit under state statute. It may be that child and spousal support payments absorb more than fifty percent (50%) of a spouse's disposable income.

Reasons for the Proposed Ordinance

QDRO's came about to provide direct payment to dependent spouses and children because the primary obligees failed to make prompt payment under court orders for maintenance or property settlement. With many marriages, the pension is, next to the family home, the primary asset, and where the couple does not own a home, often is the largest asset. Marital dissolution orders therefore commonly address pensions and provide a method of apportionment in order to assure an income stream for the dependent spouse and children. The proposed ordinance would meet that need.

The proposed ordinance may avert state legislation directed at the independent city pension plans. Attorneys specializing in the area of family law complain that the City's retirement system is out of step with private, state and federal systems, and may urge the Seattle-King County Bar Association to push legislation requiring cities to honor orders for the mandatory assignment of

Roger Howeiler
September 24, 1991
Page 4

retirement benefits. This proposed ordinance, in accommodating most marital dissolutions, would relieve the most vocal pressure for legislation, much as a culvert under a road or weep holes in retaining walls take care of most of the water flow, maintaining the basic structure of the facility.

The City's computerized system is now set up to handle garnishments and provide for alternate payees once a member has retired and is receiving benefits. The proposed ordinance increases the administrative burden somewhat by providing for keeping a file of orders as to active employees.

JGB:bjc

THE QDRO: NEW TOOL FOR DIVORCE SETTLEMENTS



by Jeff Belfiglio

A pension benefit is often one of the largest assets which must be divided in a divorce. Before the Recent Equity Act,¹ it was unclear whether a pension plan could or would honor an order to pay part of the benefit to the non-employee spouse. The Act created a new device, the Qualified Domestic Relations Order ("QDRO"),² which can assure a proper distribution of the benefit. A QDRO is now the only state court order a plan is required to recognize.

The Act does not prescribe any particular division of the benefit; the parties or a court can divide the benefit in any manner. If that division is expressed in an order which meets certain requirements of form and content, the pension plan will abide by it. **Requirements, Prohibitions and Options**

The QDRO must be a court judgment, decree or order pursuant to a state domestic relations law relating to child support, alimony, or marital rights. It can be an order approving a property settlement agreement. The "alternate payee" entitled to be paid by the plan can be a spouse, former spouse, child or dependent.

The QDRO must specify the plan covered, the name and address of the participant, and the name and address of the alternate payee. It *must* specify

the amount or percentage of the employee's benefits to be paid to the alternate payee (or a method to determine the amount) and the payments or period to which it applies. Thus, the order may require payments of, for example, \$100 per month for five years, or half of the employee's monthly benefit, or a percentage of the value of the participant's benefit in a lump sum.

The QDRO cannot require the plan to pay a benefit any earlier or in any other form than is allowed by the plan. Nor can the alternate payee receive a joint and survivor annuity with his or her spouse. However, the QDRO can require that payments to the alternate payee begin when the employee reaches early retirement age, even if the employee does not retire. In many pension plans and for all profit-sharing plans, this exception allows payments to begin when the employee reaches age 55.

For an ex-spouse alternate payee, the law allows an important optional provision. The QDRO can provide that the former spouse be treated as the surviving spouse of the employee. It is thus possible for the ex-spouse to receive payments from the plan once the employee reaches age 55 and to receive the entire death benefit if the employee dies before retirement.

This may leave nothing for the employee's new spouse or heirs, so attorneys for both parties should be aware of this provision.

Plan Administration.

When the plan receives a court order directing payment, it must notify the employee and the alternate payee and determine whether the order is a QDRO. While it is making that determination, it must hold in escrow any benefits in pay status which would be paid to the alternate payee and segregate any employee accounts. If neither the plan nor a court has decided that the order is a QDRO within 18 months, the plan can ignore it.

Practice Tips

When drafting a QDRO, attorneys should keep the following points in mind:

Contact the plan administrator first. Many larger plans now have model QDRO provisions which they will recognize if incorporated into a court decree. A model QDRO appears below.

Ask the plan administrator about the early retirement date and payment options under the plan.

Consult an actuary to determine the employee's accrued benefit and

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the most advantageous form of payment to your client. (Note: a lump sum payment to an alternate payee can be rolled over into an IRA, but 10-year averaging is not available.)¹

Jeff Belgio is an associate at Davis, Wright, Todd, Riese & Jones in its Bellevue office. He is a member of the Order of the Coif and the Employee Benefits Planning Association of the Northwest.

MODEL PROVISIONS FOR QUALIFIED DOMESTIC RELATIONS ORDER

_____, [Participant's Name], whose mailing address is _____, is a participant in the [Employer or Union] Pension Plan and Profit-Sharing Plan. This order applies to each plan named.

_____, [Name of Spouse or other Alternate Payee], whose mailing address is _____, is designated as an "alternate payee" under this order. _____ [Name] shall be entitled to receive from the plan[s] the following benefits:

(a) From the Pension Plan, [specify amount or percentage of benefit, or lump sum, e.g., "\$100 per month for life," "___ % of [Employee's] retirement benefit [for ___ months]", or "\$10,000.00."]

(b) From the Profit-Sharing Plan, [specify amount or percentage of account balance].

[Repeat previous paragraph for each alternate payee.]

_____. This Order does not require the Plans to provide any type of form of benefits, or any option, not otherwise provided under the plans, nor to provide increased benefits (determined on the basis of actuarial value). No payment shall be made in the form of a joint and survivor annuity with respect to the alternate payee and his or her spouse. This Order shall have no effect on the payment of benefits to an alternate payee required to be paid under another order previously determined to be a Qualified Domestic Relations Order, as defined by the Retirement Equity Act of 1984.

_____. Notwithstanding the previous paragraph, the plan shall pay the benefits described above, if requested by the alternate payee, within a reasonable time after the date on which the participant attains (or would have attained): (a) [insert early retirement requirements] with respect to the Pension Plan; (b) age 55 with respect to the Profit-Sharing Plan, notwithstanding that the participant has not retired or separated from service at such date. Such payment shall be made as if the participant had retired on such date, but taking into account only the present value of benefits actually accrued and not taking into account any employer subsidy for early retirement.

_____. [Optional, Note: use only for alternate payee who is a former spouse.] [Alternate payee] shall be treated as the surviving spouse of the participant, they having been married for at least one year, for purposes of I.R.C. §§ 401(a)(11) and 417.

_____. The plans shall provide the alternate payee[s] with notice of their procedures for determining whether this Order is a Qualified Domestic Relations Order, and shall make such determination and handle the assets of the trust, as provided by the Retirement Equity Act of 1984.

_____. Submit a form of the proposed order to the plan for approval *before* it is entered by the court. This will avoid later disputes over whether the order is in fact a QDRO.

¹ Pub.L. 98-397.

² See 29 U.S.C., § 1056(d), I.R.C. § 414(p).

³ See I.R.C. § 402(a)(6)(F), 402(c)(4)(M).

Holman. I write to mention that I had the opportunity to work with both of them and am enriched by the experience.

Irving Paul practiced his ideals by representing many people scorned by society. As an intern in his office during one summer of law school, I admired the emphasis he placed on integrity in dealing with the judiciary. He was an iconoclast, but a real gem.

Fran Holman was a reflective thinker, careful in speech, very deliberative. I had several trials before him and came to respect his innate sense of fairness. He displayed a neat balance of analytical skills and compassion—traits that were so appropriate for the bench.

The profession was well-served by these colleagues. They helped many of us point the way. They each made a genuine contribution.

LAWRENCE WATTERS
Olympia

QDRO Quandary

Editor:

I enjoyed Robert Bohrer's article, "Pension Benefits in Divorce: The QDRO Basics" in your April, 1991 issue. However, Mr. Bohrer's discussion of the timing of QDRO payouts to an alternate payee is, I believe, misleading and requires clarification. At the same time, he describes an exclusion from the QDRO rules as to government and church plans which is not consistent with current law.

Mr. Bohrer notes that a single sum disbursement at the time of employment termination will invalidate a QDRO if the terminating participant is not then "of retirement age under the terms of the Plan." This statement will generally be true in retirement arrangements which postpone distribution until a terminated participant attains a Plan's "normal retirement age." Many small companies, however, allow employees who separate from service at any age to receive immediate payout of their vested Plan balances. Because funds are available to the participants, an alternate payee would also then be entitled to a distribution.

The article also fails to note the availability of a payout to an alternate payee at the time a continuing employee/participant attains his or her "earliest retirement age." As provided at

IRC section 414(p)(4), the unique ability of a non-employee spouse to receive a withdrawal of Plan funds while the participant continues to work can be based on nothing more than specific Plan language permitting this type of distribution.

Mr. Bohrer also cites the Retirement Equity Act of 1984 as exempting governmental and church plans from the scope of a QDRO. While QDROs were, in fact, ineffective as to these types of plans until 1989, that year's Revenue Reconciliation Act removed the exemption by adding IRC section 414(p)(11). Transfer of a participant's interest in a governmental or church plan occurring in 1989 or thereafter can be affected by a Qualified Domestic Relations Order.

CLAY R. RANDALL
Spokane, Washington

Court Proceedings, Always Terse, Sometimes Prompt a Note in Verse.

Editor:

The enclosed verse was penned by one of our clients observing some proceedings in local bankruptcy court a few years ago. I thought your readers might appreciate his observations:

In the ballroom of the court
The lawyers move, gavotte—they dance
To the music of their voices
Singing words planned in advance.

The songs they sing have all been writ
And stored in books that line the wall
And though the singers number many
No new songs come—we've heard them all.

The music teacher on the bench
Does listen to them sing their song
And when the singers leave the ballroom

One sang it right—One sang it wrong.

DENNIS JOHNSON, 1987
(Submitted by MARK M. HOUGH
Seattle)

Keep Your Deposit Slips

Editor:

I was shocked when I read a report of "The Board's Work" in the July edition. The report reads as follows:

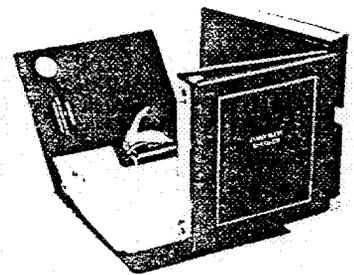
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PLEASE! WE MUST HAVE THE FOLLOWING
INFORMATION TO PROCESS YOUR ORDER.

Exact name of the corporation.
State of incorporation and year.
Number of shares authorized.
Par Value or No Par Value & any
preferred shares.

NO EXTRA CHARGE FOR SPECIAL CLAUSES
OR TWO CLASSES OF STOCK

**CORP-KIT NORTHWEST, INC.
119 SO. 297th PLACE
FEDERAL WAY, WA 98003**

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor

November 25, 1991

COPY RECEIVED
91 NOV 25 AM 11:36
SEATTLE CITY ATTORNEY
M91-235



The Honorable Mark Sidran
City Attorney
City of Seattle

A handwritten signature in cursive, likely belonging to a city official, located to the right of the recipient's address.

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Employees' Retirement

SUBJECT: AN ORDINANCE adding a new Seattle Municipal Code Section 4.36.295, and amending Sections 4.36.230E, 4.36.260, and 4.36.270 to authorize withholding and payment of benefits of members of the City Employees' Retirement System as directed by Qualified Domestic Relations Orders and orders of the State Department of Social and Health Services.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Julie Pai, at 4-8080.

Sincerely,

Norman B. Rice
Mayor

by

A handwritten signature in cursive, reading "Julie Pai", located below the "by" line.

ANDREW J. LOFTON
Budget Director

AL\jp\lwa

Enclosure

cc: Director, Employees' Retirement

Seattle City Employees' System

Board of Administration

Roger A. Howeller, Executive Director



RECEIVED OMB
NOV 12 1991

October 25, 1991

Andrew J. Lofton, Director
Office of Management and Budget
City of Seattle

Dear Mr. Lofton:

Attached is an ordinance request which will provide the authority and procedure to make pension deductions and related payments as directed by certain court orders in marital dissolution actions, and orders of the State of Washington, Department of Social and Health Services for child support under RCW Chapter 74.20A. There is no cost impact associated with this ordinance request.

Please forward the proposed legislation to Councilman Kraabel.

Very truly yours,

BOARD OF ADMINISTRATION

Roger A. Howeller
Executive Director

RAH/lu
Attachment

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Delores Sitonga

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

13975
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 116069

was published on

02/21/92

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

K. Kelly

Subscribed and sworn to before me on

02/21/92

Jennifer A. Nicholson

Notary Public for the State of Washington,
residing in Seattle