

# **STATEMENT OF PENSION FORFEITURE POLICY**

## **Board of Administration**

### **SEATTLE CITY EMPLOYEES' RETIREMENT SYSTEM**

*Revised and Adopted: August 9, 2012*

WHEREAS, the Seattle City Employees' Retirement System was established in 1929 to provide retirement and death benefits to its members;

WHEREAS, the administration of the Seattle City Employees' Retirement System is administered by the Board of Administration (Board) in accordance with the Seattle Municipal Code (SMC) Chapter 4.36;

WHEREAS, SMC 4.36.145 provides the Board with final and conclusive decision making authority on certain matters, including determinations of the eligibility for, amount, and kind of benefits payable to any member or beneficiary;

WHEREAS, SMC 4.36.200 provides that "if discontinuance of City service is caused by intemperance, wilful misconduct or violation of law on the part of the member, of which the Board shall be the judge, the Board of Administration, in its discretion, may pay to the member, in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the City to such member, and upon receipt of such payment he shall cease to be a member of the system";

NOW, THEREFORE, the Board hereby adopts the following policies:

1. Payment of a retirement allowance or any benefit is prohibited to any member of the Seattle City Employees' Retirement System whose discontinuance of City service results from a felony related to or arising out of his or her duties as an employee or officer of the City. For purposes of this provision, a felony includes any offense under state or federal law for which the employee has been convicted and for which a sentence to a term of imprisonment in excess of one year is authorized by law, and a conviction shall include any final determination by a trial or appellate court of competent jurisdiction, entering or affirming any judgment, order or finding that the member is guilty of a crime.
2. In the event that the Board has been notified that a member has been charged, indicted, arrested, or otherwise accused by a prosecutor, district attorney or other prosecuting authority to have committed an offense that would, in the event of conviction, prohibit a retirement allowance under Section 1, the Board will suspend the processing and payment of any retirement

benefits for such member until such time as the Board determines that the matter has been conclusively determined.

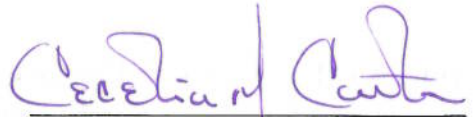
3. This policy shall not affect payment of a member's accumulated contributions, which shall remain payable to the extent allowable under SMC Chapter 4.36 and not prohibited by any other provision of law or court order.

Signed this 9<sup>th</sup> day of August 2012



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Tim Burgess, Chair  
SCERS Board of Administration



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Cecelia M. Carter, Executive Director