

PROCEDURES TO DETERMINE THE QUALIFIED STATUS OF DOMESTIC RELATIONS ORDERS AND TO ADMINISTER DISTRIBUTIONS UNDER SUCH QUALIFIED ORDERS

The Trustees of Oakland Unified School District Supplemental Annuity Plan for Classified Employees (“Fund”) hereby establish the following procedures for determining the qualified status of domestic relations orders and to administer distributions under Qualified Domestic Relations Orders (“QDROs”).

A. INITIAL PROCEDURES

1. If the Fund receives from a spouse or former spouse of a participant a written claim of interest in the participant’s benefits or receives from either party (or from his or her attorney or a District Attorney or other lawfully authorized State or County officer) a summons (joinder) or a domestic relations order directed to the Fund that purports to assign benefits to an alternate payee, the Fund office shall make note of such claim, joinder, or order in the participant’s record and shall forward such claim, joinder, or order to the Fund’s legal counsel together with sufficient information regarding the participant’s status and benefit accrual record to permit legal counsel to respond. If such claim or order is first received by the Fund’s legal counsel, he or she shall forward a copy to the Fund office, request such further information as needed, and respond.

2. If the Fund is on notice of a former spouse’s potential interest, but has not received a Domestic Relations Order and benefits are in pay status or thereafter become payable to the participant, the Plan Administrator or his designee may direct the Fund office to commence withholding from the participant’s benefits, and separately account for an amount equal to fifty percent (50%) of those benefits accrued during the marriage of the Participant and the former spouse. If the period of marriage cannot be determined, the Fund may withhold up to 50% of the benefit then payable. In the event that the Fund is in receipt of a Domestic Relations Order, the Fund shall follow the procedures set forth in Section D herein. The Plan Administrator may separately account for the withheld amounts within the pooled assets of the Fund.

3. If, when the participant applies for benefits or dies, a written notice of a claim of interest or summons (joinder) has been received from the participant’s former spouse, but that claim has not been perfected by service of a QDRO on the Fund, the Plan Administrator or his designee shall advise the participant of the outstanding claim, and advise him or her to provide the Fund office within 14 days a copy of any judgment, order, or agreement that may have established or terminated that claim. If within 14 days, the participant does not show that the former spouse’s claim is invalid or has been terminated, the Plan Administrator or his designee shall attempt to locate the former spouse, advise him or her of the participant’s application for benefits or death, and ask him or her whether he or she still claims an interest in the participant’s benefits, and to provide the fund a copy of any judgment, order, or agreement that has established or terminated that claim.

4. If the former spouse's claim has not been resolved within 18 months after the participant's (or his or her surviving spouse's or beneficiary's) benefits beginning date, the Plan Administrator may pay, or direct the payment of, any withheld amounts to the person or persons who would have been entitled to such amounts absent such claim.

B. REQUIREMENTS OF A QUALIFIED DOMESTIC RELATIONS ORDER

1. The following items need to be included in an Order:

a. Complete name, address, Social Security number and date of birth of the Fund participant;

b. Complete name, address, Social Security number and date of birth of the alternate payee;

c. Complete name and address of the Plan:

Oakland Unified School District Supplemental
Annuity Plan for Classified Employees
c/o BeneSys, Inc.
7180 Koll Center Parkway, Suite 200
Pleasanton, CA 94566

d. A formula for payment of benefits to the participant and alternate payee.

e. An effective date for payment of benefits (no earlier than the earliest retirement age as defined by Internal Revenue Code) and the duration of payment to the alternate payee.

f. A statement that this Domestic Relations Order:

(i) does not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan;

(ii) does not require the Plan to provide increased benefits (determined on the basis of actuarial value); and

(iii) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic Relations Order.

2. Provisions which should be included:

(a) Specific provisions as to the payment options available to the participant and to the alternate payee, with specific reference to the payment options

made available by the Plan (payment options not available under the Plan cannot be honored);

(b) Disposition of spousal benefit, i.e., an indication as to whether the alternate payee is to be the beneficiary of a spousal benefit, with specific reference to the Plan provisions; and

(c) Specific provision as to payment of benefit (if any) if alternate payee predeceases participant and if participant predeceases alternate payee.

3. The Order must be signed by a judge of a state court; agreements among the parties without a court order are insufficient.

C. NOTIFICATION AND DESIGNATION OF REPRESENTATIVE FOR RECEIPT OF NOTICES FROM FUND

1. Upon receipt of an inquiry concerning Domestic Relations Orders, the Fund shall send a copy of these procedures to the party making the inquiry.

2. Upon receipt of a copy of a filed-endorsed Domestic Relations Order, the Fund shall send each person specified in the Order as entitled to payment of benefits under the Fund (at the address included in the Domestic Relations Order) notification of receipt of the Order and a copy of these Procedures. A copy of such notice and its enclosures shall also be mailed to each party's attorney if known.

3. Within thirty (30) days of the date of receipt of these Procedures, an alternate payee under the Domestic Relations Order may designate in writing to the Fund a representative for receipt of copies of any notices that are sent to the alternate payee with respect to such Domestic Relations Order. For the purposes of these Procedures, the term "alternate payee" means any spouse, former spouse, child, or other dependent of a participant who is recognized by a Domestic Relations Order as having a right to receive all, or a portion of, the benefits payable under the Fund with respect to such participant.

D. PROCEDURES FOR DETERMINING QUALIFIED STATUS OF ORDER

1. As soon as practicable after receipt of a Domestic Relations Order, the Plan Administrator shall refer the Order to Fund Counsel for determination of its qualified status.

2. Fund Counsel shall determine whether the Order is a "Qualified Domestic Relations Order" under ERISA and notify the Fund Administrator of its findings.

(a) Within a reasonable period of time after receipt of notification of Fund Counsel's determination, the Plan Administrator shall notify in writing the participant and each alternate payee of such determination.

(b) If the Order is determined to be a Qualified Domestic Relations Order, the Plan Administrator shall send each alternate payee a letter setting out his or her options with respect to the benefit.

(c) If the order is determined not to be a qualified order, the Plan Administrator shall promptly notify the participant, the alternate payee named in the order and any other alternate payee of such determination. The notice shall:

(i) set forth, in a manner calculated to be understood by the recipients: (1) the specific reason or reasons for the determination, including specific reference to pertinent provisions of the law or of the Plan on which the determination is based; and (2) a description of any additional material, information or action that might be taken to perfect the qualified status of the order;

(ii) advise the parties of their individual right to petition the Board, within 60 days of the date of notification for a review of such determination; and

(iii) advise that, if the alternate payee named in the order does not furnish the material or information or take the action necessary to perfect the order within 18 months after the date from which benefits would be payable were the order determined to be qualified, the Fund may be required to release any such withheld funds (plus any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

3. During any period in which the issue of whether a Domestic Relations Order is being determined by the Plan Administrator or by Fund Counsel, the Plan Administrator shall separately account for the amounts (hereinafter "segregated amounts") which would have been payable to the alternate payee during such period if the Order had been determined to be a Qualified Domestic Relations Order.

(a) If, within eighteen (18) months of the date the first payment was required under the Domestic Relations Order, the Order (or modification thereof) is determined to be a Qualified Domestic Relations Order, the Plan Administrator shall pay out the segregated amounts to the person or persons entitled thereto.

(b) If, within eighteen (18) months of the date the first payment was required under the Domestic Relations Order, the Order (or modification thereof) is determined not to be a Qualified Domestic Relations Order or the issue as to whether such Order is a Qualified Domestic Relations Order is not resolved, then the Plan Administrator shall pay the segregated amounts to the person or persons who would have been entitled to such amounts if there had been no order.

(c) Any determination that an Order is a Qualified Domestic Relations Order which is made after the close of the above eighteen (18) month period shall be applied prospectively only.

4. If, according to the terms of the Domestic Relations Order, its provisions are to take effect at some point in the future, the Plan Administrator may make a determination as to whether it is a Qualified Domestic Relations Order without any segregation of assets.

E. PROCEDURES FOR HANDLING PROPOSED ORDERS, INQUIRIES

1. The Fund will not stipulate to the terms of a Domestic Relations Order, nor pre-approve a proposed Domestic Relations Order. However, we recommend that you submit a proposed Order to the Fund for its review before submitting it to the court for entry. The Fund will review the Order and provide suggested changes to the parties.

2. The Fund will also provide parties with these procedures and a sample QDRO. Parties are not required to use the sample Order. The sample Order is simply to assist the parties in understanding the Fund and to expedite the preparation of a QDRO. The Fund does not warrant that the sample Order is appropriate in each instance.

F. APPLICATION FOR BENEFITS PURSUANT TO QDRO

1. An alternate payee may elect to begin receiving benefits under a QDRO, which has been approved by the Plan Administrator, after the Participant has reached the earliest retirement age but prior to the Participant either electing to receive benefits or receiving benefits. In that event, the alternate payee will be required to complete an application for benefits, in a form provided by the Plan Administrator, and to provide such other reasonable information as is necessary for the Plan to process an application for benefits.

Effective: March 22, 2017

1 [Name, Address, Telephone]

2 Attorney for

6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF _____

9 In re the Marriage of

10 Petitioner,

11 and

13 Respondent.

14) No.

15)) STIPULATION AND ORDER DIVIDING
16)) COMMUNITY PROPERTY INTEREST
17)) IN OAKLAND UNIFIED SCHOOL
18)) DISTRICT SUPPLEMENTAL ANNUITY
19)) PLAN FOR CLASSIFIED EMPLOYEES
20)) (QDRO)
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16 WHEREAS:

17 A. Petitioner and Respondent were married on _____, separated
18 on _____, and a judgment of dissolution of marriage was entered in this
19 proceeding on _____, finally dissolving the marriage on
20 _____.

21 B. This Court has personal jurisdiction over both Petitioner and Respondent and
22 jurisdiction over the subject matter of this Order;

23 C. Petitioner and Respondent intend this Order to be a qualified domestic relations
24 order (QDRO) as defined in §414(p) of the Internal Revenue Code of 1986 as amended; and

25 D. Petitioner and Respondent hereby stipulate to entry of the following Order;

26 IT SHALL BE ORDERED AS FOLLOWS:

27 1. As used in this Order the following terms shall apply:

1 a. "Participant" is

2 Name: _____

3 Date of Birth: _____

4 Social Security No.: _____

5 Address: _____

6 _____

7 b. "Alternate Payee" is

8 Name: _____

9 Date of Birth: _____

10 Social Security No.: _____

11 Address: _____

12 _____

13 c. "Plan" refers to the Oakland Unified School District Supplemental Annuity Plan
14 For Classified Employees, 7180 Koll Center Parkway, Suite 200, Pleasanton, CA 94566, P.O. Box
15 1677, San Ramon, CA 94583.

16 2. Participant has accrued benefits in the Plan that are the community property of
17 Participant and Alternate Payee. For the purpose of dividing this community property, Alternate
18 Payee is assigned as her/his separate property one-half of that portion of Participant's accumulated
19 share accrued in the Plan between the date of marriage and the date of separation, adjusted by
20 investment gain (or loss) and expenses attributable to such one-half share from the date of
21 separation to the date of distribution.

22 3. The Annuity Plan shall distribute Alternate Payee's share, as defined in paragraph 2, to
23 her/him within a reasonable period after the Alternate Payee applies for benefits if (a) the
24 Participant is eligible to receive benefits under the terms of the Plan, and (b) the Plan Administrator
25 or its designee has determined that this Order is a qualified domestic relations order under the
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1 applicable law. The Alternate Payee's share shall be paid to him/her in any form permissible
2 under the Plan except as a joint and survivor annuity with Alternate Payee's subsequent spouse.

3 4. Upon receiving his/her share, Alternate Payee shall relinquish all further community,
4 quasi-community, and marital property right, title, and interest therein, whether under this qualified
5 domestic relations order or otherwise, and any claim to treatment as Surviving Spouse of
6 Participant with respect to the Annuity Plan or any benefits thereunder, or to be considered a
7 Beneficiary under the Annuity Plan.

8 5. Nothing herein shall be construed so as to derogate Alternate Payee's right to roll over,
9 free of taxable effect, his/her portion of the Participant's Annuity Plan benefit to an Eligible
10 Retirement Plan as defined by §408(a) of the Internal Revenue Code.

11 6. If Participant predeceases Alternate Payee after entry of this order, Alternate Payee's
12 share as described in paragraph 2 shall be distributed to her, as provided in paragraph 3, as if she
13 were Participant's Surviving Spouse.

14 7. Nothing in this Order shall be construed to require the Plan to provide any type or form
15 of benefit or any option not otherwise provided under the Plan.

16 8. Nothing in this Order shall be construed to require the Plan to provide increased benefits
17 determined on the basis of actuarial value.

18 9. This Order shall not require the Plan to pay to an alternate payee benefits which are
19 required to be paid to another alternate payee under an order previously determined to be a
20 qualified domestic relations order.

21 10. This Order is intended to be a QDRO made pursuant to §414(p) of the Internal
22 Revenue Code of 1986 as amended ("Code") and its provisions shall be administered and
23 interpreted in conformity with the Code and the Plan as amended from time to time. To that end,
24 the Plan Administrator reserves the right to reconfirm the qualified status of the Order at the time
25 benefits become payable. If either the Code or the Plan is amended or the law regarding QDRO's
26 is otherwise changed or modified then either party may take such steps as are necessary to amend
27 this Order to comply with any such amendments, changes and/or modifications, or, if permissible
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1 under any such amendment, change or modification, the Plan Administrator may continue to treat
2 this Order as a qualified order.

3 11. The court shall retain jurisdiction for the purpose of amending this Order so that it may
4 qualify or continue to qualify as a QDRO.

5
6 APPROVED AS TO FORM AND CONTENT:

7 Date: _____

8 Petitioner _____

9 Date: _____

10 Attorney for Petitioner _____

11 Date: _____

12 Respondent _____

13 Date: _____

14 Attorney for Respondent _____

15 IT IS SO ORDERED.

16 Date: _____

17 Judge of the Superior Court _____

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This is a sample QDRO. Participants are not required to use the sample order. The sample order is simply to assist the parties in understanding the Plan and to expedite the preparation of a QDRO. The Plan does not warrant that the sample order is appropriate in each instance.