

## **RESOLUTION #2014-02 DEATH BENEFIT FOR QUALIFYING MILITARY SERVICE**

**WHEREAS**, provisions of Utah Code Title 49, Utah State Retirement and Insurance Benefit Act, provide authority for the Utah State Retirement Board (“Board”) to implement rules applicable to death benefits provided to active members in the Utah Retirement Systems, including Section 49-11-203, Subsection 49-12-501(2) of the Public Employees’ Contributory Retirement Act, Subsection 49-13-501(2) of the Public Employees’ Noncontributory Retirement Act, Subsection 49-14-504(3)(d) of the Public Safety Contributory Retirement Act, Subsection 49-15-504(3)(d) of the Public Safety Noncontributory Retirement Act, Subsection 49-22-501(2) of the New Public Employees’ Tier II Contributory Retirement Act, and Subsection 49-23-501(2) of the New Public Safety and Firefighter Tier II Contributory Retirement Act (collectively the “Systems and Plans”); and

**WHEREAS**, the Utah State Retirement Office (“Office”) has consistently administered the Systems and Plans since January 1, 2007 in accordance with the requirements of the Heroes Earnings Assistance and Relief Tax Act of 2008 (“HEART Act”) that are applicable to the Systems and Plans; and

**WHEREAS**, in connection with the Systems and Plans’ determination letter requests submitted to the Internal Revenue Service (“IRS”) on January 23, 2014, the IRS has requested that the Board clarify the Systems and Plans’ HEART Act death benefit provisions; and

**WHEREAS**, the Board desires to formally memorialize the death benefits provided under the Systems and Plans pursuant to the HEART Act;

**NOW, THEREFORE, BE IT RESOLVED**, that beginning on January 1, 2007, all benefits and service credit provided under the Systems and Plans with respect to qualified military service (as that term is defined in Section 414(u) of the Internal Revenue Code) shall be provided in accordance with Section 414(u) of the Internal Revenue Code.

**THEREFORE, BE IT FURTHER RESOLVED**, that beginning on January 1, 2007, the designated beneficiary of a member who dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code) shall be entitled to any additional benefits that would be provided under the Systems and Plans had the member resumed and then immediately terminated employment on account of death.

**THEREFORE, BE IT FURTHER RESOLVED**, that employers may provide members benefit accrual service under the applicable Systems and Plans for the period of qualified military service if the employer so elects (the Board may establish policies and procedures for making such an election).

This resolution is effective December 18, 2014.