

# MACOMB COUNTY EMPLOYEES' RETIREMENT SYSTEM

## POLICY RESOLUTION

Adopted: December 20, 2012

RE: **HEART Act – Internal Revenue Code Compliance**

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**WHEREAS**, the Retirement Commission is vested with the fiduciary responsibility for the administration, management and operation of the Retirement System and had the authority to make rules and regulations necessary for the proper conduct of the Plan, and

**WHEREAS**, the Retirement System is a governmental pension plan as defined in Internal Revenue Code ("IRC") Section 414(d), and is a qualified plan and trust pursuant to IRC Sections 401(a) and 501(a), and

**WHEREAS**, the Heroes Earnings Assistance and Relief Tax Act of 2008, amended Sections 401(a) and 414(u) of the IRC with regard to benefits payable to qualified Retirement System members entering active military service, and

**WHEREAS**, the Retirement Commission has a fiduciary duty to administer the Retirement System consistent with plan provisions and applicable law, including applicable provisions of the IRC and related authority to maintain the qualified status of the Plan, therefore be it

**RESOLVED**, that the Retirement System shall continue to be administered in accordance with Sections 401(a) and 414(u) of the IRC, as amended, and is hereby amended to incorporate the death benefits required by Section 104(a) of the HEART Act as follows:

**Death benefits.**

In the case of a death occurring on or after January 1, 2007, if a member dies while performing qualified military service (as defined in Code § 414(u)), the survivors of the Participant are entitled to any additional benefit accruals relating to the period of qualified military service) provided under the Plan as if the Participant had resumed and then terminated employment on account of death.

and be it further

**RESOLVED**, that a copy of this Resolution shall be provided to all appropriate parties.