



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 17A

MEETING DATE: September 18, 2024

SUBJECT: Administrative Appeal—CAMPOS, Joyce

SUBMITTED FOR: ___ Consent X Deliberation and Action ___ Receive and File

RECOMMENDATION

Based on evidence presented by, procured from, and obtained on behalf of Joyce Campos (hereinafter “Appellant”), Staff recommends that the Retirement Board:

- (1) Find that Appellant’s refund application was processed and paid correctly pursuant to Government Code Section 31628;
- (2) Find that Appellant is not a SCERS member due to refunding her member contributions;
- (3) Find that Appellant is not eligible to apply for SCERS disability retirement benefits due to her termination of membership; and
- (4) Affirm the denial of Appellant’s request to apply for disability retirement benefits as described in the Chief Executive Officer’s determination letter dated April 26, 2024.

Appellant is a **former Office Assistant Level II**, who previously worked for the Department of Human Assistance and accrued **15 years of Miscellaneous Tier 3 service** in the Sacramento County Employee’s Retirement System (SCERS). Appellant separated from employment on March 10, 2017, and refunded her member contributions on June 6, 2017.

BENEFIT ADMINISTRATIVE APPEAL REQUEST

Appellant is a former SCERS member. Absent receipt of a formal request from Appellant, SCERS Chief Executive Officer (CEO) sent an email to Appellant on July 3, 2024, inviting her to appear before the Board of Retirement (Board) to present her appeal of the CEO denial of her eligibility to apply for disability retirement. (Exhibit A) Appellant appears to have accepted the invitation to appear before the Board in her email responses on July 5, 2024, and July 8, 2024. (Exhibit B) In making her request, Appellant alleges that she is eligible to apply for SCERS disability retirement benefits.

FACTUAL AND PROCEDURAL BACKGROUND

Appellant was a Sacramento County employee from 2000 to 2017 and a Miscellaneous Tier 3 member of SCERS. Upon leaving County employment in 2017 as a vested SCERS member,

Appellant elected to refund her member contributions which were paid to her on June 6, 2017. By virtue of the refund of member contributions, Appellant terminated her membership in SCERS and relinquished her rights to any future SCERS benefits.

Appellant alleges that she is eligible to apply for SCERS disability retirement benefits. In evaluating Appellant's request, the following facts and circumstances were considered in formulating this recommendation for the Board:

- On March 13, 2017, Appellant contacted SCERS to inquire about withdrawing her member contributions. Appellant was advised she can withdraw her funds or receive a monthly pension starting at age 50. (Exhibit C)
- On April 3, 2017, SCERS staff spoke with Appellant and her husband in the SCERS office about the consequences of withdrawing contributions as a vested member who would otherwise be eligible for a lifetime pension benefit at age 50. Contemporaneous notes of that conversation by SCERS staff indicate that Appellant was provided detailed information on the monthly pension allowance she would be forgoing if she kept her contributions on deposit with SCERS. (Exhibit D)
- The packet of information provided to Appellant during the SCERS office visit included a Frequently Asked Questions enclosure regarding options to keep her contributions on deposit. The document states:

“The person can choose to withdraw their retirement contributions at any time. If they do so, however, the retirement service they accrued in SCERS will be extinguished.

- *Both ‘vested’ and ‘non-vested’ members can elect to withdraw their retirement contributions, but vested members should keep in mind that withdrawing their contributions means they will no longer be entitled to a future SCERS retirement benefit.”* (Exhibit E)
- The form the Appellant and her husband signed and submitted April 3, 2017, indicates Appellant's and her spouse's understanding that she was making an irrevocable choice to forfeit her future pension benefits. The form states in section I. GEBERAL INFORMATION:

“Also, please understand that a refund of contributions by SCERS will eliminate any opportunity that you may have to receive benefits from SCERS in the future.” (Exhibit F)

Further down the form in section IV. REFUND REQUEST & REQUIRED CONSENT, PART B, it reads:

“I acknowledge the PAYMENT OPTION requested by my spouse or registered domestic partner and I understand that my consent to this refund is voluntary and irrevocable. I also understand that elections made by my spouse or registered domestic partner are not effective without my signature, and that the effect of my consent may be to forfeit benefits to which I would otherwise be entitled upon the death of my spouse or registered domestic partner.” (Exhibit F)

-
- The SCERS Member Handbook made available to Appellant in the SCERS office and online reads:

“You may withdraw your Member Contributions from SCERS and terminate your SCERS membership. If you choose this option, you cease to be a member of SCERS and you forfeit your eligibility and rights to any and all benefits from SCERS you may have been eligible to receive had you left your Member Contributions on deposit with SCERS.” (Exhibit G)

- On or about May 25, 2017, Appellant further demonstrated an understanding of these parameters as evident in email to SCERS indicating the urgency to receive the refund payment. Appellant noted: “Please, if at all possible, could this check please be expedited and released to me as soon as possible?” (Exhibit H)
- On June 6, 2017, Appellant physically picked up the check for \$31,513.71, instead of SCERS mailing the refund check to her as standard procedure. (Exhibit I)
- On June 27, 2019, Appellant contacted SCERS to inquire about re-depositing her withdrawn contributions and she was informed that was not possible unless she was re-employed by Sacramento County. (Exhibit J)
- On February 1, 2024, Appellant contacted SCERS regarding disability retirement eligibility and was informed that she was ineligible because she withdrew her contributions. (Exhibit K)
- On February 2, 2024, Appellant contacted SCERS regarding disability retirement eligibility and was advised to submit a written appeal. (Exhibit L)
- On March 12, 2024, Appellant spoke with SCERS Chief Benefits Officer (CBO), and he agreed to accept the information Appellant provided during the phone call as a formal appeal under the Administrative Appeals Policy
- On March 13, 2024, CBO issued Appellant a letter via email denying her eligibility to apply for disability retirement benefits and provided rights to appeal to the CEO. (Exhibit M)
- On March 18, 2024, Appellant emailed CBO seeking CEO review of the denial. (Exhibit N)
- On April 26, 2024, SCERS CEO issued Appellant a letter upholding the CBO determination denying her eligibility to apply for disability retirement benefits and provided rights to appeal to the SCERS Board. (Exhibit O)

DISCUSSION

Upon leaving County employment in 2017 as a vested SCERS member, Appellant elected to refund her member contributions pursuant to Government Code Section 31628. By virtue of the

refund of member contributions, Appellant terminated her membership in SCERS and relinquished her rights to any future SCERS benefits. Under Government Code Section 31629.5, Appellant would have retained eligibility for future pension benefits had she kept her pension contributions on deposit with SCERS as a “deferred member” following her termination. To restore eligibility for benefits, Appellant could “redeposit” her prior contributions under Government Code Section 31652 only if she was re-employed by Sacramento County and regained membership in SCERS. Appellant is not employed by Sacramento County and therefore not eligible to “redeposit” previously withdrawn contributions.

CONCLUSION

Based on the foregoing information, Appellant is not entitled to apply for disability retirement from SCERS. Appellant made an informed, voluntary decision to withdraw her SCERS contributions following termination from employment over 7 years ago. She is no longer a member of SCERS, and she is not eligible to receive benefits. Staff recommends that the Board affirm the denial of Appellant’s request as described in the CEO’s letter dated April 26, 2024.

ATTACHMENTS

- Board Order
- Board Catalog

Prepared by:

/s/

Eric Stern
Chief Executive Officer



Retirement Board Order

Sacramento County Employees' Retirement System

Before the Board of Retirement
September 18, 2024

AGENDA ITEM:

Administrative Appeal—CAMPOS, Joyce

THE BOARD OF RETIREMENT hereby adopts Staff's recommendation to:

- (1) Find that Appellant's refund application was processed and paid correctly pursuant to Government Code Section 31628;
- (2) Find that Appellant is not a SCERS member due to refunding her member contributions;
- (3) Find that Appellant is not eligible to apply for SCERS disability retirement benefits due to her termination of membership; and
- (4) Affirm the denial of Appellant's request to apply for disability retirement benefits as described in the Chief Executive Officer's determination letter dated April 26, 2024.

I HEREBY CERTIFY that the above order was passed and adopted on September 18, 2024 by the following vote of the Board of Retirement, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ALTERNATES:

(Present but not voting)



Retirement Board Order

Sacramento County Employees' Retirement System

Board President

Eric Stern
Chief Executive Officer and
Board Secretary

Exhibit A

On Wednesday, July 3, 2024, 11:39:38 AM PDT, Stern. Eric <sterne@saccounty.gov> wrote:

Ms. Campos –

Keith Riddle forward me your email. Per the attached, you had until June 26, 2024, to submit a written request to appeal your matter to the SCERS Board of Retirement, along with new or additional information. Mr. Riddle also repeated these instructions clearly to you, based on the email string below, that you needed to submit a formal request to appeal this matter to the Board of Retirement.

SCERS has no record of receiving your written request, and therefore, this matter is deemed resolved and closed. However, it appears that you are seeking further action from SCERS. I am unsure what “still waiting” means in your July 2, 2024, email.

If you wish to appear before the Board of Retirement, I am willing to schedule an in-person hearing for **1 p.m. on September 18, 2024**, in the SCERS Board Room, 19th floor, 980 9th Street, Sacramento. You will have 10 minutes to present your appeal. I will be recommending that the Board deny your appeal based on my April 26, 2024 letter to you. SCERS will only consider issues under the jurisdiction of SCERS. Specifically, your remarks must be limited to your eligibility to apply for disability retirement benefits. SCERS is not the appropriate venue regarding the nature of your separation from Sacramento County. Please note that this is a public hearing and all information and materials presented to the Board will be considered public records.

If you wish to proceed with the September 18th hearing, please confirm by responding to this email no later than July 15, 2024. If you do not, this matter will be deemed fully resolved and closed and no further action will be taken by SCERS regarding this matter. Please note that **any** further communication should be directed to me at this email address.

Respectfully,

Eric Stern

Chief Executive Officer

Sacramento County Employees' Retirement System (SCERS)
980 9th Street, Suite 1900, Sacramento, CA 95814
Main: (916) 874-9119 | Direct: (916) 874-2486 |
sterne@saccounty.gov | scers.gov



Exhibit B

From: Joyce Campos <[REDACTED]>
Sent: Monday, July 8, 2024 11:13 AM
To: Stern. Eric <sterne@saccounty.gov>
Subject: Re: SCERS Matter

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

I'm so glad this will be a public record. I have a lot to say. I don't care about your recommendation, as long as I get everything on record that is good enough for me. And I will let it all out. I only care about the individuals that have the power to make decisions, even still just having it available to the public is a win for me.

On Monday, July 8, 2024, 09:49:16 AM PDT, Stern. Eric <sterne@saccounty.gov> wrote:

Acknowledging receipt.

From: Joyce Campos <[REDACTED]>
Sent: Friday, July 5, 2024 9:46 AM
To: Stern. Eric <sterne@saccounty.gov>
Subject: Re: SCERS Matter

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

Oh, and lastly. You have no right nor authority to try and police my words. I will definitely discuss my disability and I will say anything else I feel is necessary. You will just have to deal with it.

Employee ID [Redacted]	Social Security [Redacted]	Last Name Campos	First Name Joyce	Middle Initial [Redacted]
Mail Returned YES Alameda NO	Street [Redacted] Email Address [Redacted]	City [Redacted] Phone Number unknown	State [Redacted] Extension [Redacted]	Zip [Redacted]
Refresh/Search Printer Friendly Version My Info SignOff				
PERSONNEL Transaction Plans Other Personnel Data Note(s) File/Net				
Go to Note(s)				
2/21/2017 11:47:13 AM	Termination	[Redacted]	[Redacted]	5/31/2017 11:47:13 AM
4/4/2017 12:22:54 PM	Termination	Rec'd 6125 for refund. To Karen. lj	[Redacted]	01015254 / 4/4/2017 12:23:14 PM
4/3/2017 3:30:21 PM	Termination	Per Judy Burr, there is an appeal. 17D-025-01. KG	[Redacted]	01033348 / 4/3/2017 3:40:52 PM
4/3/2017 3:26:50 PM	Termination	Member came in to sign her 6125b (I also verified spouse's consent signature). We discussed what she is giving up by taking refund & I will prepare a file	[Redacted]	01033348 / 4/3/2017 3:30:21 PM
3/13/2017 1:57:48 PM	Termination	Member called and had questions about what her options are for retirement. She said she termed but there's no term action as of today. Anyway providing	[Redacted]	01003128 / 3/13/2017 2:01:31 PM

Member called and had questions about what her options are for retirement. She said she termed but there's no term action as of today. Anyway providing she is termed, I told her she can withdraw funds or take a monthly pension starting at age 50. I explained the differences between the two. Member also mentioned she has no mailing address so a severance packet can't be received by mail. So apparently she'll have to come to the SCERS office to pick up a packet. KT

NOTE TO FILE

4/3/17

Joyce Campos

SSN: [REDACTED]

PIN: [REDACTED]

1st Eligible Date: 12/1/2030

I, Karen Guthrie, spoke to Joyce Campos and her spouse, Matthew Campos, regarding her request to refund her account. I let her know that since she is vested, she could receive approximately \$1171.25/mth for the rest of her life, beginning December 1, 2030. I said if she refunds, then she forfeits this lifetime monthly benefit. I also explained that the amount of the refund, after taxes, is only about 26 months of her potential lifetime benefit. I also explained that as her spouse, due to community property laws, Matthew could have an interest in her retirement and by signing his consent he waives his rights to his interest. They both said they understood.

We also discussed that she forfeits her M3 plan, which has a higher retirement formula than the newer plans. If she returns to the county, she would enter whatever new plan is in effect. I did let her know she will be given the chance to redeposit to re-enter M3, if she comes back.

Finally, since she termed due to disciplinary action, I asked if she has an appeal in process. She said she did not want to talk about it. I DID let her know that if there is an appeal, she cannot refund at this time; she would have to wait the 6 month period, or until the appeal is concluded. She said she knows. (I have already contacted Judy Burr, and YES, there is an appeal).

Karen Guthrie *KG*
Sr. Retirement Benefits Specialist

***Member called later in the day to explain that she just didn't want to discuss the appeal with her spouse present. So we talk about it over the phone. I explained that SCERS cannot refund an account while there is an active appeal UNTIL after the 6mth wait period. I let her know we will prepare a formal letter to explain this. Since she does not have a good mailing address, she gave me her email address:

[REDACTED]

*KG**By*



Sacramento County Employees' Retirement System
980 9th Street, Suite 1900
Sacramento, CA 95814
Phone: (916) 874-9119
Fax: (916) 874-6060
Web: www.scers.org

FREQUENTLY ASKED QUESTIONS

Audience: Terminated Members of the Sacramento County Employees' Retirement System ("SCERS")

Topic: Retirement Benefits & Decisions

1.Q. What happens to contributions on deposit with SCERS when members terminate employment with the County or another participating employer?

A. When a SCERS member leaves employment with the County or another participating employer, the person has several options:

- The person can choose to leave their retirement contributions on deposit with SCERS. If they do so, the retirement service they have accrued in SCERS will remain intact and the contributions will continue to accrue interest.
 - If the person subsequently returns to permanent, regular employment with the County or another participating employer, the new service they accrue will be added to their prior service.
 - If the person is 'vested' in SCERS (meaning they have at least 5 years of eligible service with SCERS and/or a 'reciprocal' retirement system), they will be entitled to apply for a retirement benefit when they are eligible to retire.
 - If the person is not 'vested' in SCERS, the contributions (plus accrued interest) must be gradually refunded starting at age 70 ½.
- The person can choose to withdraw their retirement contributions at any time. If they do so, however, the retirement service they accrued in SCERS will be extinguished.
 - Both 'vested' and 'non-vested' members can elect to withdraw their retirement contributions, but vested members should keep in mind that withdrawing their contributions means they will no longer be entitled to a future SCERS retirement benefit.

Frequently Asked Questions

Page 2

- If the person subsequently returns to permanent, regular employment with the County or another participating employer, they will begin to accrue new service but the prior service will not be added to the new service unless and until the prior service is reinstated by re-depositing the contributions that were withdrawn, plus interest.
- If a person chooses to withdraw their contributions, they can elect to:
(1) Have them 'rolled over' to certain eligible retirement savings plans without having to pay any taxes at the time; or (2) Have the funds paid to them directly, in which case taxes will be withheld.

2.Q. Do members need to notify SCERS when they terminate employment?

- A. No, members do not need to notify SCERS when they terminate employment because SCERS is officially notified of changes in employment status via the payroll process. When SCERS receives this information, staff reviews the contribution history and service credit accrual for the affected individuals and provides them with a Distribution Request form. This form provides more detail on the options described above.

3.Q. When is a vested member entitled to a retirement benefit from SCERS in the future?

- A. Only vested members in SCERS are entitled to a retirement benefit in the future. In order to be vested, a member must have at least 5 years of service credit with SCERS and/or a reciprocal retirement system. A vested member becomes eligible for a retirement benefit when the member:
- Is age 50 or older and their retirement contributions have been on deposit with SCERS for at least 10 years; or
 - Is a Safety member with at least 20 years of service, regardless of age; or
 - Is a Miscellaneous member with at least 30 years of service, regardless of age; or
 - Is age 70, regardless of how long their retirement contributions have been on deposit with SCERS.

4.Q. What happens if a terminated member is re-hired by the County or another participating employer?

- A. Members who receive refunds while terminated and then return to permanent, regular employment will re-join SCERS as active members. As with other members, they will then earn new service credit for all periods in which they work and contribute to SCERS. Unless they choose to repay or "redeposit" the prior refund with interest, however, these members will not have their past service credit restored by SCERS.

Frequently Asked Questions

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Members who do not receive refunds while terminated and later return to permanent, regular employment will re-join SCERS as active members. Because they did not elect to receive refunds while terminated, the service credit that they received for prior employment will be combined with the service credit that they earn for current employment and used to determine the total benefit payable for retirement.

5.Q. If terminated members are not vested and do not return to work for the County or another participating employer, is it ever possible to receive a lifetime allowance from SCERS?

- A. Yes. Under a plan feature known as “reciprocity,” members of SCERS can bridge benefits across multiple retirement systems in California by (1) becoming a member of a reciprocal retirement system within 180 days (six months) of terminating permanent, regular employment, (2) directing SCERS to share membership information with the new retirement system and, eventually, (3) retiring from all reciprocal systems on the same effective date.

For a listing of public retirement systems that have reciprocal arrangements with SCERS, please review the Retirement Handbook. For additional information regarding the terms, benefits and limitations of reciprocity, please reference other materials available at www.scers.org, including New Employee Orientation presentations, Retirement Planning presentations, and the Service Retirement Application Packet.

As a reminder, please note that reciprocity rules and requirements are the same for all members of SCERS, regardless of whether their benefits are vested or non-vested when they terminate employment.

6.Q. What happens to service purchase or re-deposit agreements with SCERS when members terminate employment?

- A. Service purchase or re-deposit agreements being paid via payroll deduction may be paid in full after termination of employment either by personal check or by a direct rollover from another eligible retirement plan. If a person elects not to pay the outstanding balance on a service purchase, the amount of service acquired will be prorated based on the amount paid. If a person elects not to pay the outstanding balance on a re-deposit agreement, the re-deposit will be cancelled and all payments will be returned.

7.Q. Can members purchase service credit from SCERS once they are no longer employed by the County or another participating employer?

- A. Members who are vested at the time of termination maintain the ability to purchase service credit from SCERS, up until the time that they request a refund or apply for service retirement. The only exception to this statement is the purchase Additional Retirement Credit (“ARC”), which is limited to active members by law and is unavailable to terminated members.

Frequently Asked Questions

Page 4

- 8.Q. How much time is required for SCERS to process payments requested by terminated members?**
- A. SCERS targets a 45-day turn-around period for all payment requests. In the case of refund requests, this means distributions are generally paid within 45 days of staff receiving all completed paperwork.
- 9.Q. Can members attend one of SCERS' Retirement Planning Seminars if they are no longer employed by the County or another participating employer?**
- A. Yes, vested members of SCERS (active and deferred) are welcome to contact the SCERS office at (916) 874-9119 and enroll in any of the retirement planning seminars scheduled throughout the year.
- 10.Q. How can members obtain information about SCERS not addressed within these Frequently Asked Questions?**
- A. Plan updates, forms and publications (including the Retirement Handbook and the Service Retirement Application Packet) are available for review at the SCERS web site, www.scers.org. In addition, members who wish to receive information regarding their particular benefits and/or discuss their plan status can speak with our Benefits staff by calling or visiting the SCERS office:

Sacramento County Employees' Retirement System
980 9th Street, Suite 1900
Sacramento, CA 95814
Phone: (916) 874-9119
Fax: (916) 874-6060

Pick up - CALL when Ready



SCERS
SACRAMENTO COUNTY
EMPLOYEES' RETIREMENT SYSTEM

Sacramento County Employees' Retirement System
980 9th Street, Suite 1900
Sacramento, CA 95814
Phone: (916) 874-9119
Fax: (916) 874-6060
Web: www.scers.org

RECEIVED
2017 APR -3 PM 3:20
SACRAMENTO COUNTY
EMPLOYEES'
RETIREMENT SYSTEM

**DISTRIBUTION REQUEST -
REFUND OF MEMBER-PAID CONTRIBUTIONS & INTEREST**

I. GENERAL INFORMATION

The Sacramento County Employees' Retirement System ("SCERS") is a governmental defined benefit plan, which covers employees of Sacramento County and other participating employers. Membership is mandatory for regular employees hired prior to age 60 and requires employee-paid contributions for all periods of service.

Federal tax law mandates that SCERS can only distribute or "refund" contributions and interest to (a) members who terminate employment with Sacramento County or a participating employer ("Employer"), (b) former spouses or separated spouses who are assigned contributions by a domestic relations order ("DRO"), and (c) persons named as beneficiaries of deceased members. **This form and the distribution options reviewed herein are limited to terminated members and former or separated spouses assigned "nonmember" benefits under a DRO.**

Whenever persons are eligible to receive benefits as a lump sum, SCERS requires completion of a distribution form and issues a Special Tax Notice for the payment process. The balance available for refund is limited to member-paid contributions and the interest thereon. Also, please understand that a refund of contributions by SCERS will eliminate any opportunity that you may have to receive benefits from SCERS in the future.

Members must experience a complete severance of employment with Sacramento County or a participating employer to withdraw their contributions and interest. Accordingly, please note that SCERS cannot issue distributions to members who terminate employment with an Employer and (a) enter into an agreement or understanding, either oral or written, with an Employer that they will resume providing services to an Employer, in whatever capacity, (b) resume providing services to an Employer before refunds are paid, or (c) resume providing services to an Employer within 60 days of termination.

II. PERSONAL DATA

Name: Joyce Campos

Street Address: _____

City, State, ZIP: _____

Birth Date: [REDACTED]

Social Security #: [REDACTED] Telephone #: [REDACTED]

Plan Status: _____ [Specify "Member" or "Nonmember".]

Termination Date: 3/10/17 [Required only for Member refunds.]

[Handwritten initials]

SACRAMENTO COUNTY EMPLOYEES' RETIREMENT SYSTEM
Distribution Request – Refund of Member-Paid Contributions & Interest
Page 2 of 4

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SACRAMENTO COUNTY
EMPLOYEES'
RETIREMENT SYSTEM

III. PAYMENT INSTRUCTIONS

PART A – Form of Payment [Check one option only.]

Total Direct Rollover

I elect direct rollover of my eligible rollover distribution to the entity named in Section III, Part B.

Partial Direct Rollover (Specify Amount or Percentage)

I elect direct rollover of \$ _____ or _____ % of my eligible rollover distribution to the IRA or eligible employer plan named in Section III, Part B. Per the Special Tax Notice, I understand that amounts not directly rolled over will be subject to mandatory 20% federal withholding.

Total Direct Payment, No Rollover

I request distribution of all benefits to me directly and do not elect direct rollover. Per the Special Tax Notice, I understand that the payable amount will be subject to mandatory 20% federal withholding, regardless of whether or not I later rollover to an IRA or eligible employer plan.

State Withholding Decision - Direct Payment

I do not want state taxes withheld from my distribution, unless mandated by state law. If I reside in California, I understand that I may avoid the 2% state withholding requirement on this eligible rollover distribution by marking the box to the left of this clause.

PART B – Information for Direct Rollover [If applicable.]

If I have requested a total or partial rollover, I understand that I must provide the following information for direct payment to an IRA or eligible employer plan:

Individual Retirement Account

Custodian: _____
Account #: _____

Eligible Employer Plan

Plan/Trustee: _____
Account #: _____

IV. REFUND REQUEST & REQUIRED CONSENT

Pursuant to Government Code § 31760.3, SCERS must notify your current spouse or registered domestic partner if you change your beneficiary, request a refund of accumulated contributions, or elect an optional settlement of retirement benefits. With limited exceptions, SCERS cannot effect a refund of contributions and interest to a member without the approval of the current spouse or registered domestic partner, regardless of whether the member requests direct rollover or direct payment.

SACRAMENTO COUNTY EMPLOYEES' RETIREMENT SYSTEM
Distribution Request – Refund of Member-Paid Contributions & Interest
 Page 4 of 4

RECEIVED

2017 APR -3 PM 3:20

Option 2: Witnessed by Notary Public

BEFORE ME, the undersigned, a Notary Public, personally appeared _____
 who executed the above Consent as a free and voluntary act.

SACRAMENTO COUNTY
 EMPLOYEES'
 RETIREMENT SYSTEM

(SEAL) Notary Public: _____

Commission Expires: _____

V. REFUND ALTERNATIVES [Read options and initial one applicable item, if desired.]

Option available to Members and Nonmembers.

— DEFER REFUND OR RETIREMENT

I elect to leave my contributions on deposit and defer any request for benefits until I request a refund or meet the requirements for service retirement from SCERS. In making this request, I understand that I am not entitled to request deferred retirement unless I am vested in SCERS, which generally requires five years (or 10,440 hours) of service. If I am not vested, I also understand that I cannot become eligible for service retirement without additional service credit.

— APPLY FOR SERVICE RETIREMENT

I believe that I am eligible to apply for a lifetime pension from SCERS because of my current years of service and age. Accordingly, I request an Application for Service Retirement.

Options available to Members only.

— DEFER RETIREMENT WITH RECIPROCITY

I elect to leave my contributions on deposit and understand that I cannot effect a later withdrawal from SCERS unless and until I receive a corresponding withdrawal from the reciprocal retirement system. To establish reciprocity, I also understand that I must become a member of a reciprocal retirement system within 180 days of terminating employment.

Name of Reciprocal System: _____

Date of Entry/Membership: _____

— APPLY FOR DISABILITY RETIREMENT

I believe that I am eligible to apply for a lifetime pension from SCERS because I am permanently incapacitated and unable to substantially perform my job duties. Accordingly, I request an Application for Disability Retirement.

Review by SCERS – Internal Use Only			
Form Received by SCERS Benefits Staff		4/3/17	
AT Status Confirmed → No Regular Employment		5/12/17	
Term. Status Confirmed → No Temp. Wages for 60 Days		5/12/17	
1099-R Distribution Code (1, 2, 7 or G)		1	
Federal Withholding %	20%		State Withholding %
			0%
Forwarded to Ops for Payment		5/13/17	

KG
 3 5/31/17

Campos

Employment in the Private Sector and/or outside California, or No Subsequent Employment

If your subsequent employment is not covered by any other public retirement system in California, or if you have no subsequent employment after your SCERS-covered employment ends, you have the following options:

- **Withdraw**

You may withdraw your Member Contributions from SCERS and terminate your SCERS membership. If you choose this option, you cease to be a member of SCERS and you forfeit your eligibility and rights to any and all benefits from SCERS you may have been eligible to receive had you left your Member Contributions on deposit with SCERS.

OR

- **Defer**

You may leave your Member Contributions on deposit with SCERS. The funds in your account will continue to accrue semi-annual interest. This option maintains your SCERS membership in a Deferred Member status.

You can request to withdraw your Member Contributions at any time as a Deferred Member, provided you have not established Reciprocity with a Reciprocal System.

If you are, or due to subsequent events become, Vested for SCERS benefits, you can later apply for and receive those benefits when you would have become eligible had you remained in SCERS-covered employment. Your Service Credit will be calculated as of the date you deferred membership and you will not earn Service Credit as a Deferred Member; however, your benefit age factor will increase up to a maximum factor as determined by your Membership Category and Benefit Tier.

If you later return to SCERS-covered employment, you will earn Service Credit in your original Benefit Tier.

Withdrawal Payment Options

If you elect to withdraw your Member Contributions from SCERS and terminate your SCERS membership, you may elect to receive the payment from SCERS using the following options:

- **Your withdrawal may be paid directly to you in a lump sum.**

If you are under age 59 ½, and elect a lump sum payment, you may be subject to tax or additional early withdrawal penalties. SCERS is required to withhold taxes from your lump sum distribution. Return of contributions is not immediate and is dependent upon the submission of information from you and your employer.

Take Note



If you die while a Deferred Member, your Member Contributions will be paid in a lump sum to your Beneficiary(ies). No survivor or Continuance payments are available. *Refer to “Deferred Member Death Benefits” in Section 6 of this handbook.*

Guthrie. Karen

From: Joyce Campos [REDACTED]
Sent: Tuesday, May 30, 2017 12:44 PM
To: Guthrie. Karen
Subject: Fw: Hardship

On Thursday, May 25, 2017 10:38 AM, Joyce Campos [REDACTED] wrote:

Hello,
I am writing this in hopes of having my retirement check released to me as soon as possible. At this time, I have 4 children to care for and I have no place to live. Receiving this money sooner than later will allow me to put a deposit down on a place to live and will allow me to buy my children the necessities they desperately need. Please, if at all possible, could this check please be expedited and released to me as soon as possible? I thank you from the bottom of my soul.

Exhibit I

Employee ID: [REDACTED]	DOB: [REDACTED]	Last Name: Campos	First Name: Joyce	Middle Initial: [REDACTED]
Mail Forwarded: YES Alameda: NO	City: [REDACTED] Email Address: [REDACTED]	Address: [REDACTED] Phone Number: unknown	City: [REDACTED] Extension: [REDACTED]	

VEASE MWV Personnel Transactions Files Other Personnel Data Notes Rights

Go to Note(s)

Employee ID: [REDACTED] SSN: [REDACTED]

Date of Note / Time of Note	Topic	Note(s)	Update ID / Update Date
3/25/2024 2:30:20 PM	Other	[Enter Note Here]	Insert
2/2/2024 11:27:14 AM	Other	Member called for second day in a row. Let her know that we would need written letter again for an appeal. Reiterated that we would likely not be able to do	01032050 / 2/2/2024 11:29:12 AM
2/1/2024 7:44:44 AM	Other	Explained to Member that they had refunded and would not be able to apply for disability retirement. Member asked how to file for a hearing and I	01032050 / 2/1/2024 8:02:40 AM
6/27/2019 5:15:05 PM	Other	took Mbr call, she wants to redeposit, and apply for benefits. After explaining she cannot, she asked about an appeal per extenuating circumstances. I further	01037939 / 6/27/2019 5:17:49 PM
7/2017 8:43:32 AM	Termination	Picked up refund check on 6/8/17. lj	01015254 / 6/7/2017 8:44:10 AM

Picked up refund check on 6/6/17. lj

COUNTY OF SACRAMENTO

DEPARTMENT OF FINANCE
SACRAMENTO, CALIFORNIA

Warrant Number	Invoice	Date 06/06/2017	Discount	Gross Amount
[REDACTED]	[REDACTED]		0.00	31,513.71
FDPU / SCERS / REFUND OF RET CONTRIB AND INTEREST				
Warrant Total			0.00	31,513.71

check picked up

RECEIVED
2017 JUN -6 PM 4:20
SACRAMENTO COUNTY
EMPLOYEES'
RETIREMENT SYSTEM

6/6/17

[REDACTED SIGNATURE]
Signature

Payment document	Check number	Date	Currency	Payment amount
[REDACTED]	[REDACTED]	06/06/2017	USD	*****31,513.71*

QUESTIONS REGARDING PAYMENT - PLEASE CALL THE PAYMENT SERVICES BUREAU AT: 916-874-7411 OR 1-800-735-2929 (TTY)

DO NOT CASH THIS CHECK UNLESS YOU CAN VERIFY SAFETY FEATURES. READ WARNING MESSAGE ON BACK.

PRESENT THROUGH
WELLS FARGO BANK, N.A.
115 Hospital Drive
Van Wert, OH 45891

COUNTY OF SACRAMENTO
DEPARTMENT OF FINANCE
SACRAMENTO, CALIFORNIA

56-382
412 H
VOID SIX MONTHS AFTER DATE DRAWN
06/06/2017

NO.1102380617

*** THIRTY-ONE THOUSAND FIVE HUNDRED
THIRTEEN USD and 71/100 ***

*****31,513.71*

JOYCE CAMPOS
[REDACTED]

Bern Lamesa

[REDACTED MICR]

Employee ID
 Social Security
 Last Name: Campos
 First Name: Joyce
 Mail Returned: YES
 City:
 State:
 Address:
 Mobile Number:
 Email Address:
 Fax Number: unknown
 Extension:
 Refresh/Search
 Printer Friendly Version
 My Info | SignOff

PERSONNEL TRANSACTION PLANS OTHER PERSONNEL DATA **NOTE(S)** FILE/NET

Go to Note(s)

Employee Id = SSN =

Date of Note / Time of Note	Topic	Note(s)	Update ID / Update Date
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6/7/2017 8:43:32 AM	Termination	Picked up refund check on 6/6/17. 1j	01015254 / 6/7/2017 8:44:10 AM

took Mbr Call. She wants to redeposit, and apply for benefits. After explaining she cannot, she asked about an appeal per extenuating circumstances. I further explained these matters are cut and dry, but that she could write a letter and mail in so that SCERS may provide a more formal response to her request. JL

Employee ID [Redacted]	Payroll System [Redacted]	Last Name Campos	First Name Joyce	Mobile Number [Redacted]
Mail Returned YES Atlanta NO	Email Address [Redacted]	City [Redacted] Postal Number unknown	State [Redacted]	Extension [Redacted]

VRBASE MENU Personnel Transaction Plans Other Personnel Data **Note(s)** File/Net

Refresh/Search Printer Friendly Version My Info | SignOff

Go to Note(s)

Employee Id = [Redacted] SSN = [Redacted]

Date of Note / Time of Note	Topic	Note(s)	Update ID / Update Date
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6/7/2017 8:43:32 AM	Termination	Picked up refund check on 6/6/17. lj	01015254 / 6/7/2017 8:44:10 AM

Explained to Member that they had refunded and would not be able to apply for disability retirement. Member asked how to file for a hearing and I referenced Jett's note, and said that she could send in a letter. Provided mine and EL's email. Member said that she would send in the letter.

Mail Returned YES
 atanda NO

Direct Deposit
 Direct

Email Address

Last Name: Campos
 First Name: Joyce
 State:
 Extension:
 Phone Number: unknown

PERSONAL TRANSACTION PLANS OTHER PERSONAL DATA **NOTE(S)** FILE/NET

Go to Note(s)

Employee Id = SSN =

Date of Note / Time of Note	Topic	Note(s)	Update ID / Update Date
3/25/2024 2:30:20 PM	Other	[Enter Note Here]	<input type="button" value="Insert"/>
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Member called for second day in a row. Let her know that we would need written letter again for an appeal. Reiterated that we would likely not be able to do anything, but if she wanted to move forward with the process she could send in letter/email.



March 13, 2024

Joyce Campos

Via Email: [REDACTED]

Subject: Eligibility for Benefits

Dear Ms. Campos:

I am writing in response to your recent inquiries received by the Sacramento County Employees' Retirement System (SCERS) wherein you disputed your eligibility for disability retirement benefits.

You became a SCERS member on December 4, 2000 by virtue of your employment as an Office Assistant Level 2 at the Department of Human Assistance. You earned 15.3231 years of service credit in Miscellaneous Tier 3 through the time of your separation from employment on March 10, 2017.

On March 13, 2017, you contacted SCERS with questions about options at separation. Staff informed you that you could either withdraw your contributions and terminate your membership or keep your funds on deposit and elect a monthly pension beginning at age 50.

On April 3, 2017, you visited the SCERS office to submit your refund application. Staff explained that by leaving your funds on deposit, you would be eligible to service retire effective December 1, 2030 and begin receiving a lifetime monthly allowance. Staff emphasized that by refunding your contributions, you are terminating your membership with SCERS and forfeiting your right to a monthly pension. Despite learning the impacts of refunding your SCERS contributions, you moved forward with your refund application and your member contributions plus interest were returned to you on June 6, 2017.

As a result of refunding your SCERS member contributions, you terminated your membership in the retirement system. Since you are no longer a SCERS member, you are not eligible to apply for disability retirement benefits.

Should you choose to dispute this matter further, you may submit a written request to SCERS' Chief Executive Officer (CEO) to review this matter in accordance with the *Appeal of SCERS' Administrative Decisions Policy* (enclosed) within 60 days of this letter. **In order for the CEO to consider an alternate determination, please provide any additional information, materials, or authorities you rely on to support your claim.** Should you require more time to consider your options or to provide materials to support your claim, you may submit a written request for an extension of time within 60 days of this letter. The deadline to submit a written request for

CEO review or to request an extension of time is due no later than May 12, 2024. The foregoing requested materials or request for an extension of time should be addressed as follows:

SCERS
Attn: Eric Stern, CEO
980 9th Street, Suite 1900
Sacramento, CA 95814

If you have any questions please contact me at (916) 875-2744 or by email at riddleK@saccounty.gov.

Respectfully,

Keith Riddle
Chief Benefits Officer

Enclosure: Appeal of SCERS' Administrative Decisions Policy

From: [Joyce Campos](#)
To: [Riddle, Keith](#)
Subject: Re: SCERS Determination
Date: Monday, March 18, 2024 1:06:51 PM
Attachments: [image001.png](#)

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

Yeah, I'm not accepting that. You people put me through the worst of hell and left me in a state where I was mentally unable to make that decision, with no job, no reason for being pushed out of my position and was threatened to sign paperwork or risk not getting unemployment. So I want a meeting with your CEO. Right away. Immediately.

On Wednesday, March 13, 2024, 01:22:27 PM PDT, Riddle, Keith <riddlek@saccounty.gov> wrote:

Hello Joyce,

Per our conversation, please find SCERS determination regarding your eligibility for disability retirement benefits and your steps for due process. Please confirm receipt of this email.

Thank you

Keith Riddle

Chief Benefits Officer

Sacramento County Employees' Retirement System
980 9th Street, Suite 1900, Sacramento, CA 95814
Main: (916) 874-9119 | Direct: (916) 875-2744
Riddlek@saccounty.gov | scers.org





Eric Stern, Chief Executive Officer
Margo Allen, Chief Operations Officer
Steve Davis, Chief Investment Officer
Keith Riddle, Chief Benefits Officer
Timothy Taylor, Chief Technology Officer
Jason Morrish, General Counsel

April 26, 2024

Joyce Campos
[REDACTED]

Via Email: [REDACTED]

Subject: Appeal of Benefit Eligibility

Dear Ms. Campos:

I have received your March 18, 2024, email seeking my review of your eligibility to apply for disability retirement benefits. You have not provided any additional facts or circumstances that warrant reconsideration of the Chief Benefit Officer's decision that you are ineligible to apply for disability retirement benefits. **Your appeal is denied.**

I will not respond to the numerous comments and complaints you have provided SCERS about your termination from Sacramento County. SCERS has no jurisdiction over those issues and can only respond to the specific issues relating to retirement law.

The SCERS Administrative Appeals Policy (Policy) outlines the formal process and timeframes for SCERS to respond to a member appeal (Exhibit A). Under the Policy, the CEO has 60 days to respond to your appeal. This process requires sufficient time for me to review your request, relevant law, and related documents. It is not an informal process in which you can demand to meet with the CEO "immediately" as stated in your March 18, 2024, email, plead your case with me over the phone, or contact elected officials in an effort to subvert this process.

The only issue under review is your eligibility to apply for retirement benefits. Under Government Code section 31629.5, you would have retained eligibility for future pension benefits had you kept your pension contributions on deposit with SCERS as a "deferred member" following your termination. To restore eligibility for benefits, you could "redeposit" your prior contributions under Government Code section 31652 only if you are re-employed by Sacramento County and regain membership in SCERS. However, you voluntarily withdrew your contributions from SCERS in 2017 and are not employed by Sacramento County. The law on this issue is clear and incontrovertible. If you withdraw your contributions from SCERS following termination, you are no longer a member of SCERS. That means you are no longer eligible for benefits and have no standing to receive them.

These facts were presented to you verbally and in writing when you terminated employment in 2017. You were not pressured or coerced to withdraw your contributions. On the contrary, our records indicate you made an informed decision. The following timeline establishes these facts:

1. On December 4, 2000, you began employment with Sacramento County as an Office Assistant Level 2 at the Department of Human Assistance and became a SCERS Miscellaneous Tier 3 member on that date.
2. On March 10, 2017, you terminated employment with Sacramento County with approximately 15.3 years of service credit.
3. On March 13, 2017, you contacted SCERS to inquire about withdrawing your contributions. (Exhibit B)
4. On April 3, 2017, SCERS staff spoke with you and your husband in the SCERS office about the consequences of withdrawing contributions as a vested member who would otherwise be eligible for a lifetime pension benefit at age 50. Contemporaneous notes of that conversation by SCERS staff indicate that you were provided detailed information on the monthly pension allowance you would be forgoing if you kept your contributions on deposit with SCERS. (Exhibit C)

The packet of information provided to you included a Frequently Asked Questions enclosure regarding options to keep your contributions on deposit. The document states:

“The person can choose to withdraw their retirement contributions at any time. If they do so, however, the retirement service they accrued in SCERS will be extinguished.

- *Both ‘vested’ and ‘non-vested’ members can elect to withdraw their retirement contributions, but vested members should keep in mind that withdrawing their contributions means they will no longer be entitled to a future SCERS retirement benefit.”* (Exhibit D)

The form you and your spouse signed and submitted on April 3, 2017, indicates you and your spouse’s understanding that you were making an irrevocable choice to forfeit your future pension benefits. The form states in section I. GENERAL INFORMATION::

“Also, please understand that a refund of contributions by SCERS will eliminate any opportunity that you may have to receive benefits from SCERS in the future.” (Exhibit E)

Further down the form in section IV. REFUND REQUEST & REQUIRED CONSENT, PART B, it reads:

“I acknowledge the PAYMENT OPTION requested by my spouse or registered domestic partner and I understand that my consent to this refund is voluntary and irrevocable. I also understand that elections made by my spouse or registered domestic partner are not effective without my signature, and that the effect of my consent may be to forfeit benefits to which I would otherwise be entitled upon the death of my spouse or registered domestic partner.” (Exhibit E)

5. This information is also provided in the SCERS Member Handbook made available to you in the SCERS office and online:

“You may withdraw your Member Contributions from SCERS and terminate your SCERS membership. If you choose this option, you cease to be a member of SCERS and you forfeit your eligibility and rights to any and all benefits from SCERS you may have been eligible to receive had you left your Member Contributions on deposit with SCERS.” (Exhibit F)

6. On or about May 25, 2017, you further demonstrated an understanding of these parameters as evident in email to SCERS indicating the urgency to receive the refund payment. You noted: “Please, if at all possible, could this check please be expedited and released to me as soon as possible?” (Exhibit G)
7. On June 6, 2017, you physically picked up the check for \$31,513.71, instead of SCERS mailing the refund check to you as standard procedure. (Exhibit H)
8. On June 27, 2019, you contacted SCERS to inquire about re-depositing those funds, and were informed that was not possible unless you were re-employed by Sacramento County. (Exhibit I)
9. On February 1, 2024, you contacted SCERS regarding disability retirement eligibility and were informed that you were ineligible because you withdrew your contributions. (Exhibit J)
10. On February 2, 2024, you contacted SCERS regarding disability retirement eligibility and were advised to submit a written appeal. (Exhibit K)
11. On March 12, 2024, you spoke via phone with Keith Riddle, Chief Benefits Officer, about the February 1, 2024 staff determination about your benefit eligibility. Mr. Riddle agreed to accept the information provided on the phone call as a formal appeal under the Administrative Appeals Policy.
12. On March 13, 2024, Mr. Riddle issued you a letter via email denying your eligibility to apply for disability benefits. (Exhibit L)

13. On March 18, 2024, you emailed Mr. Riddle seeking CEO review of the denial. (Exhibit M)
14. During the months of March and April 2024, you continued to provide unrelated emails to SCERS regarding your termination from Sacramento County. (Exhibit N)

The basis for my response provided herein is in compliance with the governing laws and provisions, and the interpretation and application thereof, as set forth in the CERL. Should you dispute this determination you are afforded the opportunity for the Board of Retirement to review this matter at a future regularly scheduled public Board meeting in accordance with the Administrative Appeals Policy.

In order for the Board to review and make a determination on your request, you may provide **new or additional information** for the Board to consider, which should include but is not limited to relevant provisions of the CERL and/or substantiation that demonstrates a pathway to support your claim. The burden of proof is upon you to provide material information and substantiation for an alternate determination to be considered.

Should you choose to dispute this matter further, within 60 days of this letter, you may submit a written request to the Board to review this matter. In doing so, you should be specific with your request and include any information and substantiating documentation to support your claim as addressed above. If you choose to request Board Review of this matter, please address your request to SCERS as follows:

SCERS
Attn: Board of Retirement
980 9th Street, Suite 1900
Sacramento, CA 95814

If you require more time to consider your decision to request a Board Review of this matter, you may submit a written request for an extension of time, which must be received within 60 days of this letter. The deadline for requesting either Board Review or an extension of time by written request is June 26, 2024. If your written request is not submitted to SCERS before this deadline, this matter will be deemed resolved and closed.

Sincerely,



Eric Stern
Chief Executive Officer