

**MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**  
**BOARD OF RETIREMENT POLICY**  
**REGULATIONS FOR IRC SECTION 401(a)**  
**NORMAL RETIREMENT AGE AND BONA FIDE SEPARATION FROM**  
**SERVICE**

**Purpose and Scope**

In accordance with Government Code Sections 31485.15 and 31525 of the County Retirement Law of 1937 (CERL), the regulations set forth herein are effective as of October 12, 2017, and reaffirm and clarify the existing practices of the Merced County Employees' Retirement Association (Association) with respect to the normal retirement age applicable for the Association in accordance with the Internal Revenue Code (the "Code"). For these regulations, references to "Code" includes the Treasury regulations applicable to the Association.

These regulations are intended to be in accordance with the Code and the applicable Treasury regulations. To the extent there is a conflict between these regulations and the Code and Treasury regulations, the applicable federal law will govern.

The Association may establish any reasonable procedures for determining and applying the normal retirement age requirements that it deems necessary or desirable for complying with applicable tax laws and for administrative purposes.

Terms defined in the CERL apply here unless otherwise stated.

**Normal Retirement Age**

1. Normal Retirement Age for general members is age 60 years, or if later, the date at which a Member vests in his or her right to receive a monthly retirement allowance from the Association. In accordance with the CERL, normal retirement age is not later than age 70 years.
2. Normal Retirement Age for safety members is age 50 years, or if later, the date at which a Member vests in his or her right to receive a monthly retirement allowance from the Association. In accordance with the CERL, normal retirement age is not later than age 70 years.
3. The Normal Retirement Age for general Members is based on safe harbor provisions in Treasury Regulation Section 1.401(a)-1(b)(2)(ii). The Normal Retirement Age for safety Members is based on safe harbor provisions in Treasury Regulation Section 1.401(a)-1(b)(2)(v) applicable to for qualified public safety employees.
4. The Board of Retirement (Board) for the Association may periodically review and change the Normal Retirement Age of its Members, based on the criteria described in Number 3 above as deemed necessary by the Board, or to the extent required to comply with section 401(a) of Title 26 of the United States Code or for any other reasons determined by the Board. The Normal Retirement Age determined herein does not create any "vested rights" under