

## **INFORMATION ABOUT QDROS AND DIVIDING PENSION BENEFITS IBEW LOCAL 332 PENSION PLAN, PARTS A AND B**

Members often have questions about what happens to their pension if they get divorced. Below is some general information about QDROs and the IBEW Local 332 Pension Plans. This won't answer all questions about dividing pension benefits. If you have questions concerning your specific situation, you should consult legal counsel.

### **Why would a divorce affect my pension?**

In California, your pension benefits earned during marriage are considered community property and may be divided in your divorce.

### **Do I have to let my ex-spouse know I have a pension plan?**

Both spouses have a legal duty to disclose all community assets. If you don't disclose your pension benefits and your ex-spouse finds out later, payment of your pension could be delayed.

### **What's a QDRO?**

Qualified Domestic Relations Order. This is a special court order that you and your ex-spouse need to obtain if you want a portion of each other's pension to be paid directly by a pension plan.

### **Who determines how much my ex-spouse gets?**

This is a decision that is made by you and your ex-spouse. If you cannot agree, then a judge will decide. California law usually requires a 50/50 split of benefits earned during the marriage. In your settlement agreement you could each waive your rights to each other's pension or you may agree to some other percentage or amount. You may also give something in its place. For example: the house, a mobile home or some land you own together.

It is important to remember that you have two different types of pension plans: a defined benefit (Part A) and a defined contribution (Part B). A defined benefit plan is designed to pay pension benefits to you for your life after you retire. Your monthly benefit is based on age and years of credited service. A defined contribution plan is where specified dollar amounts based on the terms of the collective bargaining agreement are contributed on your behalf to an account in your name, but is adjusted for withdrawals, income, expenses and realized and unrealized gains and losses. At the time you retire, your benefit is the account balance.

### **When do you get a QDRO?**

A QDRO can be obtained at any point in your divorce or legal separation action. It also can be obtained after the divorce is finalized.

### **My judgment of divorce states that the benefits are to be divided, Do I still need to get a QDRO?**

Yes, unless your Judgment of Dissolution includes all of the requirements for a QDRO. Send a copy of your divorce paperwork to the Administrative Office. They will let you know if you will need to get a QDRO or not.

**When can my ex-spouse start collecting his/her share of the pension?**

Not until you reach the earliest retirement age set by the Plan.

**Where can I get more QDRO information?**

The Plans' Administrative Office can provide you with a copy of the Plans' QDRO procedures and a sample order.