



## STALE DATED CHECKS & UNCLAIMED BENEFITS POLICY & PROCEDURE

Stanislaus County Employees' Retirement Association (StanCERA) issues warrants (checks) for Retiree Benefits, Active Member Refunds and Accounts Payable. Once a check is issued, the recipient has 180 days to deposit the check. If the check has not cleared StanCERA's bank after 180 days, the check is considered stale dated. StanCERA's complies with the provisions of California Employees' Retirement Law of 1937, Government Code section 31783.5 regarding stale dated checks.

### POLICY:

It is StanCERA's policy to review and process stale dated checks and unclaimed benefits on a quarterly basis. Three accounts (burial allowance, benefit payments and accounts payable) will be set up to act as "holding" accounts for the funds.

### PROCEDURE:

#### 1. Determining Stale Dated Checks

- a. The Auditor/Controller's Office will provide a list of outstanding checks six months old and older, by issue date from County's Check Recon System, every month.
- b. The funds are moved to a holding account in the General Ledger for up to 5 years.
- c. Attempt to locate payee per § 31583.5 using available search tools (e.g. Lexis Nexis, Berwyn, SPOKEO, DMV, etc.)

#### 2. Canceling Stale Dated Checks

- a. Notify payee or beneficiary in writing that a check was issued more than six months ago and has not cleared our account. Provide the payee with a. a "Declaration to Obtain Duplicate of a Lost or Destroyed Check" form. If payee is deceased with no beneficiary, obtain an Affidavit Under California Probate Code Section 13101.
- b. 30 days later - If no reply from payee or beneficiary, notify again in writing by certified mail.
- c. 30 days later - If still no reply, the funds will remain in the holding account for up to 5 years and will be re-absorbed into the reserves.

#### 3. Re-issuing Stale Dated Checks

- a. Payee or beneficiary must provide a completed Cancelled Warrant Affidavit and Affidavit Under California Probate Code Section 13101 if applicable..
- b. Once the required documents are received by StanCERA, a new check will be issued to the payee or beneficiary.



**4. Redeposit to Reserves (5 Years)**

- a. At fiscal year-end following 5 years from the date of initial contact the funds will be moved from the holding account and deposited into the appropriate reserve.

**5. Unclaimed Benefits**

- a. As in paragraph (1) Every reasonable effort is to be made to locate payee or named beneficiary.
- b. Notify payee/named beneficiary in writing that funds are available with appropriate forms included.
- c. 30 days later - If no reply from payee/named beneficiary, notification in writing by certified mail.
- d. 30 days later - If still no reply, the funds will be set aside as a payable / liability in General Ledger for up to 5 years
- e. At fiscal year-end following 5 years from the date of initial contact the funds will be moved from the holding account and deposited into the appropriate reserve.

**Policy Review**

The Board shall review this policy at least every three years.

**Policy Historical Notes**

Board Approved January 22, 2008

Reviewed & Amended November 22, 2016

Approved / Adopted by the Board of Retirement

Rick Santos, Executive Director

Approval / Adoption Date: 11/22/16