

Sec. 88. Qualified Excess Benefit Arrangement (QEBA).

- (1) This section is enacted pursuant to 415(m) of the IRC and 2002 PA 100, the Michigan Public Employee Retirement Benefit Protection Act, MCL 38.1681 to 38.1689.
- (2) A qualified excess benefit arrangement (QEBA) is established. The arrangement shall be governed by a separate plan document and trust, executed by the Retirement Board.
- (3) The amount of any retirement allowance that would exceed the limitations imposed by 415 of the IRC, as set forth in section 87 of the Plan, shall be paid from the QEBA in accordance with necessary and appropriate procedures established by the Retirement Board for the administration of the QEBA.
- (4) The QEBA shall be a separate portion of the Plan. The QEBA is subject to the following requirements:
 - (a) The QEBA shall be maintained solely for the purpose of providing to retirees and beneficiaries that part of the retiree's or beneficiary's retirement allowance otherwise payable under the terms of the Plan, but which exceed the limitations imposed by 415 of the IRC, as set forth in section 87 of the Plan; and
 - (b) Retirees and beneficiaries do not have an election, directly or indirectly, to defer compensation to the QEBA.