

# **POLICY ON COMPLAINTS AND REQUESTS**

## **North Carolina Supplemental Retirement Plans**

Adopted: August 26, 2021

Last Revised: August 26, 2021

### **Scope**

This policy covers the process for submitting and responding to complaints, requests for policy and plan document changes, and requests for the interpretation and application of policies and plan document provisions. Participants, employers, and eligible employees may submit complaints and requests. Complaints may be submitted to the Department, the Board, or the recordkeeper. Requests must be submitted to the Department or the Board. The Board may vote to waive any provision of this policy.

### **Contact Information**

Complaints and requests must be submitted by one of the methods listed below.

1. Complaint submissions to the recordkeeper (Prudential Retirement)
  - a. By email to [ncplans@prudential.com](mailto:ncplans@prudential.com)
  - b. By email to a Retirement Education Counselor (REC). Contact information for each REC is available at <https://ncplans.retirepru.com/counselors.html>.
  - c. By mail to Prudential Retirement, Attention: NC Supplemental Retirement Plans, P.O. Box 5340, Scranton, PA 18505
2. Complaint and request submissions to the Department
  - a. By email to [supplementalboard@nctreasurer.com](mailto:supplementalboard@nctreasurer.com)
  - b. By mail to North Carolina Department of State Treasurer, Attention: Supplemental Retirement Plans, 3200 Atlantic Avenue, Raleigh, NC 27604
3. Complaint and request submissions to the Board
  - a. By email to [supplementalboard@nctreasurer.com](mailto:supplementalboard@nctreasurer.com)
  - b. By mail to North Carolina Department of State Treasurer, Attention: Supplemental Retirement Plans, 3200 Atlantic Avenue, Raleigh, NC 27604
  - c. At a Board meeting. The schedule of Board meetings is located at <https://www.myncretirement.com/governance/boards-trustees-and-committees/supplemental-retirement-board-trustees-meetings>.

### **Complaints**

1. The recordkeeper has the initial responsibility for receiving and attempting to resolve a complaint. If the recordkeeper is unable to resolve a complaint, then the recordkeeper will notify the Department.
2. In addition, a participant, employer, or eligible employee may submit a complaint to the Department at any time.

3. Departmental staff will attempt to resolve the complaint, either directly with the participant, employer, or eligible employee or in conjunction with the recordkeeper.
4. Staff will submit the complaint to the SRP Appeals Committee for a final agency decision if staff is unable to resolve the complaint or litigation is reasonably likely.
  - a. The members of the SRP Appeals Committee are the Executive Director of the Retirement Systems Division, the General Counsel (or designee), the Director of the Supplemental Savings Programs, the Assistant General Counsel for the Supplemental Retirement Plans, and the Compliance Officer for the Supplemental Retirement Plans. An attorney from the Office of the Attorney General may participate at the request of the Executive Director or the General Counsel. A majority of the members of the SRP Appeals Committee must participate in the decisions.
  - b. The SRP Appeals Committee will issue a written final agency decision to the participant, employer, or eligible employee within 15 business days but may extend the response period as necessary to collect additional information, consult with staff, the recordkeeper, and other parties, receive legal advice, or otherwise reach a decision.
  - c. The written final agency decision will include the specific reasons for the SRP Appeals Committee's decision.
  - d. The final agency decision will constitute the official final determination of the matter by the Department on behalf of itself and the Board.
5. A participant, employer, or eligible employee may appeal the Department's final agency decision to the extent, and in the manner, provided by North Carolina law.
6. For the NC 403(b) Program, the plan sponsor (*i.e.*, the school district or community college) is responsible for resolving complaints that are not related to the services provided by the Department, the Board, or the recordkeeper.

**Requests for policy and plan document changes**

1. A request must be in writing and contain the following information:
  - a. The name, email address, mailing address, and telephone number of the requestor; and
  - b. The specific policy or plan document change that is being requested, which may include proposed text for the policy or plan document.
2. A requestor may submit additional information regarding the request, including the reason for the requested change and the cost and other expected effects of the requested change.

The additional information may be submitted in writing to the Department or the Board or in person at a Board meeting.

3. Review by the Department.
  - a. The Department will acknowledge a written request upon receipt.
  - b. The Department will review the request and respond to the requestor within 60 days; however, the Department may continue its consideration of the request for successive 30-day periods upon notice to the requestor.
  - c. If the Department denies the request, it will notify the requestor of its decision in writing (including email), including the reason(s) for the denial.
  - d. Alternatively, the Department may present the request to the Board for its consideration. The Department will notify the requestor of its decision and the meeting at which the Board will consider the request.
4. Initial Board meeting.
  - a. If the Department decides to present a request to the Board, the request will be included as soon as reasonably possible on the agenda for a quarterly Board meeting.
  - b. Alternatively, a requestor, including one whose request was denied by the Department, may present a request to the Board in person.
  - c. The written submission, if any, will be included in the Board's meeting materials, and the request and the Board's action will be recorded in the meeting minutes.
  - d. The Board may take one of the following actions:
    - i. Approve the request, either as presented or as amended;
    - ii. Deny the request; or
    - iii. Defer the request to the next quarterly Board meeting to allow time for public comments, the collection of additional information, and/or the drafting of proposed text by the Department.
5. If the Board defers a decision at the initial Board meeting, the Department will do the following pending the next quarterly Board meeting:
  - a. Post on the Department's website the request, including any proposed text, and the process for the public to provide written comments; and
  - b. Receive written comments on the request.

6. If the Board defers a decision at the initial Board meeting, then at the next quarterly Board meeting:
  - a. The request will be included on the agenda;
  - b. The Board's meeting materials will include the requestor's written submission, any public comments received by the Department, any proposed policy or plan document text, and any additional information from the Department regarding the request;
  - c. The Board will take one of the actions described in Part 4.d; however, if the Board again defers a final decision on the request, the Board will include in its deferral motion the specific reasons for the deferral; and
  - d. The action of the Board will be included in the meeting minutes.
7. The Department will communicate the Board's final decision to the requestor in writing.
8. The Board may vote to waive any provision of this section as part of its consideration of a request.
9. This section does not limit the right of the Board to make any change to any policy or plan document at any time.

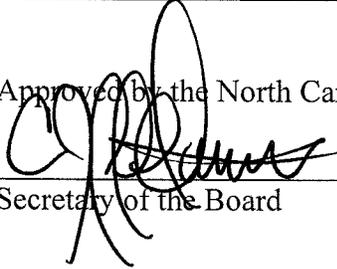
## **Requests for policy and plan document interpretations and applications**

1. The section applies to requests by participants, employers, and eligible employees for the Department and the Board to do one of the following:
  - a. Resolve a conflict, or perceived conflict, between two provisions of a policy and/or plan document; or
  - b. Determine the application of a policy or plan document to a specific set of facts.
2. A request for interpretation (i.e., Part 1.a) must be in writing and contain the following information:
  - a. The name, email address, and mailing address of the requestor;
  - b. The specific policy and/or plan document provisions for which an interpretation is being requested; and
  - c. A specific statement of the conflict or perceived conflict for which an interpretation is being requested.
3. A request for application (i.e., Part 1.b) must be in writing and contain the following information:
  - a. The name, email address, mailing address, and telephone number of the requestor;
  - b. The specific policy and/or plan document provision for which a determination of application is being requested; and
  - c. A statement of the manner in which the requestor is affected, or thinks that the requestor may be affected, by the policy or plan document provision.
4. The Department is responsible for receiving, deciding, and responding to requests on behalf of the Board.
5. The Department will collect the information and involve the staff members and external parties that it considers necessary or beneficial to deciding the issue.
6. The Department will report requests and decisions to the Board at its quarterly meetings and may propose policy and plan document changes to the Board as a result of the requests.
7. This section does not limit the right of the Board to make any change to any policy or plan document at any time.

Revision History and Effective Dates

Version	Effective Date	Description of Changes
1.0	August 26, 2021	Original version

Approved by the North Carolina Supplemental Retirement Board of Trustees:



Secretary of the Board