**Section 1650.3330 QILDRO Administration with Buyout Programs**

a) The System will administer Qualified Illinois Domestic Relations Orders (QILDROs) issued in accordance with Section 1-119 of the Code as follows with respect to the buyout programs. The definitions and other provisions of Subpart M are applicable unless otherwise provided in this Subpart S.

b) A member's buyout election is a prohibited election requiring the alternate payee's written consent, in accordance with Section 1-119(j)(1), if the alternate payee would be entitled to receive a share of the buyout payment under the most recent valid QILDRO on file with the System as of the effective date of the election as defined in Section1650.3300(a). If the alternate payee does not provide the written consent by the expiration of the applicable buyout program, the buyout election will be cancelled and any benefits or refunds due the member or the member's designated beneficiaries will be calculated according to the provisions of Article 16 that would apply in the absence of the buyout election, and the QILDRO will be administered as if the member did not elect the buyout.

c) AAI Buyouts

1) If an alternate payee is eligible to share in the member's AAI buyout payment under this Section, the alternate payee's share will be determined from the "partial member's refund" (see Section 1-119 of the Code, Subpart M of this Part, and Section VI (Partial Refund) of the QILDRO and corresponding provision of any Calculation Order (Section (3)(c) or Section (4)(C)) on file with the System on the date payment is vouchered (see Section 1650.1116(f)).

2) If QILDRO Section III (Monthly Retirement Benefit) is blank, the member's AAI buyout election may proceed without alternate payee consent, and the alternate payee will not share in the buyout payment.

3) If QILDRO Section III (Monthly Retirement Benefit) is completed but Section IV (Post-Retirement Increases) does not allocate a share to the alternate payee, the member's AAI buyout election may proceed without alternate payee consent, and the alternate payee will not share in the buyout payment.

4) If QILDRO Section III (Monthly Retirement Benefit) is completed and QILDRO Section IV (Post-Retirement Increases) allocates a share to the alternate payee, alternate payee consent to the member's AAI buyout election is required.

5) If QILDRO Section III (Monthly Retirement Benefit) is completed and Section IV (Post-Retirement Increases) allocates a share to the alternate payee and the alternate payee has consented to the member's AAI buyout election, the alternate payee is entitled to share in the AAI buyout payment in the amount indicated in Section VI (Partial Refund).

d) APB Buyouts

1) If an alternate payee is eligible to share in the member's APB buyout payment as provided in this Section, the alternate payee's share will be determined from the "refund upon termination" or "termination refund" (see Section 1-119, Subpart M of this Part, and Section V (Termination Refund) of the QILDRO and corresponding provision of any Calculation Order (Section (3)(b) or Section (4)(B)) on file with the System on the date payment is vouchered (see Section 1650.1116(f)).

2) If QILDRO Section III (Monthly Retirement Benefit) is blank, the member's APB buyout election may proceed without alternate payee consent, and the alternate payee will not share in the buyout payment.

3) If QILDRO Section III (Monthly Retirement Benefit) is completed, alternate payee consent to the member's APB buyout election is required.

4) If QILDRO Section III (Monthly Retirement Benefit) is completed and the alternate payee has consented to the member's APB buyout election, the alternate payee is entitled to share in the APB buyout payment in the amount indicated in Section V (Termination Refund).

(Source: Amended at 44 Ill. Reg. 7905, effective April 24, 2020)