



# SUBROGATION CLAIMS POLICY

## PURPOSE

The purpose of this Policy is to establish guidelines and procedures for the recovery of a portion of the benefits payable by SCERS because of an injury to, or the death of, a member proximately caused by the act of any person(s) other than the member's employer (a "subrogation claim" or "subrogation action").

## POLICY

General Counsel shall pursue a subrogation action only if it can be commenced within three years after the liability of SCERS to pay benefits has been fixed. The liability of SCERS to pay benefits shall be considered fixed at the time the Board, or staff if authorized by the Board, approves the payment of benefits.

General Counsel may take any and all action necessary to prosecute any subrogation action consistent with the subrogation provisions of any workers' compensation law as required by Government Code Section 31820. The action may include, but shall not be limited to, the filing of a claim of lien in pending litigation, the filing of a separate action or a combination of both. General Counsel may engage an outside law firm to provide legal services to evaluate and/or pursue a subrogation claim.

General Counsel shall report to the Board on the filing and progress of any subrogation action, and shall request authorization from the Board prior to settling for any amount less than the additional costs payable by SCERS for benefits payable because of an injury to, or the death of, a member proximately caused by the act of any person(s) other than the member's employer.

Notwithstanding the foregoing, General Counsel may authorize the settlement of a subrogation claim without further action of the Board, on the following conditions:

1. General Counsel concludes, in consultation with the Chief Executive Officer, that a proposed settlement is reasonable under the circumstances of the case, but must be accepted prior to the next scheduled meeting of the Board; and
2. General Counsel reports the terms of the settlement to the Board at its next regularly scheduled meeting.

## AUTHORITY

California Government Code Sections 31820-31823

## RESPONSIBILITIES

Executive Owner: General Counsel

## POLICY HISTORY

Date	Description
01-17-2024	Board amended policy
01-19-2021	Board affirmed policy
08-01-2018	Renumbered from 016
12-20-2017	Board affirmed in revised policy format
12-08-2008	Board approved new policy