

February 13, 1975

Dear :

This is in response to your recent letter asking about the Employee Retirement Income Security Act of 1974 (ERISA). You wrote that you have retired from the City Fire Department, and asked if the ERISA would cover your case and assure you a continued pension in case of a disaster affecting [the city] .

Employee Benefit plans which are established and maintained by a local governmental entity for its employees are not covered by the ERISA. If your pension benefit plan was established and is maintained by the City for its employees, it would be a "governmental plan" not subject to the provisions of ERISA. Therefore, continued payment of your pension benefits in the case of a natural disaster would depend upon the provisions of your plan and the ability of the City to meet its obligations.

If I may be of further assistance to you, please do not hesitate to write.

Sincerely,