

# FRS Investment Plan Excessive Fund Trading Policy

November 2003 (revised September 2008)

1. Foreign and global investment funds are subject to a minimum holding period of 7-calendar days following any non-exempt transfers into such funds. For example, if a member transfers \$5,000 into one of the funds listed below on November 4, 2006, she will not be able to transfer any amount out of that fund until November 12, 2006, except for distributions out of the plan. Foreign and global funds include:
  - a. FRS Select Foreign Stock Index Fund (F10)
  - b. American Funds EuroPacific Growth Fund (F20)
  - c. American Funds New Perspective Fund (F40)
  
2. All investment funds (except for money market funds) are subject to the following controls in order to mitigate excessive fund trading:
  - a. Members that engage in one or more Market Timing Trades (as defined in the Definitions section below) in authorized funds will receive a warning letter sent by U.S. mail. The warning letter will notify the member that Market Timing trades have been identified in his/her account and any additional violations will result in a direction letter.
  - b. Members engaging in one or more Market Timing Trades and who have previously received a warning letter will be sent a direction letter by courier (i.e. UPS, FedEx, etc.). The SBA may require non-automated trade instructions for at least one full calendar month following the date of the direction letter. Subsequent violations may require members to conduct trades via paper trading forms mailed certified/return-receipt to the SBA. Automated trade instructions include the Internet.
  
3. Definitions:
  - a. *Member* - is a person who has an account established in the FRS Investment Plan as a result of:
    - i. Current or previous employment with an FRS-covered employer;
    - ii. Being designated as an alternate payee due to a qualified domestic relations order (“QDRO”); or
    - iii. Being a designated beneficiary when a member is deceased.
  - b. *Exempt transaction* - any transaction that is initiated for purposes of depositing employer payroll contributions; processing a distribution or any administrator initiated transaction (e.g., processing a QDRO, mapping assets from terminated funds, etc.). Exempt transactions are not included in any calculations for the purposes of this policy.
  - c. *Market Timing Trade* - is a member-directed series of trades that meet both of the following two criteria:
    - i. The series of transactions are Roundtrip Trades.
    - ii. The series of transactions are, in aggregate, \$75,000 or more within 30 calendar days (e.g., a purchase of fund shares for \$50,000 and a sale of \$35,000 of the same fund’s shares the next day would be an aggregate trade amount of \$85,000).
  - d. *Roundtrip Trade* - one or more transfers into an investment fund AND one or more transfers out of the same investment fund in either order (i.e., in/out or out/in) within a 30 calendar day period<sup>1</sup>, regardless of any multiple transfers from or to other different investment funds during the Roundtrip Trade.
  - e. *Excessive Fund Trading* - involves two or more occurrences of Market Timing Trades by a member over time.

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<sup>1</sup> Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. For example, if a trade occurs on May 15, the 30-calendar day period extends from May 15 through June 13.

4. Examples are listed below:
- a. This list is not intended to be comprehensive and other transactions may meet the definition of Market Timing Trades or Excessive Trading.
  - b. If Member A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$20,000 out of Fund B on Tuesday, the transaction is a Roundtrip Trade but is not a Market Timing Trade because the aggregate amount of \$75,000 specified in subsection 3.c.ii., above, has not been met.
  - c. If Member A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$55,000 out of Fund B on the following Monday, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of all trades in and out of Fund B has exceeded \$75,000 ( $\$50,000 + \$55,000 = \$105,000$ ) within a 30 day period.
  - d. If Member A transfers \$5,000 out of Fund A and into Fund B on November 1 and then transfers \$25,000 out of Fund A and into Fund B on November 3 and then transfers \$10,000 out of Fund A and into Fund B on November 5 and then transfers \$40,000 out of Fund B and into Fund A on November 15, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Funds A and B each exceeded \$75,000 within a 30 day period.
  - e. If Member A transfers \$5,000 out of Fund A and puts \$2,500 into Fund B and \$2,500 into Fund C on December 1 and then transfers \$25,000 out of Fund A and puts \$20,000 into Fund B and \$5,000 into Fund C on December 5, and then transfers \$10,000 out of Fund A and puts \$10,000 into Fund C on December 6 and then transfers \$23,000 out of Fund B into Fund A and \$20,000 out of Fund C into Fund A on December 16, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Fund A exceeded \$75,000 within a 30 day period. It is irrelevant that money has come out of one fund and been transferred into two funds because the money has been returned to the original fund.
  - f. Member A transfers \$50,000 out of Fund A and into a foreign stock fund, which already contains \$100,000, on October 1, so that on October 1, the foreign stock fund contains \$150,000. Member A must wait until October 9 to transfer any or all of the \$150,000 in funds out of the foreign stock fund.
  - g. A member has \$250,000 in his FRS Investment Plan account and is the subject of a QDRO with the result that the member's spouse becomes entitled to half of the member's FRS Investment Plan account. A total of \$125,000 is transferred from the member's account to a newly-established account for the member's spouse and the funds are put into a foreign stock fund on December 1. On December 5, the member's spouse rolls over the entire \$125,000 into an IRA. This is neither a Roundtrip Trade nor a Market Timing Trade because the transfer is an exempt transaction, as described in subsection 3.b., above.
  - h. A member transfers \$32,000 into Fund A on August 5 and then transfers \$32,000 out of Fund A on August 11 and then transfers \$31,000 into Fund A on August 17 and finally transfers \$31,000 out of Fund A on August 18. The entire series of trades are Roundtrip Trades and is a Market Timing Trade because the aggregate amount of all trades exceeded \$75,000 within a 30 day period.
  - i. A member transfers \$32,000 into Fund A on September 10 and then transfers \$32,000 out of Fund A on September 15 and then transfers \$31,000 into Fund A on September 27. The entire series of trades are Roundtrip Trades and is a Market Timing Trade because the aggregate amount of all trades exceeded \$75,000 within a 30 day period.
5. Trading Restrictions of Specific Funds:  
Effective October 16, 2007, the Securities and Exchange Commission (SEC) under Rule 22c-2 of the Investment Company Act of 1940 is permitting all open-end mutual funds either to impose trading restrictions or levy monetary penalties on members' conducting market timing

transactions. As a result, Investment Plan members with assets in the following mutual funds on or after October 16, 2007 may be impacted:

<b>SPECIFIC FUND TRADING RESTRICTIONS – EFFECTIVE OCTOBER 16, 2007</b>		
<b>Fund Name</b>	<b>Restriction</b>	<b>Penalty</b>
PIMCO High Yield (B55)	Prohibits selling out of the fund within 30 days of purchasing into the fund.	2% redemption fee of the Net Asset Value of fund shares sold or exchanged.
Fidelity Growth Company (S80)	<ul style="list-style-type: none"> <li>• Limits two roundtrip transactions* within a rolling 90-day period.</li> <li>• Limits four roundtrip transactions within a rolling 12-month period.</li> </ul>	Blocked from making additional purchases for 85 days.
T. Rowe Price Small-Cap Stock (S97)	Prohibits selling out of the fund within 90 days of purchasing into the fund.**	Blocked from making additional purchases for 90 days.

\*Fidelity defines a roundtrip transaction as occurring when a member buys and then sells shares of a fund within 30 days.

\*\*T. Rowe Price defines a roundtrip transaction as one purchase and one sale or one sale and one purchase of the same fund.

If requested, the third party administrator will be required to provide the above mutual fund companies' access to information on Investment Plan member's trading activity to enforce their trading restrictions. Any monetary penalties imposed by the fund will be withdrawn from the member's Investment Plan account. The penalty will be deducted first from any balance in the affected fund, and secondly in a pro-rata share from the balances in any other funds in the member's Investment Plan account.

In an attempt to prevent Investment Plan members from having to pay any monetary penalties or being blocked from making additional purchases, the Investment Plan trading system will use "best efforts" to block restricted trades in the three affected mutual funds. If a restricted trade is not blocked, the member will be responsible for paying any monetary penalties and/or be subject to trading restrictions. It is the responsibility of the member to comply with the trading restrictions in the above table.

The trading restrictions in the table above do not apply to Investment Plan funds that are classified as institutional funds or to mutual funds for which the FRS has received exemptions from the fund companies. The FRS Investment Plan has been granted exemptions from the following mutual funds:

- American Beacon Small-Cap Value Fund (S99)
- Pioneer Fund (S20)
- American Funds EuroPacific Growth Fund (F20)
- American Funds New Perspective Fund (F40)

The restrictions in the table above are in addition to all the other trading restrictions outlined in this policy.

#### 6. Recordkeeping

Information from the third party administrator's member recordkeeping database shall be used to identify Market Timing Trades, specific fund trading restrictions, and track the mandatory 7-calendar day holding period requirements for certain funds.