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The information provided in this publication is for your convenience and reference as a general guide only and cannot be relied upon as an authoritative source for the law, practices, or policies of CalPERS. While CalPERS tries to include only accurate, timely and complete information in its publications, summaries, guidelines and other advisory printed materials, sometimes information provided in printed materials may be or become inaccurate, untimely, incomplete, unclear or misleading. In all instances, the law then in effect, not this publication, controls the application of the Public Employees' Retirement Law. It is the reader's responsibility to independently verify the accuracy of the information contained in this publication before engaging in a course of action.
The purpose of the Beneficiary Designation Form, (my|CalPERS 0772), is to:

1. Provide a means for a member who is not retirement eligible and who is not eligible for the Alternate Death Benefit (under age 50 with 20 or more years of service) to designate beneficiaries other than the statutory beneficiaries provided by the retirement law. The statutory beneficiaries are listed under Section 4; item C of the my|CalPERS 0772.

2. Provide a means for a member who is married or in a registered domestic partnership and is either eligible to retire or who is eligible for the Alternate Death Benefit to designate beneficiaries to receive a one-time payment of the member’s community property share. The spouse/registered domestic partner, by law, is still entitled to a choice of a monthly allowance or lump sum benefit. However, the amount is limited to just their community property share if the member designates other beneficiaries on this form.

3. Change the designated beneficiaries. (G.C.§ 21490 and 21492)

4. Designate any person or legal entity such as a college, university, corporation, trust, or estate as beneficiary. CCR 582 and G.C.§ 21490)

Any of the following life events will revoke the Beneficiary Designation Form: (my|CalPERS 0772) (G.C. § 21492):

1. Marriage/Registration of Domestic Partnership.

2. Dissolution or annulment of marriage or termination of domestic partnership. However, a designation filed after the initiation of dissolution of marriage, termination of partnership, or annulment is NOT revoked when the dissolution, termination, or annulment is finalized.

3. Birth or adoption of a child.

4. Termination of results in a refund of contributions, or in payment of a monthly retirement allowance.

NOTE:
Following a revoking action, lump sum benefits will be paid to the statutory beneficiaries unless a new Beneficiary Designation Form (my|CalPERS 0772) has been filed. Members may designate or change beneficiaries at any time by filing a new Beneficiary Designation. (G.C. § 21492 and 21493)

SPECIAL INSTRUCTIONS
1. Changes on the form are acceptable only when they are clear and initialed by the member.

2. Complete the Beneficiary Designation Form, make a copy for your records, and then mail to CalPERS at the address provided on the form.

3. After CalPERS reviews the form, a confirmation letter will be mailed to the member within approximately 8 weeks. If the form is not acceptable, a new form will be mailed to the member.

NOTE:
The Beneficiary Designation Form allows a member to designate benefits on a percentage basis if more than one beneficiary is named. The percentages must add up to 100% If no percentage is indicated, the benefits will be paid equally to each beneficiary.

Also, there is a box the member can check to certify they are not legally married or not in a domestic partnership. If this box is checked, the Justification for Absence of Spouse or Registered Domestic Partner’s Signature (my|CalPERS 0775) form is not required.
REPORTING AN IMMINENT DEATH OR TERMINAL ILLNESS
POWER OF ATTORNEY

When your agency becomes aware of an employee’s imminent death, terminal illness, or serious surgery, you should immediately contact CalPERS by calling 888 CalPERS (or 888-225-7377).

Imminent death or terminal illness implies that the member is not expected to live more than 90 days. This also applies to cases where death may not necessarily be imminent, but competency to act on one’s own behalf may become impaired thereby jeopardizing later desired retirement action.

If a person is competent to complete the Special Power of Attorney (PERS-OSS-138) form located in the CalPERS Power of Attorney (PUB-30) publication, the person may give his/her “attorney-in-fact” the power and authority to complete transactions relating to CalPERS, including filing applications, making benefit elections, designating beneficiaries, and endorsing warrants.

NOTE:
Due to changes in the Probate Code, a member may now specifically authorize their attorney-in-fact to select a retirement option and name a beneficiary even if the attorney-in-fact is a spouse, registered domestic partner, or other family member.

To expedite processing, the person reporting an imminent death should provide CalPERS with the following information:
1. Member’s name, Social Security Number, and birth date.
2. Probable effective retirement date or date when leave credit will expire.
4. Name, relationship, birth date, and sex of the person to be designated as the member’s beneficiary.
5. Address and telephone number where information can be communicated.
6. Nature and seriousness of illness, estimated life expectancy, and whether the member is presently competent.

CalPERS will then contact the parties concerned regarding the benefit options available, the filing requirements which must be satisfied, and how best to expedite the filing process.

NOTE:
In order for CalPERS to carry out the desired retirement action (e.g., provide an allowance to the beneficiary), it is imperative that the member be alive on the effective date of retirement and an application election filed with CalPERS prior to the member’s death. (G.C. § 21503 and 21530)

The retirement application/election form can be faxed to CalPERS at (916) 795-1281 with a notation of “Emergency Retirement” in the top margin on the front page. Do not mail the original. The original should be provided to the member for his/her records.

POWER OF ATTORNEY
For information on the CalPERS Special Power of Attorney publication (PUB 30), please visit our Forms & Publication Center on CalPERS On-Line at www.calpers.ca.gov.

NOTE:
If the member is married or in a registered domestic partnership and the member’s life expectancy is so short that there is no time to call CalPERS, then you should complete a Disability Retirement Election/Application, (my|CalPERS 1200) form in the document center of my|CalPERS.

You cannot elect an option or name a beneficiary, but you must complete the “Survivor Continuance” section 7 to the best of your knowledge. After the completed form is signed, write “EMERGENCY” in the top margin on the first page, and then fax it to (916) 795-1281.

Keep the original for your records. Upon receipt of the fax, a CalPERS representative will call you.
**DEATH OF AN ACTIVE MEMBER**

**EMPLOYER NOTIFICATION TO SYSTEM**
Immediately upon learning of an employee’s death, your agency should contact CalPERS at 888 CalPERS (or 888-225-7377) and provide the following information:

1. Member name, Social Security Number, birth date and CalPERS ID.
2. Date of death, cause of death and date of separation
3. Name, address and telephone number of next-of-kin
4. The birth date and date of marriage/partnership if a spouse/registered domestic partner is next-of-kin.

CalPERS will send you a partially completed, *Report of Separation for Death* (PERS-BSD-738) form with the following information:

1. Employer name and CalPERS ID
2. Member name, CalPERS ID and the last four digits of the member’s Social Security Number
3. Date of death

**INSTRUCTIONS FOR COMPLETION OF PERS-BSD-738**
Your agency should verify and, if necessary, correct any information on the form. Complete the remainder of form as follows:

**PART I — EFFECTIVE DATES**
1. Separation Date – Provide the last day that the member was considered an employee of your organization. This can be the death date, any day prior to the death date, or the day after death.
2. Reason for Separation – If separation is not due to death, enter a brief explanation for the reason for separation.
3. Last Day on Pay Status – Provide the date that the member was last on pay status with your organization. This would be the last day the member was subject to CalPERS contributions, whether or not they were deducted from their earnings. Please explain any difference between date of separation and last day on pay status, or, if member was on leave of absence, please provide the dates of absence.

4. Timebase – Enter time base. If part-time, also indicate required hours. Required hours are needed for the entire period of employment.

**PART II – PAYROLL/CONTRIBUTION INFORMATION**
1. Dates of pay periods (monthly, semi-monthly, bi-weekly, or quadri-weekly) for the month of separation and each of the four pay periods prior to the last day on pay status.
2. Amount of full-time pay rate.
3. Gross regular amount earned in each pay period.
4. Amount of regular retirement contributions for each pay period.
5. Amount of special compensation earnings for each pay period.
6. Amount of special compensation contributions for each pay period.
7. Under “Other” column heading, explain other than normal contributions (e.g., retroactive salary increase, etc.). For retroactive pay increases, provide the inclusive dates of the increase as well as the new pay rate, total earnings, and contributions for the period of the increase.

**NOTE:**
- Do not combine contributions for Special Compensation with normal contributions. Use the “special compensation” column.
- Do not deduct retirement contributions from the lump sum vacation payments.
- Do not delay submission of this form awaiting final payroll data. Estimate the last period’s payroll information and label this line “Estimate”.

**PART III — UNUSED SICK LEAVE AND/OR UNUSED EDUCATION LEAVE**
Please indicate the total number of *days* or hours of unused sick leave and educational leave credited (if any) to the member at the time of separation. Show partial days to three decimal places.

**PART IV — HEALTH INSURANCE**
Complete only if the member had health insurance coverage under the Public Employees’ Medical and Hospital Care Act. A request for change in health benefits coverage based upon change in family status (death) may be made by
an enrolled surviving family member who continues to receive an allowance.

PART V — SIGNATURE
Have this form signed by an authorized officer; enter title, phone number and date. Fax completed form PERS-BSD-738 to CalPERS immediately at 916-795-3988.

NOTIFICATION BY OTHER THAN EMPLOYER
When CalPERS is informed of an employee’s death by someone other than the employer, CalPERS will also initiate the form PERS-BSD-738, partially filled in, and forward to the employer. The employer completes the balance of the form per instructions found on page 2 of the form.
INFORMATION FOR FAMILY OF DECEASED

When CalPERS is notified of an active employee’s death, a letter (which may not provide an estimate of the benefits payable) and the publication Pre-Retirement Survivor Benefits (PUB-55) will be sent to the next of kin. The booklet explains the benefits which may be payable and provides an Application for Active Member/Non-Member Survivor Benefits (my|CalPERS 0675).

If an estimate is not provided, or if only lump sum benefits are payable, the my|CalPERS 0675 may serve as the claim form if completed by the designated or statutory beneficiary. If there is a choice of monthly or lump sum benefit an election must be made on the my|CalPERS 0675. If the information provided in the initial my|CalPERS 0675, along with any designation on file, indicates the proper beneficiary remains to be contacted, a claim form will be sent to the proper beneficiary. Payment of death benefits will be as soon as possible after receipt of the claim form and any other documents required (e.g., marriage, birth, or death certificates). (G.C. § 21498 and 21499)

To determine the beneficiary (ies), CalPERS will check the database for a valid beneficiary designation (my|CalPERS 0772) (see Beneficiary Designation Form section for more information). If a valid (my|CalPERS 0772) has been filed and if the member was eligible for retirement, or if the Alternate Death Benefit is payable, the allowance payable to the surviving spouse will be reduced and the beneficiary (ies) designated will receive a one-time payment of the employee’s community property share. If the (my|CalPERS 0772) is no longer valid or has not been filed, death benefits will normally be paid to the statutory beneficiary as follows:

I. If the member was eligible for retirement or if the Alternate Death Benefit is payable on the date of death (G.C.§ 21493):
   a) Member’s surviving spouse or registered domestic partner if married/registered for at least one year prior to the onset of the illness or injury that caused the member’s death,
   b) Unmarried minor child(ren)

II. If the member was not eligible for a monthly allowance (G.C.§ 21493):
   a) Member’s registered domestic partner or surviving spouse (whether or not still living together at the time of death); or, if none,
   b) Natural and adopted children, including (in limited circumstances) a natural child adopted by another, share and share alike; or, if none,
   c) Parents, share and share alike; or, if none,
   d) Brothers and sisters, share and share alike; or, if none,
   e) Member’s estate (if probated, or subject to probate); or, if not,
   f) Member’s trust, if one exists; or, if not,
   g) Stepchildren, share and share alike; or, if none,
   h) Grandchildren, including step-grandchildren, share and share alike; or, if none,
   i) Nieces and nephews, share and share alike; or, if none,
   j) Great-grandchildren, share and share alike; or, if none,
   k) Cousins, share and share alike.

Any of the following events will, by law, revoke the beneficiary designation (G.C. § 21492):
   a) Marriage or registration of domestic partnership.
   b) Dissolution or annulment of marriage or termination of partnership if initiated after the designation was filed.
   c) Birth or adoption of a child.
   d) Termination of membership that results in a refund of contributions, or termination of employment that results in payment of a monthly retirement allowance.
Following the member’s death, a spouse or registered domestic partner may request a Disclaimer of Benefits BAS-140 form if he/she does not wish to receive their community property interest in the death benefits. If the Disclaimer of Benefits BAS-140 form is completed, then the entire Basic Death Benefit may be paid to the designated beneficiary (ies), unless the member is survived by a minor child who would become the statutory beneficiary entitled to a monthly allowance.

NOTE:
Original documents (death certificate, marriage certificate, etc.) should NOT be sent to CalPERS. Only clear photocopies of these documents should be submitted. To expedite the death benefit payment process, ensure that the deceased member’s myCalPERS ID Number or Social Security Number appears in the top right corner of each photocopy so that the documents are associated with the correct file.
STEP-BY-STEP INSTRUCTIONS

For step-by-step instructions on completing the forms used to process a Service Retirement, please refer to A Guide to Completing Your CalPERS Service Retirement Election Application (PUB 43) or visit the "Forms & Publications Center" on the CalPERS Website.

REQUEST FOR ESTIMATES OR COUNSELING

Members may wish to receive an estimate of their CalPERS retirement allowance. There are several important things members should know about CalPERS retirement estimates:

1. Members may receive immediate estimates by using the CalPERS On-Line Retirement Estimate Calculators, available on the CalPERS Website, www.calpers.ca.gov. Using the online Retirement Estimate Calculator allows members the flexibility to calculate an estimate using assumptions or projections anticipated by or known to the member, allowing them to determine the best retirement date based on these anticipated changes or projections. This is also the recommended service for members seeking retirement estimates with a retirement date more than one year in the future. Please note that CalPERS-generated estimates do not project future salary increases, changes in time base, or unreported special compensation.

2. CalPERS generated retirement estimates are processed by the Benefit Services Division. These estimates use the payroll reported by the employer. However, actual final compensation may be different after payroll reconciliation and review, and will be based on compensation allowable by law. Members who are within one year of their expected retirement date may request a CalPERS generated Retirement Estimate if they download, complete, and mail the Retirement Allowance Estimate Request form to CalPERS located on the CalPERS Website. Members within one year of retirement may request two CalPERS generated estimate requests in a 12-month period. Alternatively, a request form can be mailed to you by calling CalPERS at 888 CalPERS (or 888-225-7377).

3. All information on the Retirement Allowance Estimate Request form must be completed before an estimate can be processed. Important: Please be sure the address and CalPERS ID and/or Social Security number are legible.

4. Retirement benefit estimates will be mailed to the address 30 days of receipt of the request by CalPERS. If the address indicated on the estimate request form does not match the address on file, the estimate request will be rejected. Address changes for an active employee must be submitted by the employer. An inactive employee will be mailed an address change form to submit back to CalPERS.

5. A request for an estimate is NOT an application for retirement. A Service Retirement Election Application (myCalPERS 1206) or Disability Retirement Election Application (myCalPERS 1200) must be submitted to apply for retirement. An application for retirement may not be used to request an estimate. If the member plans to retire in the near future, the employer should provide the member with our CalPERS publication Planning Your Service Retirement (PUB 1) and the CalPERS Local Miscellaneous Benefits publication (PUB 8) or the CalPERS Local Safety Benefits publication (PUB 9) or the CalPERS School Benefits publication (PUB 2). These publications provide additional benefits to consider in preparing for retirement.

6. Members are encouraged to take a CalPERS retirement planning class prior to submitting their application for retirement. CalPERS offers classes designed to educate and inform CalPERS members at any stage of their careers. Members are encouraged to take these classes throughout their careers to ensure they understand their benefits and to prepare for retirement. These classes are available both online and in a classroom with an instructor. Visit the CalPERS Education Center on our website www.calpers.ca.gov to view the latest schedules and enroll in a class.
WHEN TO APPLY
An application for retirement should be forwarded to CalPERS Benefit Services Division not more than 90 days prior to the desired effective retirement date.

NOTE:
A disability retirement application should be submitted as soon as a medical condition becomes disabling and prior to the expiration of benefits to ensure the member is eligible for the earliest effective date possible.

This advance notice permits CalPERS to make calculations and begin payments on a timely basis. Members should be advised of this and encouraged to mail their applications to:

CalPERS
Benefit Services Division
P.O. Box 942715
Sacramento, CA 94229-2715

ADDITIONAL NOTES FOR SUBMITTING FORMS
If the application is submitted by fax (800-959-6545) to the Benefits Services Division, DO NOT send the original hard copy application.

Do NOT submit any original certificates (Marriage, Birth, Death, etc.). Send only photocopies of important documents, as CalPERS cannot return original documents. Each page should have the member’s Social Security Number or CalPERS ID for identification.

If the application was received within nine months after discontinuance of employment, or, in the case of retirement for disability, if the member was physically or mentally incapacitated to perform his or her duties within nine months from the date the member discontinued service, the effective date of retirement will be the day following the last day of payroll. (G.C § 21252)

In the case of an application for retirement filed with the Board more than nine months after discontinuance of the member’s service, the effective date shall be no earlier than the first of the month in which the member’s application was received at an office of the Board or by an employee of CalPERS designated by the Board. (G.C. § 21252 (a))

WHO MAY APPLY
SERVICE RETIREMENT
A Local public agency or school member who has reached age 50 and has earned at least five years of credited service may submit an application for retirement. (G.C. § 21060(a)) A Local Miscellaneous or School member with a membership date on or after January 1, 2013 with all service credited after that date must be age 52 unless a member is a transit employee exempt from PEPRA under Assembly Bill 1222. (G.C. § 7522.20). Local members with service credit under the Second Tier formula must be age 55 unless they were a member of the system prior to the employer’s contract amendment to provide that formula. (G.C. § 21093 (b)) The application must show a definite retirement date and be submitted by the member. It is the employee’s responsibility, not the employer’s, to see that the retirement application is sent to CalPERS.

If the member is employed in an overtime position or multiple positions with CalPERS employers, the member MUST separate from all employment to retire, even though they may not be receiving service credit for one or more of the positions. (G.C. § 21252, 22970.23, and 22970.25)

A member who is employed on a permanent part-time basis and has worked at least five calendar years may be eligible to retire with less than five years of credited service. Full time employees must work 10 months of full-time employment or 1,720 hours to equal one year of CalPERS service credit. The retirement benefit the member will receive will be based on their actual service credit amount. (G.C. §20962 and 20970)

DISABILITY OR INDUSTRIAL DISABILITY RETIREMENT
Please refer to the instructions found under “Disability Retirement or Industrial Disability Retirement” in this section of the guide.

REQUESTING ADDITIONAL SERVICE CREDIT
All requests for service credit cost information must be received prior to the member’s effective retirement date. The retirement date can be no earlier than the day following receipt of the request by CalPERS. Therefore, it is important that the member request any additional service credit information well in advance of their retirement to avoid possible delays in the retirement date.
A Guide to Your CalPERS Service Credit Purchase Options (PUB 12) can be downloaded from the Forms & Publications Center on the CalPERS Website at www.calpers.ca.gov.

Service credit requests and questions should be directed to:

CalPERS
Customer Account Services Division
P.O. Box 942704
Sacramento, CA 94229-2704

For more information contact CalPERS at 888 CalPERS (or 888-225-7377) or visit the CalPERS Website at www.calpers.ca.gov.

Cancellation of Retirement Application
If a member desires to cancel the service retirement application or defer retirement to a later date, the member must request to do so within 30 days of receiving the first retirement benefit payment. For cancellation of disability retirement, refer to the instructions found under the “Disability or Industrial Disability Retirement” section. A cancellation is binding; the member must thereafter re-apply whenever the member is ready to retire.

1. Once 30 days after the first retirement payment has been issued (regardless of whether the check is cashed), the member will not be allowed to cancel the retirement.

2. A member may request a refund of accumulated contributions in writing in lieu of retirement prior to the issuance of the first retirement payment. (G.C. § 20730)
SERVICE RETIREMENT

MINIMUM REQUIREMENTS FOR SERVICE RETIREMENT
A member shall be retired for service upon written application if the member has reached the minimum retirement age and has earned at least five years of credited service. Minimum retirement age is 50 for 1st-Tier retirement plan. (G.C. § 20160(a)) Local Miscellaneous and School members with a membership date on or after January 1, 2013, with all service credited after that date, must be age 52 unless a member is a transit employee exempt from PEPRA under Assembly Bill 1222. (G.C. § 7522.20) Minimum age for the 2nd-Tier retirement plan is 55 unless they were a member of the system prior to the employer’s contract amendment to provide that formula. (G.C. § 21093)

A member who is employed on a permanent part-time basis and has worked at least five calendar years may be eligible to retire with less than five years of credited service. Full-time employees must work 10 months of full-time employment or 1,720 hours to equal one year of CalPERS service credit. The retirement benefit the member will receive will be based on their actual service credit amount. (G.C. § 20962 and 20970)

SERVICE RETIREMENT PROCESSING — DOCUMENT SEQUENCE
1. Service Retirement Election Application (my|CalPERS 1206) is received by CalPERS from the member. Please note that if the member is married but is not able to obtain the spouse’s signature on the Service Retirement Election Application form, they must complete a Justification for Absence of Spouse’s Signature (my|CalPERS 0775). (G.C. § 21261)

The application package must include information regarding required marriage and birth date evidence. (G.C. § 20128) Do not submit any original certificates. Send only photocopies of important documents as CalPERS cannot return original documents. Each page of all documents submitted to CalPERS should include the member’s Social Security Number or CalPERS ID in the upper right hand corner for identification.

The Direct Deposit Authorization (my|CalPERS 1288) form can also be submitted with the election application form. (G.C. § 21269)

2. Employer Certification Employers must certify the separation information by submitting it and any updates online using my|CalPERS. Separation information includes the employee’s permanent separation date and any unused sick leave balances. If the information is submitted prior to CalPERS processing the member application the additional service credit will be included in the member’s initial retirement benefit. Otherwise the member’s account will be adjusted after the information is submitted. To receive sick leave credit according to Collective Bargaining Unit Contracts, the member’s retirement date must be within 120 days from the date of separation from the employer granting the sick leave. (G.C. § 20963 and 20965)

Service credit for unused sick leave is a mandated benefit for public agencies that participate in risk pools. For all others, it is an optional benefit. (G.C. § 20963 and 20965)

It is imperative that you report a permanent separation when an employeeretires or otherwise ends employment with your agency, regardless of the reason. (G.C. § 20221(a)) All transactions within my|CalPERS, including health and retirement, rely on the permanent separation date to be reported to determine proper benefit eligibility and cost for both the employer and the member.

CONVERSION OF SICK LEAVE CREDITS
All employees, regardless of their work schedule (6.6 hours, 10/4/40, 9/8/80, 52 hour, etc.) will have any accumulated unused hours of sick leave service credit divided by eight to determine the number of days to report to CalPERS for the purposes of enhancing the retirement benefit.
NOTE:
Sick leave/educational leave information must be reported in **8 hour days** only. Employers can take whatever in-house procedures they desire to ensure appropriate sick leave/educational leave days are reported. For instance, the employee’s sick leave/educational leave can be taken off the books the day the certification is completed.

Sick leave is converted to service credit by: days of reported sick leave × .004 = service credit. (G.C. § 20692, 20963, 20965) Example: 35 days × .004 equals .140 years of service credit.

The accrual of sick leave credits must be consistent for members of the same group or class who work like or similar hours. (G.C. § 20630) Service credit, which was not earned through the “accrual of sick leave” policy, may not be credited on an individual basis for the purposes of enhancing the retirement benefit. Unused sick leave for which a member receives compensation, (sick leave cash out) should not be reported to CalPERS for purposes of enhancing the retirement benefit. (G.C. § 20963 and 20965)

3. A **Retirement Acknowledgment Letter to Participant** (myCalPERS 0964) is sent to the member within 5-10 days of receipt of the **Service Retirement Election Application** (myCalPERS 1206) in our Sacramento Headquarters office letting them know we have begun processing the request. If the member does not receive an acknowledgment letter within 10 days they should contact CalPERS immediately.

4. A **First Payment Acknowledgement Letter** (myCalPERS 0924) will be sent to the member prior to receipt of the first retirement check. This letter will provide the date of the first retirement check, the amount the member can expect to receive, and important income tax information.

Also included is the **Account Detail Information Sheet** which explains the data used to calculate the member’s retirement allowance.

5. **Notice of Placement on Retirement Roll** (myCalPERS 0926) is sent to the employer after the employee is placed on the retirement roll. The myCalPERS 0926 provides the employer with the number of sick leave days that were included in the employee’s retirement calculation. If all the information is correct, then no action is needed.

The myCalPERS 0926 is mailed to the employer prior to the issuance of the member’s first retirement check, but usually after the member’s separation date.

For future employment of the retiree, please refer to the section on “Employment of a Retiree” and the section on Reinstatement from Retirement”.

NOTE:
The member must notify CalPERS within 30 days of the issuance of their first benefit payment if any changes need to be made in their benefit option election, beneficiary or retirement date.
DEDUCTIONS AFTER RETIREMENT

HEALTH INSURANCE
For public agencies covered under the Public Employees’ Medical and Hospital Care Act (PEMCHA), enrollment of a member is continued without change when the member retires. Coverage will continue into retirement if the individual is enrolled at the time of separation from employment and their effective date of retirement is within 120 days of separation. For questions on health insurance benefits, please refer to the Public Agency & Schools Health Benefits Procedure Guide (C.C.R. § 559.501 (d) (e))

Direct Authorization may be established for automatic deduction of payments for group health insurance administered by the employer as well as life insurance premiums, union dues, credit union payments or shares, or contributions to charitable organizations. (G.C. § 21264 and 21265)

NOTE:
Most deductions will stop at retirement and the member will need to re-establish necessary deductions.

DIRECT AUTHORIZATIONS
Direct authorization deductions for union dues, credit union payments or shares, or charitable organizations may be established provided that (G.C. § 21264 and 21265):

1. The organization has contracted with CalPERS to provide this service (members must contact the organization for this information);
2. The member authorizes to have money deducted through the organization; and
3. The organization submits the authorization directly to CalPERS.

Authorized deductions are stopped or changed upon receipt of written authorization from the organization.

CalPERS function is limited to the mechanics of deducting and determining what deduction authorization is proper. Inquiries concerning these types of “other deductions,” should be directed to the organization.

GENERAL PROCEDURES FOR DIRECT AUTHORIZATION OF HEALTH/LIFE INSURANCE
1. Your agency determines the eligibility of the member to continue such coverage into retirement and forwards the authorization form to the carrier, not to CalPERS. This form must be signed by the member.
2. The Direct Authorization deductions are now processed by the carrier using myCalPERS for on-line transaction processing or file uploads. The deductions are no longer processed by CalPERS staff. CalPERS does not have the authority to start, stop, or change a Direct Authorization deduction. The member must contact the employer or carrier to affect any change on a Direct Authorization.
3. Normally, the carrier will require two (2) months premiums in advance to provide CalPERS with adequate time to process the deduction.

INCOME TAX WITHHOLDING
Federal and California State income tax deductions will be withheld from monthly or lump sum benefit payments unless the retiree specifically elects no tax withholding. Federal (W4P), and California State (DE4P) tax withholding forms must be completed to elect either a specific dollar amount of withholding, a withholding based on tax tables, or specifically elect no tax withholding. If the election form is not filed with CalPERS, automatic withholding begins based on a married person with three (3) exemptions. Any questions retirees have concerning the taxability of their allowance should be directed to the Internal Revenue Service or California State Franchise Tax Board.

PAYMENTS FOR PURCHASING SERVICE CREDIT
A member who previously elected to purchase public service credit, redeposit contributions for service credit, or has arrears contributions, may elect upon retirement to continue any payments due into retirement. In such cases, service credit will be included in the retirement calculation and a monthly payment will be taken from the member’s
retirement allowance. Any balance still unpaid upon the member’s death shall be deducted from death benefits otherwise payable.

A retired member’s survivor entitled to a monthly survivor allowance may elect to continue such deductions from the monthly allowance in lieu of the lump sum payment otherwise required. The following criteria must be adhered to:

1. No installment payments (deductions) are permitted unless an election has been made prior to retirement.

2. Death benefits against which unpaid balances may be deducted include the lump sum benefit, survivor continuance benefits, and payments under all optional settlements.

**SOCIAL SECURITY INSTRUCTIONS**

Members having Social Security coverage, integrated with CalPERS coverage, should contact their local federal Social Security Office approximately three months before their retirement. Reference material needed by the Social Security Office will be: Social Security Number, name of the employer, and documentary proof of birth.

**TEMPORARY ANNUITY PAYMENTS**

Members applying for service retirement can elect to receive an additional monthly allowance from CalPERS.

For members entering CalPERS membership prior to January 1, 2002, the benefit is payable from retirement date to a specific age that the member selects, 59 ½ or any whole age from 60 to 68. The member can name the dollar amount they wish to receive within certain limitations. (G.C. § 21461)

For members entering CalPERS membership on or after January 1, 2002, their employment must be in a position covered by Social Security and the maximum dollar amount that can be received is the amount of their potential Social Security benefit. They must elect to receive temporary annuity payments until any whole age from 62 to 70. (G.C. § 21461.5)

This benefit is NOT free. The member’s CalPERS lifetime allowance is permanently reduced to pay for the temporary annuity.

The Temporary Annuity publication (PUB 13) can be downloaded and member questions on the program can be directed to the CalPERS Website at www.calpers.ca.gov, or by calling CalPERS at 888 CalPERS (or 888-225-7377).
Your agency should maintain a supply of *A Guide To Completing Your CalPERS Disability Retirement Election Application* (PUB 35), which includes the disability retirement application, forms to be completed with step-by-step instructions and important information regarding disability and/or industrial disability retirement.

Please familiarize yourself with the information in the publication to provide assistance to your employees. CalPERS strongly recommends that members complete and mail the *Retirement Allowance Estimate Request* form prior to completing the *Disability Retirement Election Application* (myCalPERS 1200).

**DISABILITY RETIREMENT**

Retirement for disability, available to all members (miscellaneous, industrial and safety classifications) credited with five or more years of service, is retirement resulting from mental or physical incapacity for the performance of the usual duties. There is no minimum age requirement for disability retirement. The injury or disease causing the incapacity need not be job-related. (G.C. § 20026, 20027 and 21150)

**NOTE:**

A member who is employed on a permanent part-time basis and has worked at least five years may be eligible to retire with less than five years of credited service. (Full time employees must work 10 months of full time employment or 1,720 hours to equal one year of CalPERS service credit.) The retirement benefit the member will receive will be based on their actual service credit amount. (G.C. § 20962, 20966 and 20970)

**INDUSTRIAL DISABILITY RETIREMENT (IDR)**

Retirement for industrial disability, available to all safety members and those miscellaneous members covered under G.C. section 21151, is retirement resulting from mental or physical incapacity for the performance of the usual duties. The disabling injury or disease must be work-incurred or job-related. Age, service, and contributions are not considered for qualifying purposes. (G.C. § 20026, 20027, and 21151)

**WHEN TO APPLY**

The application for disability retirement shall be made only:

- While a member is in local agency service, or;
- For a member whose contributions will be made under G.C. section 20997, and is absent on military service, or;
- Within four months after the discontinuance of the local agency service of the member, or while on approved leave of absence, or;
- While the member is physically or mentally incapacitated to perform his/her duties from the date of discontinuance of local agency service to the time of application. (G.C. § 21154)

As soon as it is believed the member is unable to perform the job because of an illness or injury, which is expected to be permanent, or last longer than six months, the member or someone on the member’s behalf, should submit an application for disability retirement. The medical condition does not have to be “permanent and stationary” under Workers’ Compensation to submit the application. (G.C. § 21153 and 21252)

**EMERGENCY RETIREMENT**

CalPERS can expedite retirement processing for members who are facing a terminal illness. If this is the case, CalPERS should be contacted immediately to discuss an emergency retirement. We will make every effort possible to quickly obtain the necessary information and complete our processing. However, for any post-retirement death benefits to be paid, the member must be living on the effective date of retirement. For more information, contact CalPERS at 888 CalPERS (or 888-225-7377). (G.C. § 21153, 21252 and 21503(d))

**WHO CAN APPLY**

Application for disability or industrial disability retirement may be made by the member, by a duly authorized official of the employing agency, or by any person on behalf of the member. “Duly authorized official” is defined in G.C. section 21152(a) (b) (c).

G.C. section 21153 provides that the employer may not separate a member because of disability who is otherwise eligible to retire for disability. The employer must apply for the disability retirement of such member unless the member
waives the right to retire for disability and elects to either withdraw his contributions or leave them in the fund for a future service retirement.

**EMPLOYER ORIGINATED APPLICATION**

When an employer is submitting the Disability Retirement Election Application (myCalPERS 1200) on the member’s behalf, the following sections must be completed:

- **Section 1** Member Information
- **Section 2** Retirement Information – only complete the employer name and member’s position title.
- **Section 3** Disability Information
- **Section 8** Workers’ Compensation Information
- **Section 12** Employer-Originated Application – Signature must be made by the Duly Authorized Official on file with CalPERS or processing will be delayed.

A Supplemental Retirement Information form will be sent to the member for the additional information once the disability is approved by CalPERS.

The Disability Retirement Election Application (myCalPERS 1200) form is available on the CalPERS Website at [www.calpers.ca.gov](http://www.calpers.ca.gov) or contact CalPERS at 888 CalPERS (or 888-225-7377).

**WHAT TO SUBMIT WITH APPLICATION**

The following documentation should be submitted with the application the employer files on behalf of the member:

- Job Duty Statement
- Physical Requirements of the Position/Occupational Title form
- Personnel Records
- Adverse Actions
- Investigation Reports
- Medical Information to Support Application (Fitness for Duty reports, doctor notes, etc.)

**NOTE:**

Only an employer can cancel an Employer Originated Application. Employers have the right to appeal a CalPERS disability determination.

**LOCAL SAFETY MEMBERS**

Safety members submit applications for disability retirement on the Disability Retirement Election Application (myCalPERS 1200). Local safety members are not required to complete Section 8 (Workers’ Compensation Information) and Section 4 (Disability Information) on the application.

**APPLICATION ACKNOWLEDGEMENT**

Upon receipt of a request for disability retirement, CalPERS will contact the member and employer; acknowledging receipt of the application.

CalPERS will continue to notify the employer of the member’s request for disability or industrial disability retirement; however, a copy of the retirement application will not accompany the letter.

**THE DETERMINATION**

In accordance with G.C. section 21156, a local safety member shall be retired for disability only upon the employer's determination that the member is substantially incapacitated physically or mentally for the performance of the usual job duties with the current employer.

The disability decision is based upon competent medical opinion and all medical and vocational information provided by the member, employer and workers' compensation carrier. The determination is based on actual/present disability, not prospective inability to perform the job duties. (G.C. § 21156 and 21158)

The determination must be made within six months of the CalPERS request for such determination in accordance with G.C. section 21157.

Failure to provide this determination within six months places your agency in violation of G.C. section 21157. As a contracting agency of CalPERS, you are the statutory delegate with authority to perform the function of disability determinations for your local safety employees, within the time frame specified by law. However, the member may waive this requirement.

The employer will determine if the disability is industrial, except that in disputed cases the agency, or the member, may refer the matter to the Workers’ Compensation Appeals Board for a determination of industrial causation. (G.C. § 21153, 21156 (a), 21157 and 21166)

**EFFECTIVE DATE OF RETIREMENT**

The member’s effective date of retirement without the member’s consent cannot be earlier than the termination of the employee’s leave of absence
Disability Retirement or Industrial Disability Retirement

without loss of salary under Labor Code Section 4850 (L.C. section), or when disability is permanent and stationary as found by the Workers' Compensation Appeals Board, if earlier. (G.C. section 21164)

INDUSTRIAL DISABILITY ALLOWANCE

Generally, the industrial disability retirement allowance of a local safety member under age 50 will be 50% (or more by additional contract provisions) of final compensation. Please refer to your Business Partner Retirement Contract Report for a complete list of provisions in your agency's contract. You can view your Business Partner Retirement Contract Report in myCalPERS.

The Public Employees' Pension Reform Act of 2013 (PEPRA) allows a calculation for a safety member under age 50 who qualifies for an industrial disability retirement that may result in a higher benefit than 50% of salary. These provisions remain in effect only until January 1, 2018, after which, the new industrial disability retirement provisions will not apply unless the date is extended by statute.

A safety member who retires on or after January 1, 2013 for industrial disability shall receive a disability retirement benefit equal to the greater of the following:

• 50% of final compensation (or more by additional contract provisions). An additional annuity may be payable if the member has contributions associated to non-safety service. (G.C. § 21413)

• A service retirement allowance, if qualified for service retirement.

• If under age 50, an actuarially reduced benefit factor (determined by the retirement formula and how many quarter years under age 50) multiplied by the number of years of service credit. (G.C. § 21400)

LOCAL AGENCY DETERMINATION PROCEDURES

Before the Retirement System can act on any local safety member's application for disability retirement, the following questions must be resolved by the agency and the information mailed to CalPERS in the form of a Resolution or determination letter:

1. Is the member substantially incapacitated from performing the usual duties of the position?

2. If incapacitated, will the incapacity exist for a permanent or extended and uncertain duration of six months or longer?

It is your agency's responsibility to order a medical examination and obtain such evidence as is necessary to make a determination. (G.C. § 21156 and 21158).

Such evidence may be obtained from the Workers' Compensation insurer. On the basis of its accumulated evidence, the agency must determine whether the member is disabled within the meaning of the Public Employees' Retirement Law.

This determination must be made within six months from the date of the CalPERS request for such determination. Also, the agency must bear the responsibility for any investigation of retired members for possible reinstatement action. (G.C. § 21157 and 21192)

3. If a determination is made that the member is disabled, is the disability considered "industrial"?

Industrial means disability as a result of injury or disease arising out of and in the course of employment as a local safety member (G.C. section 20046). Such evidence may be obtained from the Workers' Compensation insurer. If there is no application filed with the Workers' Compensation Appeals Board for a determination pursuant to G.C. section 21166, the agency is required to provide the determination of industrial causation.

If either the member or agency applies to Workers' Compensation Appeals Board for a determination, only that Board can decide the "industrial" question. (G.C. section 21166)

A copy of this decision must be sent to CalPERS. CalPERS will assume that the findings are not disputed, and will proceed accordingly, unless the agency notifies CalPERS that a Petition for Reconsideration has been filed.

4. What is the last day of compensation?

5. What is the effective date of retirement?
Disability Retirement or Industrial Disability Retirement

The retirement effective date is established in accordance with G.C. sections 21163 and 21164. These sections state that the member’s retirement, without the member’s consent, cannot be effective until:

a. The expiration of accrued sick leave or compensating time off, unless, with respect to such leave, the provisions of local ordinances or rules of the employer provide to the contrary; and/or

b. The termination of the employee’s fully compensated leave of absence under L.C. section 4850; and/or

c. An earlier date during the leave when the disability is found to be permanent and stationary by the Workers’ Compensation Appeals Board.

CalPERS will require the agency determining the member’s disability to provide information necessary for CalPERS to determine the effective date. The member should not be kept on payroll to exhaust accrued vacation once a disability determination has been made. G.C. section 21252 may also apply.

If the member appeals the determination, the agency is required to comply with the Administrative Procedures Act (APA) in the disability retirement determination process. (G.C. § 21156(b) (2))

All related local agency determination documents can be mailed to:

CalPERS
P.O. Box 2796
Sacramento, CA 95812-2796
Fax: (916) 795-1280

Advanced Disability Pension Payments (ADPP)

Employers must make "advanced disability pension payments" to safety members who have qualified for benefits under L.C. section 4850 and have submitted an application for industrial disability retirement, until the member begins receiving their retirement benefits directly from CalPERS, or the application for disability retirement is denied.

Employers must commence ADPP no later than 30 days from the date of the last payment of salary/ wages, benefits under L.C. section 4850 or sick leave. Employers are required to commence ADPP when the employee files an application for disability retirement at least 60 days prior to the payment of ADPP and cooperates with providing medical information, attending medical examinations, and the evaluation process established by CalPERS.

The 30 day period for the commencement of ADPP shall be tolled by whatever period of time is directly related to the employee’s failure to apply for disability retirement or full cooperation with the process.

NOTE:
ADPP cannot be paid to members who are receiving a service retirement allowance.

Contact CalPERS at 888 CalPERS (or 888-225-7377) before paying ADPP if the member has applied for Service Retirement pending Industrial Disability Retirement.

When a safety member begins receiving ADPP, any payments made under L.C. Section 4850 are discontinued. CalPERS will notify the employer by

NOTE: Under L.C. section 4850, the leave cannot end earlier than one year unless the disability is determined to be permanent and stationary by the Workers’ Compensation Appeals Board and the member will be receiving advanced disability pension payments — paid by the employer. See "Advanced Disability Pension Payments."

6. Is there any third party liability related to the injury which caused the disability?

CalPERS requires that the agency file an accident report along with its decision as to the possibility of any third party liability. The reason for this information is that CalPERS will retain its rights of subrogation in disability cases.

If a determination is made that the member is not disabled, the agency must notify the member and CalPERS. Notification to the member of their right to appeal the agency’s decision and request a hearing within a designated number of days from the date of the notice shall be by certified mail, return receipt requested, or by personal service. (G.C. § 21156)
phone prior to the member being placed on the retirement roll. The ADPP is then stopped.

When CalPERS begins paying the disability retirement allowance to the member, the amount of the ADPP the employer paid to the member will be deducted from the retroactive portion of the member’s retirement allowance. If the retroactive portion does not cover the total amount, CalPERS will reduce the member’s monthly allowance by as much as 10% until the balance has been paid. (G.C. section 21419)

ADPP is not considered compensation for retirement purposes. (G.C. section 20630)

The local safety employer is required to pay ADPP until the employee is approved or disapproved for a disability retirement allowance, only if the employee meets specified conditions set forth in L.C. section 4850.4. If an employee’s disability retirement application is denied, the local agency and the employee shall arrange for the employee to repay all ADPP.

Advanced disability pension payments shall not exceed 50% of the average monthly pay rate for the last three years prior to retirement. If the member plans to choose an optional settlement, the ADPP should be reduced accordingly. (L.C. section 4850.3)

It is the employer’s responsibility to report to CalPERS the amount of ADPP paid to a member. If the employer fails to notify CalPERS that ADPP is paid or if the member service retires, the local agency and the employee shall arrange for repayment. CalPERS will not reimburse the employer in these situations.

**COMMUNITY PROPERTY CLAIMS**

In a situation where a community property claim has been filed against a member’s account, it is recommended that your agency reduce the ADPP to 25% of the member’s average monthly pay rate for the last three years prior to retirement. If CalPERS has notified your agency of the existence of a community property claim and the non-member spouse is awarded a portion of the member’s monthly allowance, the amount awarded to the non-member spouse will be paid from the retroactive portion of the member’s retirement allowance before the ADPP is reimbursed to your agency.

If the member’s remaining retroactive portion is not sufficient to cover the ADPP, the member’s share of the allowance will be reduced by 10% until the total ADPP has been repaid. If the application for disability retirement is denied, the employee is responsible for reimbursing the employer the amount of ADPP received and any repayment plan is decided between the employer and employee. CalPERS will not reimburse the employer in these situations.

Since retirement allowances are paid monthly, CalPERS would prefer that the employer make advanced disability pension payments monthly. ADPP should be paid for the preceding month. If the retirement effective date is a day other than the first of the month, the member is entitled to receive retirement pay from the retirement effective date until the end of the month.

Example:

<table>
<thead>
<tr>
<th>Retirement Date</th>
<th>Portion of Monthly Allowance to be paid by Employer as ADPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 5</td>
<td>27 out of 31 days (27/31)</td>
</tr>
<tr>
<td>September 30</td>
<td>1 out of 30 days (1/30)</td>
</tr>
</tbody>
</table>

Please include in the Resolution or determination letter to CalPERS the following information:
1. Whether or not advanced disability pension payments will be made;
2. Amount of monthly advanced disability pension payment;
3. Amount of the first payment, if retired date is other than the first of the month;
4. Address to send the reimbursement check.

**TRANSMITTAL OF THE AGENCY’S DETERMINATION**

There are sample resolutions located in the Appendix of this Guide that may be used by your agency in transmitting the required information to CalPERS. All resolutions should state whether or not the employer will be making advance disability pension payments to the member.

**SCHOOL MEMBERS AND LOCAL MISCELLANEOUS MEMBERS**

**APPLICATION PROCESS**

The member or individual applying on the member’s behalf, other than the employer, is responsible for forwarding all forms to the appropriate party (ies) for completion. (See the
Estimate — The member’s first step should be to request a Disability Retirement Estimate, by completing and submitting the Retirement Allowance Estimate Request (my|CalPERS 1211) form available online. Alternatively, a request can be made by calling CalPERS at 888 CalPERS (or 888-225-7377). Disability estimates are not available online.

Complete Package — In order for CalPERS to process a request for disability retirement, a complete package must be received within 21 calendar days. If a complete package is not received within this time frame, CalPERS will cancel the member’s application. A complete package consists of:

- A completed Disability Retirement Election Application (my|CalPERS 1200).
- A completed Authorization to Disclose Protected Health Information (my|CalPERS 1203) signed by the member.
- A completed Physician’s Report on Disability (my|CalPERS 1204) from a physician who specializes in the member’s disabling condition. The physician must provide a diagnosis on the member’s condition and include information about how it prevents the member from performing their job duties (an incomplete form will delay the review process).
- An Employer Information for Disability Retirement (my|CalPERS 1201) form with the job description attached. This form must be used as a cover sheet for the job description and any other documents the employer submits to CalPERS.
- A completed Workers’ Compensation Carrier Request form along with medical records related to the claimed disability for an application for Industrial Disability Retirement, if the member has a job-related injury.

All the required forms needed are included in A Guide to Completing Your CalPERS Disability Retirement Election Application (PUB 35). The member should read the entire publication prior to completing any forms so the information submitted is complete and accurate. This will assist CalPERS in making a determination in a timely manner.

Application — When the member submits the Disability Retirement Election Application (my|CalPERS 1200), the following sections must be completed:

Sections 1 - 8 and 10 & 11 - Completed by the member or by someone on the member’s behalf.

Section 2 - Member does not need to designate a retirement date to begin the process unless requesting service pending disability or industrial disability retirement.

Section 5 - Member must select an option, and to make an informed decision, they must first request an estimate.

Section 11 - Member’s signature must be witnessed by a CalPERS representative or be notarized.

Determination — The disability decision is based upon competent medical opinion; and all medical and vocational information provided by the member, employer, and workers’ compensation carrier is considered in the determination. The determination is based on actual/present disability, not prospective inability to perform the job duties. In the event the medical information supplied to CalPERS is insufficient to make a determination, CalPERS may arrange an Independent Medical Examination (IME).
If the member is found to be disabled due to a mental disorder, a valid Power of Attorney may be required before benefits are payable. For Power of Attorney instructions, please refer to the booklet Power of Attorney (PUB 30).

**NOTE:**
If the member is currently enrolled in the CalPERS health plan and becomes employed in another job pending the determination of disability retirement benefits, eligibility for CalPERS health benefits may be affected after retirement. (G.C. § 599.502 and 599.504)

**RETIREMENT EFFECTIVE DATE**
If the application was received within nine months after discontinuance of employment, the effective date of disability retirement will be the day following the last day of payroll. (G.C. § 21252)

In the case of an application for disability retirement filed with CalPERS more than nine months after discontinuance of the member’s service, the effective date of the application shall be determined in accordance with G.C. section 20160, or if no date is indicated the effective date will be the first of the month the application is received.

If a member has been approved for disability retirement, the law states the member must be retired immediately. The member may, unless contrary to local rules or regulations, remain on pay status to use sick leave and/or compensating time off that a person is entitled to; entitlement is a matter that must be resolved by each employer. (G.C. § 21163)

**MEMBER ALTERNATIVES FOLLOWING THE DISABILITY DETERMINATION**
When the member has been found to be “disabled,” the member will be notified of the finding and advised that he/she must be retired immediately. The member cannot cancel the application for disability retirement after disability has been determined. However:

1. If the member is also eligible and applies to retire for service (prior to the effective date of retirement for disability or within 30 days of notification of disability retirement approval), the member may be retired for service. (G.C. § 21156(a)(1))

2. The member may also elect to separate from employment and accept a refund of accumulated contributions in lieu of all future rights and benefits from CalPERS. (G.C. § 21172)

3. The member may appeal the determination directly to the employer for local safety members and to CalPERS for miscellaneous members.

When the member has been found to be “not disabled” and the application is denied, the member will be notified of the finding and provided the opportunity to appeal the decision. Both the member and the employer have the right to appeal a CalPERS disability determination. (C.C.R. § 555 and 555.1-555.4)

**NOTE:**
With the exception of Local Safety members, all appeals must be submitted in writing directly to CalPERS within 30 days from the date of the notification letter.

Appeals may be mailed to:
CalPERS
P.O. Box 2796
Sacramento, CA 95812-2796

CalPERS is subject to the Administrative Procedures Act (APA) and the governing body of the contracting agency (or its authorized representative) acts as a delegate of the CalPERS Board of Administration in making the determination of substantial incapacity/disability. Therefore, the contracting agency is bound by the APA in the same manner as the CalPERS Board. So, in case of an appeal to the determination, the dispute must be heard by an administrative law judge of the State Office of Administrative Hearings.

The APA is set forth in the Government Code and the statutes describe the requirements and methods for conducting an administrative hearing. If the contracting agency determines that the member is not incapacitated for the performance of duty, it shall notify the member and CalPERS of this determination. The determination should be sent to the member by certified mail (return receipt requested) giving the member a specified time period in which to appeal and request a hearing. This is proper due process. Please refer
Disability Retirement or Industrial Disability Retirement

GENERAL DISABILITY CALCULATION
You can get an idea of what the member’s monthly unmodified disability retirement allowance will be. To do so, you need to know three things:

- How many years of service credit the member has;
- The benefit factor (1.8 percent for public agency and school members, or 1.35 percent for the local 1.5 percent at 65 formula) (G.C. § 21098 and 21423(a)); and
- The final compensation, either 12 or 36 months, depending on the employee’s membership date and employer’s contract. (G.C. § 20035-20039, 20041 and 20042)

Find the benefit factor and years of service credit in the following groupings. Follow the instructions listed and fill in the worksheet.

LOCAL PUBLIC AGENCY AND SCHOOL MEMBERS
A Local Public Agency Miscellaneous or School Member must have at least five years of service credit to be eligible for disability retirement. (G.C. § 21150)

If the member has between 5 and 10 years, OR 18 ½ or more years of service credit, multiply the years of service by 1.8 percent to determine the percentage of final compensation. (The maximum percentage allowable is 33 1/3 percent).

THEN
Multiply the percentage of final compensation by the highest consecutive 12 or 36 month average monthly salary (depending on employer’s contract) to determine the Unmodified Allowance. Please note if the member is eligible for service retirement, the member will receive the higher allowance payable, service or disability. (G.C. § 21098)

Figuring the Disability Allowance Worksheet

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Benefit Factor</th>
<th>% of Final Compensation</th>
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<tbody>
<tr>
<td></td>
<td>X</td>
<td>=</td>
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% of Final Retirement Final Compensation Compensation Allowance

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CANCELLATION OF APPLICATION
If a member desires to cancel the disability retirement application, other than an employer originated application, the request must be made in writing. The member’s signature is required.

Cancellation requests can be mailed to:
CalPERS
P.O. Box 2796
Sacramento, CA 95812-2796

to the APA Sample Procedural Resolution in the Appendix section of this Guide.

If the member has between 5 and 10 years, OR 24.692 or more years of service credit, multiply the years of service by 1.350 percent to determine the percentage of final compensation.

If the member has between 10 and 24.691 years of service credit, add to that figure the number of years until the member will be age 65 and multiply the TOTAL by 1.350 percent. (The maximum percentage allowable is 33 1/3 percent).

THEN
Multiply the percentage of final compensation by the highest consecutive 12 or 36 month average monthly salary (depending on employer’s contract) to determine the Unmodified Allowance. Please note if the member is eligible for service retirement, the member will receive the higher allowance payable, service or disability. (G.C. § 21098)

OTHER LOCAL PUBLIC AGENCIES
If your agency contracts for the 1.5 percent at 65 formula, the member must have five years of service credit to be eligible for disability retirement. (G.C. § 21100 and 21150)
A cancellation is binding; the member must thereafter re-apply whenever he/she is ready to retire. However, if the member is currently receiving service retirement benefits, the member cannot re-apply for disability or industrial disability retirement.

If the member has been found to be disabled, and the disability was approved, please refer to the Member Alternatives Following Disability Determination section earlier in this chapter for more information.

**SUBROGATION (G.C. § 20250, 20252, 20253, 20254, and 20255)**

Under the law, if someone other than the employer caused an injury that results in disability retirement benefits being paid to the member, CalPERS has the right to recover up to one-half of the total retirement benefit costs from the responsible party. This is known as the “right of subrogation.” (G.C.§ 20250)

If the member pursues a claim against any person for the same injuries that also entitles the member to a disability retirement from CalPERS (other than a Workers’ Compensation claim or an uninsured motorist claim), the member must inform CalPERS by calling **888 CalPERS** (or **888-225-7377**).

This is true even if the claim has not yet resulted in a court action. CalPERS has the right to participate in the claim through filing its own action against the responsible party, intervening in the claim, or filing a lien against any judgment recovered.

If such a claim is settled without notifying CalPERS, we may also be entitled to file a lawsuit against the member for recovery under our subrogation rights.

**INSTRUCTIONS FOR COMPLETION OF THE MY|CALPERS 1205**

Upon approval of an application for disability retirement by CalPERS, the Benefit Services Division will require payroll information to begin the disability retirement payments.

The **Report of Separation and Advance Payroll Information** (my|CalPERS 1205) must be completed by the employer.

The first section is to be completed by the member:

**Section 1 – Employing Agency and Member Information:**
- Name of Employing Agency
- Member’s name
- Social Security Number or CalPERS ID
- Retirement date requested by the applicant

The following three sections are to be completed by the employer:

**Section 2 – Effective Separation or Termination Dates**
- Separation Date
- Termination Date
- Last Day on Pay Status
- Beginning and ending dates of leave of absence with compensation
- Explanation of the difference between the date of separation and last day on pay status, if any.

**NOTE:**
In the integrated my|CalPERS system, the permanent separation date is now part of a series of system validations. **Therefore, the permanent separation date must be reported as the day after the last day an employee works for your agency, which is often the day after the last day on payroll.** The permanent separation date will frequently be the same day as a member’s retirement date or start date of a new appointment. It is imperative that all Business Partners follow this important business rule to avoid transaction errors due to automatic system validations. If a member goes on leave of absence or is absent without leave, etc., at the time of retirement, then the date of separation and the last day on the payroll may not be the same.

**Section 3 – Unused Sick Leave at Time of Separation**

If the member has a sick leave balance that was not used at the time of separation from employment, report the total number of 8 hour days, not hours, of unused sick leave. (G.C. § 20962, 20963, and 20965)
Section 4 – Certification of Employer

- Signature of Payroll Officer
- Title
- Date
- Phone number

Immediately mail the myCalPERS 1205 form to the address provided on the form. Failure to submit the form on a timely basis may result in a delayed warrant to the recipient. Please note the following:

- Do not combine contributions for maintenance and Special Compensation with normal contributions. Use the “other” column.
- Do not deduct retirement contributions from lump sum vacation payments.
- Do not delay submission of this form awaiting final payroll data. Estimate the last period’s payroll information and label this line “Estimate.”
EMPLOYMENT OF A RETIREE

GENERAL RULE
Government Code sections 7522.56, 7522.57 and 21220 through 21230 provide the requirements for employment of a CalPERS retiree. Section 7522.56 provides that a retired person cannot serve, be employed by, or be employed through a contract directly by, a public employer in the same public retirement system from which the retiree receives benefits without reinstatement from retirement, except as permitted.

CONDITIONS FOR EMPLOYMENT AFTER RETIREMENT
A CalPERS retiree may work for a CalPERS employer (an employer who contracts with CalPERS for retirement benefits) either because the employment is required during an emergency to prevent the stoppage of public business or because the retiree has skills needed to perform work of limited duration. Retirees may be appointed to retired annuitant-designated positions only. If a retiree is appointed to a permanent regular staff position, regardless of whether part time or full time he or she is unlawfully employed.

The hours worked by a retiree cannot exceed 960 hours in a fiscal year, July 1 through June 30. If the retiree works for more than one employer, the hours worked combined cannot exceed the 960-hour limit. There is no exception to this maximum hour limit. CalPERS considers it the responsibility of both the employer and retiree to ensure the retiree does not work more than 960 hours per fiscal year.

The compensation paid to a retiree is limited to a rate of pay that is not less than the minimum and does not exceed the maximum paid by the employer to employees performing comparable duties, divided by 173.333 to equal an hourly rate. The retiree cannot be paid or receive any other compensation or benefits other than the hourly pay rate. No retirement contributions are collected or paid for employed retirees.

CalPERS retirees employed by CalPERS employers are also referred to as “retired annuitants”.

180-DAY WAIT PERIOD REQUIREMENT:
All employees who retire effective January 1, 2013 or later must serve a 180-day waiting period between the retirement date and the first day of post retirement employment. There are certain exceptions to this wait period as below. PLEASE NOTE: None of the following exceptions apply if the retiree receives a Golden Handshake or any other retirement incentive (G.C. section 7522.56(f)).

The exceptions to the 180-day wait period for public agency and school employers are:

- **FIREFIGHTER OR PUBLIC SAFETY OFFICER:** The person retired as a firefighter or public safety officer as defined in G.C. 3301 (peace officer) and he or she will perform peace officer or firefighter retired annuitant work. If the retiree is on service retirement, he or she must meet the Bona Fide Separation in Service Requirement, section 21220.5, below.

- **EMPLOYER RESOLUTION-CERTIFICATION:** The governing body of a public agency or the County Office of Education of the school employer presents CalPERS with a resolution, passed in a public meeting, that approves the appointment and the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before the 180 days has passed. This resolution may not be placed on a consent calendar. To secure a 180-day exception, the employer must submit a copy of the certification-resolution along with a copy of the retiree’s employment agreement to CalPERS before the first day of employment. Please mail the documents to:
  
  CalPERS
  Benefit Services Division
  PO Box 942711
  Sacramento, CA 94229-2711

Direct questions about the 180-day wait exception process to the Benefit Services Division.
**Bona Fide Separation in Service Retirement**

If the service retiree is under "normal retirement age" at retirement, employment with a CalPERS employer is not allowed, even if an exception to the 180-day wait period would apply, unless both of the following conditions are met:

1. There was no agreement to work after retirement between the member and the employer before the member retired, and
2. There is a bona fide break in service (no employment) of 60 days between the retirement date and the date the retiree's employment will begin.

"Normal retirement age" is the age named in the retirement benefit formula. For example, the "normal retirement age" for a 2% @ 55 retirement benefit formula is 55. If the member has more than one retirement benefit formula, the "normal retirement age" is the highest "normal retirement age", even if service under that formula was with a previous employer and/or years in the past. Members can review their retirement formulas on their Annual Member Statements, which are available online, via their myCalPERS member account, or mailed (if elected) each November.

**Example:** Joe Smith is a public agency/school miscellaneous member who retired June 30, 2012 at age 52. His retirement benefit formula is 2% at 55. Because he has not reached his "normal retirement age" of 55, he must have a bona fide separation in service before he can work for any CalPERS employer. To meet the bona fide separation requirement, the following must be true: (1) There is no agreement before Joe's retirement for him to work after retirement with that employer (no predetermined agreement), and (2) there are at least 60 days between his retirement date and the first day of employment. (C.C.R. § 586-586.2)

This bona fide separation requirement is Government Code section 21220.5 and is required to comply with IRS tax regulations prohibiting in-service distributions of pension benefits. The only exception to the section 21220.5 requirement is during an emergency as defined in Government Code section 8558. If the retiree is at or above his or her normal retirement age, this bona fide separation requirement does not apply.

**Non-Academic Appointment by School Employer or CSU**

A retiree may be employed in a non-academic position if appointed by a school employer or by the Trustees of the California State University because the retiree has specialized skills needed in performing work of limited duration, which cannot exceed 960 hours in any fiscal year. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties divided by 173.333 to equal an hourly rate. Retired annuitants shall not receive any benefit, incentive, or compensation in lieu of benefits, or other forms of compensation in addition to the hourly pay rate (G.C. sections 7522.56 and 21229).

**Unemployment Insurance Benefits and Retired Annuitant Employment**

California law prohibits the reappointment of a retired annuitant by a CalPERS employer if, during the 12-month period prior to reappointment, the retiree received unemployment insurance compensation for prior retired annuitant employment with any public employer.

A retiree shall certify in writing to the employer upon accepting an offer of post retirement employment that he or she is in compliance with this requirement (G.C. 7522.56 (e) (1)). Employers may require retirees provide a current Unemployment Insurance Benefit (UIB) printout from the Employment Development Department showing whether or not they have collected unemployment insurance within the last 12 months.

If a currently employed retiree is discovered to have received unemployment insurance compensation based on prior retired annuitant employment with your agency, the current employment must be terminated on the last day of the current pay period and the retiree shall not be eligible for reappointment by your agency for 12 months following the termination of the current employment (G.C. section 7522.56(e)). A violation of this provision will not result in reinstatement from retirement.

Questions regarding post retirement employment of retirees should be directed to the Benefit
Employment of a Retiree

Employment of Retired School Teachers by a School District

School districts considering employment of retired school teachers should refer to sections 45134, 45135, 59007, 59113, 88033, 88034 of the Education Code and contact CalSTRS, concerning the restrictions of such employment.

Special Appointments - The 180-Day Wait Period Does Not Apply

1. Full Time State Board or Commission: A CalPERS retiree may be appointed to serve on a full time salaried state board or commission as follows: The retiree may serve without reinstatement from retirement as a non-salaried member and receive only the per diem authorized to all members of the board or commission. If the retiree accepts the salary, the retiree must reinstate from retirement (G.C. section 7522.57(c)). Please see the Membership section for membership election information.

2. Part Time State Board or Commission: A CalPERS retiree may be appointed to serve on a part-time state board or commission provided the annual salary is no more than $60,000. This annual salary shall only be increased in any fiscal year in which a general salary increase is provided to state employees. (G.C. section 7522.57(b)).

3. Full Time State Board or Commission, Not a CalPERS Retiree: A retiree from a public pension system other than CalPERS appointed to a full time salaried board or commission shall choose one of the following:

   a. The retiree may serve without reinstatement from retirement as a non-salaried member and receive only the per diem authorized to all members of the board or commission.
   b. The retiree may suspend his or her retirement allowance(s) and instate as a new member of CalPERS to serve as a full time salaried board or commission member. This service shall not be eligible for reciprocity with any other retirement system or plan. (G.C section 7522.57(d)).

4. Penal Code State Board: A person retired from a public employer may serve without reinstatement upon appointment to a full time state board pursuant to Section 5075 of the Penal Code. (G.C. section 7522.57(e)).

Special Appointments - The 180-Day Wait Period Does Apply

Interim Appointment During Recruitment for Vacancy: The governing body of a contracting agency may appoint a retiree as an interim appointment to a vacant position during recruitment for a permanent appointment. This appointment must be deemed by the governing body to require specialized skills or during an emergency to prevent the stoppage of public business. A retiree shall only be appointed once to this vacant position. These appointments shall not exceed a combined total of 960 hours for all employers in a fiscal year. The compensation for the interim appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties divided by 173.333 to equal an hourly rate. A retiree appointed to a vacant position shall not receive any benefit, incentive, compensation in lieu of benefits, or other forms of compensation in addition to the hourly rate (G.C. sections 7522.56 and 21221(h)).

Elective Positions - 12/31/2012 & Prior

Any retiree may serve as an elective officer without reinstatement from retirement, however any part of the retirement allowance based on previous service in that same elected office shall be suspended during incumbency in such office (G.C. sections 21221(d) and 21222). This applies only to retirees who were already serving in elective office December 31, 2012 and prior.

Elective Positions - 1/1/2013 & Later

Retirees elected on or after January 1, 2013 may be subject to retired annuitant restrictions. Direct specific questions about elected officials and retired annuitant employment to the Benefit Services Division at 888-225-7377.

Employment by a Non-CalPERS and Non-Public Retirement System Employer

A retiree receiving a monthly allowance from CalPERS may be employed by any employer not participating in CalPERS or any non-public retirement system without reinstatement from retirement. (G.C. § 21432)
A CSU academic retiree may be employed with a school employer in a certificated STRS-qualified position without reinstatement (provided that he or she has never previously made a STRS-PERS election. Please see the section within this guide: Membership-School Employment: CalPERS or CalSTRS? (G.C. § 7522.56)

**Employment of a Retiree as an “Independent Contractor”, “Consultant”, or Contract Employee”**
Before employing a retiree as an independent contractor, consultant or contract employee, please note the following and contact CalPERS for any questions:

- If the retiree will be your employee under common-law employment principles, the employment is subject to the retired annuitant requirements.
- If the position is one in which an active CalPERS member would earn service credit, the employment is subject to the retired annuitant requirements.
- Please note, statutory positions, i.e., positions that are employees of your agency by statute cannot be filled by employees of a third party employer. If you have a question about whether a position is a statutory employee, please contact the Customer Account Services Division, Membership Analysis & Design Unit.

Direct specific questions about retired annuitant employment to the Benefit Services Division at 888-225-7377 or you may also submit your written questions along with a copy of the proposed contract and scope of duties document to:

CalPERS
Benefit Services Division
P.O. Box 942711
Sacramento, CA 94229-2711

**Consequences of Unlawful Employment**
Violation of the retired annuitant requirements can result in reinstatement from retirement. If reinstated for unlawful employment, the retiree will be required to reimburse CalPERS for all retirement allowance received during the period of unlawful employment and pay retroactive member contributions, plus interest. Upon enrolling the reinstated retiree into active membership, the employer who unlawfully employs a retiree will be required to pay retroactive employer contributions for the period of unlawful employment, plus interest.

**Employment or Co-employment Through a Third Party Employer (All Retirees)**
Before employing a retiree through a third party employer or temporary employment agency, please note the following and contact CalPERS for any questions (Presidential Decision 5-01 and Galt Services Authority case):

- The fact a third party employer may pay the retiree’s wage does not exempt the employment from the retired annuitant requirements.
- If the retiree will be your employee under common-law employment principles, the employment is subject to the retired annuitant requirements.
- If the position is one in which an active CalPERS member would earn service credit, the employment is subject to the retired annuitant requirements.
- Please note, statutory positions, i.e., positions that are employees of your agency by statute cannot be filled by employees of a third party employer. If you have a question about whether a position is a statutory employee, please contact the Customer Account Services Division, Membership Analysis & Design Unit.

Direct specific questions about retired annuitant employment to the Benefit Services Division at 888-225-7377 or you may also submit your written questions along with a copy of the proposed contract and scope of duties document to:

CalPERS
Benefit Services Division
P.O. Box 942711
Sacramento, CA 94229-2711
EMPLOYMENT OF A DISABILITY/INDUSTRIAL DISABILITY RETIREE

NOTE:
For limited duration employment not to exceed 960 hours per fiscal year, see Limited Duration Employment in the section.

The Board may approve CalPERS re-employment without reinstatement for a member who is receiving a disability/industrial disability retirement allowance and who is offered a specific job in a position that is significantly different from that which the member retired. Such employment cannot begin prior to the Board’s approval. (G.C. section 21228)

To request re-employment approval, the employer retiree must submit the following:
1. The retired person needs to complete and sign Section 1 of the Request to Work While Receiving Disability/Industrial Disability Retirement Benefits (my|CalPERS 1199) form provided in the publication, Employment After Retirement (PUB 33).

2. The prospective employer completes Section 2 of the request form, stating their “intent to hire” the retired person upon CalPERS approval. Attach a copy of the current job duty statement for the position which the retired person is requesting to work. Include the starting salary for the retiree and the salary range for the position. In addition, you will be expected to notify CalPERS of any salary increase when paid to the retiree and all increases, such as cost-of-living adjustments, when applied to the salary range of the position.

If the retiree is to be promoted or changes positions, a new re-employment approval must be obtained prior to the position change, or the retiree may be subject to retroactive reinstatement from disability/industrial disability retirement and be liable for reimbursement of any retirement allowance paid.

3. The employer and member must complete, sign, and submit the Physical Requirements of the Position/Occupational Title form (my|CalPERS 0700).

4. Provide a medical report from the retired person’s physician who specializes in the member’s disabling condition stating that he/she has recently examined the retired person, reviewed the job duty statement, Physical Requirements of the Position/Occupational Title (my|CalPERS 0700) form, and finds the retired person is able to perform all tasks without restriction or limitation. CalPERS may require an independent medical evaluation to supplement the doctor’s report. If so, CalPERS will select the physician, schedule the appointment, and pay for the examination.

Upon approval of the re-employment, the retired person will be required to report monthly earnings to CalPERS, as the disability retirement pension is subject to an earnings limit for as long as the employment continues. (G.C. § 20129) Please note that no employee or employer contributions are made to CalPERS for these types of employment.

For specific questions concerning employment of a CalPERS retiree, please review the publication Employment After Retirement (PUB 33) available in the Forms & Publication Center on the CalPERS Website at www.calpers.ca.gov or contact CalPERS at 888 CalPERS (or 888-225-7377).
**PUBLIC EMPLOYEES’ PENSION REFORM ACT OF 2013 (PEPRA)**

Employees who reinstate from retirement on or after January 1, 2013 with the same employer from which they retired would be entitled to the retirement formula that was in effect on December 31, 2012. (G.C. § 7522.02 and 7522.04)

**NOTE:**
All State agencies, including CSU, are treated as a single employer under PEPRA. Additionally, all school employers are treated as a single employer as well.

However, such employees who reinstate from retirement with a different employer may be enrolled into one of the new retirement formulas depending on whether or not they are considered a “new member” under PEPRA.

**NOTE:**
Please see the Membership chapter of this Guide for the definition of a new PEPRA member.

If you wish to hire a retired person in a permanent position, whether full-time or part-time, the retired person must reinstate from retirement into active CalPERS membership. (G.C. § 21196) A person on service retirement does not need approval prior to beginning active employment. However, to avoid an overpayment of retirement benefits and prevent payroll reporting problems for the employer, it is important to submit the Reinstatement From Service Retirement Application (myCalPERS 0668) in a timely manner.

**NOTE:**
A retired person on a disability or industrial disability must be approved for reinstatement prior to being hired as a regular employee. (G.C. § 21191, 21192 and 21193)

The publication Reinstatement From Retirement (PUB 37) includes the reinstatement applications for retired members on service, disability, or industrial disability retirement as well as information about the voluntary reinstatement process in general. There is also information about mandatory reinstatement and the other consequences of unlawful or “illegal” employment.

Reinstatement from retirement affects the cost-of-living adjustment (COLA) benefits the member will be entitled to receive in the future. COLAs are determined based upon the year in which the member retires. Reinstatement will change the base year of the future retirement, and will therefore, also change the date the member will be entitled to begin receiving future COLAs. (G.C. § 21310.5, 21311, and 21313)

To be retired again following the member’s reinstatement, they must submit a new application for retirement. The member should contact their employer’s personnel office or CalPERS prior to retirement to obtain the correct application document(s).

**SERVICE RETIREMENT**

The Board, pursuant to the provisions of G.C. section 21196, may reinstate a person who has been retired under this Retirement System for service upon:

1. CalPERS receipt of the completed Reinstatement From Service Retirement Application (myCalPERS 0668) form. This form is enclosed in the Reinstatement From Retirement (PUB 37) publication.

2. The member is responsible for completing Sections 1 and 3. Section 2 must be completed by a Human Resource or Personnel representative of the employer certifying the start date or hire date of the permanent position.

A person who has been retired under this Retirement System for service, following an involuntary termination of the person’s employment, and who is subsequently reinstated...
Reinstatement from Retirement

1. A person who has been retired under this Retirement System for service may be reinstated from retirement pursuant to this article without regard to the requirements of G.C. section 21196, upon the retiree’s application to the Board, if upon reinstatement, the retiree will be appointed by the Governor to any State office or employment (G.C. section 21199).

When a person is reinstated from retirement, the retirement allowance is canceled and the retiree becomes a member of the Retirement System as of the date of reinstatement. The retiree’s individual account shall be credited with the actuarial equivalent of the retiree’s annuity at the date of reinstatement, not to exceed the amount of accumulated contributions at the date of retirement (G.C. section 21200).

**DISABILITY/INDUSTRIAL DISABILITY RETIREMENT**

(G.C. § 21191, 21192, 21193, AND 21201)

A member retired for disability/industrial disability may request approval from CalPERS to reinstate to another CalPERS covered position.

1. The Board may require any member receiving a disability retirement allowance, under the minimum age for voluntary retirement for service, to undergo a medical examination. If the Board determines that such recipient is not incapacitated for duty, the agency shall be notified that such person is eligible for reinstatement to duty. The fact that the member was retired for disability does not prejudice any right to reinstatement to duty, which the member may claim. The member’s disability retirement allowance will be canceled on the effective date of the employer’s job offer (G.C. sections 21192 and 21193).

2. Any retiree may request approval from CalPERS to reinstate, whereby the retirement allowance is canceled and the member resumes active member status, including earning additional service credit towards his/her subsequent retirement.

To request approval, the employer and member must:

- Complete Sections 1 and 2 of the Reinstatement from Disability /Industrial Disability Retirement form (myCalPERS 0669) found in the Reinstatement From Retirement publication (PUB 37);
- Provide a current job duty statement for the position, and complete the Physical Requirements of the Position/Occupational Title form (myCalPERS 0700);
- Provide a medical report from the retired person’s physician who specializes in the member’s disabling condition stating that he/she has recently examined the retired person, reviewed the job duty statement, and Physical Requirements of the Position/Occupational Title (myCalPERS 0700) form, and finds the retired person is able to perform all tasks without restriction or limitation. CalPERS may require an independent medical evaluation to supplement the doctor’s report. If so, CalPERS will select the physician, schedule the appointment, and pay for the examination.

If the member is requesting reinstatement into a different position from which they retired, the prospective employer must complete Section 3 stating their intent to hire the member upon CalPERS approval (G.C. sections 21192 and 21193).

If the member whose disability/industrial disability retirement has been canceled does not re-enter CalPERS covered employment, an amount which is the actuarial equivalent of the member’s annuity at cancellation shall be credited to the individual account, and shall be refunded unless the member is eligible to elect, and does elect, to allow his/her accumulated contributions to remain in the retirement fund (G.C. section 21172).

**ADDITIONAL INFORMATION FOR INDUSTRIAL DISABILITY**

For reinstatement from Industrial Disability only, the member must:

- Check the box in Section 2

The prospective employer must:

- Complete Section 3 stating their intent to hire the member upon CalPERS approval (G.C. sections 21192 and 21193).
Upon subsequent retirement, the member’s allowance will be recalculated based on the average of the highest pay rate and special compensation during any consecutive 12 or 36 months depending upon membership date using the same benefit formula for industrial disability and adding an annuity for the additional time worked after reinstatement. If the member is eligible for a service retirement after the miscellaneous employment, the member may receive whichever allowance is greater, but will retain the industrial disability retirement classification (G.C. § 21197 and 21200).
NOTIFICATION OF CHANGE IN BENEFICIARY STATUS

It is important for a retired member to contact CalPERS to request a Changing Your Beneficiary or Monthly Benefit After Retirement (PUB 98) publication when any one of the following qualifying events occurs because his or her designated beneficiary’s entitlement to certain CalPERS benefits could be affected:

- Marriage or domestic partnership of the retired member. (G.C. § 21462)
- Legal separation, dissolution or annulment of marriage or termination of domestic partnership of the retired member if initiated after the designation was filed. (G.C. § 21462)
- Birth or adoption of a child. (G.C. § 21462)
- Death of Retirement Option Beneficiary (G.C. § 21462)

Should any one of these events occur, a retired member’s existing beneficiary designation for the balance of Option 1 contributions, the lump sum death benefit, or the balance of Temporary Annuity payments are automatically revoked. Once the designation is revoked, lump sum benefits will be paid to the statutory beneficiaries in the following sequence:

1. To the retired member’s spouse/domestic partner, or if none;
2. To the retired member’s natural or adopted children, share and share alike, or if none;
3. To the retired member’s parents, share and share alike, or if none;
4. To the retired member’s brothers and sisters, share and share alike, or if none;
5. To the retired member’s estate, if probated. If the estate does not require probate, but there is a trust, benefits will be paid to the trust. If there is no trust, benefits will be paid to the retiree’s surviving next of kin in the order prescribed by law.

A retired member may designate a new beneficiary by obtaining a Changing Your Beneficiary or Monthly Benefit After Retirement (PUB 98) publication, which includes a Post Retirement Lump Sum Beneficiary Designation Form (PERS BSD 509P), and returning the completed form to:

CalPERS
P.O. Box 942715
Sacramento, CA 94229-2715

The publication is available in the Forms & Publication Center on the CalPERS Website at www.calpers.ca.gov or by contacting CalPERS at 888 CalPERS (or 888-225-7377).

If the retired member wants his or her statutory beneficiary (ies) to receive the lump sum benefits payable, there is no need to file a PERS BSD 509P. However, filing PERS BSD 509P may help us locate the person(s) upon the member’s death.

The member’s spouse or domestic partner is required to sign the PERS BSD 509P acknowledging the designation made by the retired member. If the retired member does not certify they have no spouse/domestic partner or the document does not include the spouse/domestic partner signature, a Justification for Absence of Spouse/Domestic Partner Signature (my|CalPERS 0775) form must be completed and submitted with their designation.

NOTE:
A retired member’s designation and benefit entitlement to any lump sum death benefit may be impacted by any domestic relations court order, which awards a current or ex-spouse/domestic partner a community property interest in the retired member’s CalPERS retirement account. (Family Code Section 2610)

For an explanation of the limited situations under which retired members may change their optional settlement of beneficiary designation after retirement, please see the section entitled “Changing Your Retirement Option or Life Option Beneficiary” later in this section.

A survivor or beneficiary who is receiving an allowance following the death of the retired
member may designate a beneficiary to receive any unpaid allowance by requesting and filing a Designation for Beneficiary’s or Survivor’s Prorated Allowance (PERS-BSD-509B) form with CalPERS Benefit Services Division at (G.C. § 21491):

CalPERS
P.O. Box 942715
Sacramento, CA 94229-2715

If a retired member marries or enters into a registered domestic partnership, the new spouse/domestic partner is not automatically entitled to a monthly death benefit. (G.C. § 21454, 21453, 21462 and Family Code Section 2610) A retired member would have to modify the Option and name a new beneficiary. A modification will cause a reduction in the retired member’s allowance to provide an ongoing allowance with health coverage to the new spouse or domestic partner. For more information, the retired member must read the Changing Your Beneficiary or Monthly Benefit After Retirement (PUB-98) publication. The publication is available on the CalPERS Website at www.calpers.ca.gov or contact CalPERS at 888 CalPERS (or 888-225-7377).

QUALIFYING FOR POP-UP BENEFITS (G.C. § 21456, 21457, and 21463)

If the retired member elected the Option 2 or 3 benefit on or after January 1, 1990, the retired member’s allowance will increase to a higher allowance, if one of the following events occurs:

- The retired member’s beneficiary dies.
- The retired member’s Option 2 or Option 3 beneficiary is the retired member’s spouse/domestic partner and they divorce, legally separate, annul their marriage, or terminate their domestic partnership and they provide CalPERS with a copy of their judgment that awards the retired member the entire community property interest in their CalPERS benefits.
- The retired member’s non-spouse/domestic partner beneficiary waives entitlement to the Option 2 or 3 benefit by filing a Non-Spouse/Domestic Partner Disclaimer of CalPERS Benefits (myCalPERS 0362) form.

If the retired member elected the Option 2 or 3 benefit before January 1, 1990 and one of the three events listed above occurred less than 10 years following their retirement date, the retired member’s allowance may be increased to the actuarial equivalent of the Unmodified allowance.

If the retired member elected the Option 2 or 3 benefit before January 1, 1990 and one of the three events occurred more than 10 years following their retirement date, the retired member is not entitled to an allowance increase.

There is no pop-up increase if the retired member elected Option 2W or 3W (W=waived pop-up). If the retired member feels they are entitled to an increase, the retired member should request a Changing Your Beneficiary or Monthly Benefit After Retirement (PUB 98) publication, which contains a Request for Option 2 or 3 “Pop-Up” Increase (PERS0M0015DMC) Form.

POP-UP EFFECTIVE DATE (G.C. § 21463, 21456 and 21457)

BENEFICIARY DEATH
The retired member’s allowance will increase to a higher allowance effective on the first of the month following their beneficiary’s month of death.

DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, ANNULMENT, OR TERMINATION OF DOMESTIC PARTNERSHIP
The retired member’s allowance will be increased to a higher allowance effective the first of the month following our receipt of the judgment awarding them total interest in their CalPERS benefit.

NON-SPOUSE/DOMESTIC PARTNER BENEFICIARY DISCLAIMER
The retired member’s beneficiary will be asked to sign a Non-Spouse/Domestic Partner Disclaimer of CalPERS Benefits (myCalPERS 0362) form that will be provided by CalPERS upon request, which must be signed, notarized and approved by CalPERS.

The retired member’s allowance will increase effective the first of the month following CalPERS receipt of the properly completed and notarized Non-Spouse/Domestic Partner Disclaimer of CalPERS Benefits (myCalPERS 0362) form.
A retired member who elected the Unmodified Allowance or Option 1 may change the beneficiary for the lump sum retired death benefit Option 1 or balance of Temporary Annuity at any time. A retired member can also modify their current retirement election and name a new beneficiary for a lifetime option allowance after a qualifying event (as described below), and provided their current lifetime option beneficiary is not a former or legally separated spouse/domestic partner who has community property interest in their CalPERS retirement benefit.

Electing a modification of option reduces the retired member’s current allowance. The amount of the retired member’s allowance reduction depends upon the retired member’s age and the age of their new beneficiary at the time of the election.

QUALIFYING EVENTS
The following are events that we allow the member to modify their allowance or retirement option and name a new beneficiary for a lifetime option benefit.

1. Death of Retirement Option Beneficiary
   If the retired member elected:
   a. Unmodified Allowance or Option 1
      • The death of their beneficiary is not a qualifying event.
   b. Option 2, 2W, 3, 3W, or 4
      • The retired member can modify their election of the Option 2, 2W, 3, 3W, or 4 to another option other than the unmodified allowance and name a new beneficiary.

2. Retired Member’s Marriage/Registered Domestic Partner
   If the retired member elected:
   a. Unmodified Allowance
      • The retired member can modify their election of the Unmodified Allowance to an Option 1, 2, 2W, 3, 3W, or 4 and name their current spouse/domestic partner as beneficiary.
   b. Option 1
      • The retired member can modify their Option 1 to an Option 2, 2W, 3, 3W, or 4 and name their current spouse/domestic partner as beneficiary.
   c. Option 2, 2W, 3, 3W, or 4
      • If retired member has a former spouse/domestic partner and they are not the Option 2, 2W, 3, 3W, or 4 beneficiary, they can modify their election to an Option 1, 2, 2W, 3, 3W, or 4 and name their current spouse/domestic partner as beneficiary.
      If the retired member named someone as their beneficiary for a lifetime option benefit and then later marries or enters into a domestic partnership with that same person, it would not be a qualifying event, since that person is already their lifetime option beneficiary.

NOTE: If the retired member’s former spouse/domestic partner is the retired member’s beneficiary, see the Dissolution of Marriage, Legal Separation, Annulment or termination of domestic partnership.

3. Dissolution of Marriage, Legal Separation, Annulment or Termination of Domestic Partnership
   If the retired member elected:
   a. Unmodified Allowance or Option 1
      • This is not a qualifying event.
   b. Option 2, 2W, 3, 3W, or 4
      • If the retired member’s former or legally separated spouse/domestic partner is the Option 2, 2W, 3, 3W or 4 beneficiary and the dissolution/termination or legal separation judgment dividing the community property awards the member the entire interest in the CalPERS retirement, the beneficiary can be changed and the member can modify the election to an Option 1, 2, 2W, 3, 3W or 4 and name a new beneficiary.

NOTE: If the retired member’s former or legally separated spouse or domestic partner is their Option 2, 2W, 3, 3W or 4 beneficiary and the dissolution/termination or legal separation judgment dividing the community property does not award the retired member the entire interest in their CalPERS retirement, the retired member’s former or legally separated spouse or domestic partner cannot be removed as beneficiary.
4. **Non-Spouse/Non-Domestic Partner Beneficiary Disclaims Lifetime Allowance**
   
   If the retired member elected:
   
   a. Unmodified Allowance or Option 1, 2, 2W, 3, 3W or 4
   
   • Regardless of what option the retired member chooses, a non-spouse/domestic partner beneficiary disclaimer is not a qualifying event for a modification of option. This simply means the non-spouse/domestic partner beneficiary relinquished their entitlement to CalPERS benefits.

   If a retired member wishes to change their option and/or name a new beneficiary for lifetime option allowance, the retired member should request the **Changing Your Beneficiary or Monthly Benefit After Retirement** (PUB 98) publication which contains an Application to Modify Option and/or Life Option Beneficiary form (PERS01M0014DMC). The publication is available in the Forms & Publication Center on the CalPERS Website at [www.calpers.ca.gov](http://www.calpers.ca.gov) or contact CalPERS at 888 CalPERS (or 888-225-7377).

**EFFECTIVE DATE FOR CHANGING AN OPTION (G.C. § 21462)**

If the retired member made an election to change their option within 12 months of the qualifying event, the effective date is the first of the month following CalPERS receipt of their completed election document. Both the retired member and their new beneficiary must be alive on the effective date.

If the retired member makes an election to modify their option more than 12 months after the qualifying event, the modification will not become effective until 12 months after the election is made. Both the retired member and their new beneficiary must be alive on the deferred election effective date.

**HEALTH INSURANCE (G.C. § 22830)**

When a retired member considers a modification of retirement option, they need to remember that continuation of CalPERS health insurance coverage of a new spouse/domestic partner depends on their being enrolled as a dependent on the retired member’s plan at the time of the retired member’s death and the retired member made an election of option that provides the new spouse/domestic partner with a monthly allowance.

If a retired member has CalPERS health insurance, they must immediately notify CalPERS if they divorce, terminate a domestic partnership or suffer the death of a spouse, domestic partner or other dependent. Failure to make a timely notification may result in incorrect premium deductions from the retired member’s monthly allowance.
If you become aware of the death of a retiree, please contact CalPERS with the name, birth date, Social Security Number, and date of death of the deceased, as well as the names, relationships, and addresses of the next of kin. A written or telephone communication detailing this information is acceptable for death notification provided an official of the agency gives it. The Report for Separation for Death – Request for Payroll Information (PERS-BSD-738) form should NOT be submitted for a retired person’s death.

**In Information for Family of Deceased**

When a CalPERS retiree dies, there are several important steps a spouse or family member can take to help assure prompt payment of any benefits payable by CalPERS. The first step is to notify CalPERS by telephone at 888 CalPERS (or 888-225-7377) or by letter at P.O. Box 1652, Sacramento, CA, 95812-1652. We will need the following information:

1. Name and Social Security Number of deceased retiree.
2. The date of death.
3. Name, address, and telephone number of person providing notice of death.
4. Name, address, and telephone number of surviving spouse/domestic partner, other next-of-kin, or the person whom will be settling the estate.
5. If applicable, Social Security Number of surviving spouse/domestic partner.
6. Date of birth of surviving spouse/domestic partner.
7. Date of marriage/registration of domestic partnership.
8. Whether or not surviving spouse/domestic partner is able to handle his/her own financial affairs.

The second step is to accumulate documentation. CalPERS will ask for:

1. A photocopy of the certified death certificate with the member’s Social Security Number written in the top right corner.
2. The name, address and phone number of the person handling the estate if the member’s estate requires probate. Letters of administration must be submitted by the executor of the estate before benefits can be paid to the estate.

3. Other documents which are not included in the member file such as photocopies of marriage certificates, domestic partnership registration or birth certificates with Social Security Number.

The third step is completing the **Application for Retired Member/Payee Survivor Benefits** (my|CalPERS 1191) form that is sent by CalPERS. This form is used to determine whether any event has occurred to invalidate the beneficiary designation or to identify persons who might be beneficiaries by law. It is a formal application to receive payment of death or survivor benefits determined payable by CalPERS. The person completing this form is certifying that he/she is the person identified therein. This form should be completed in full and returned to CalPERS with the copies of the other documentation, (death certificate, marriage certificate, newspaper clipping, etc.) as quickly as possible. Enclosed with the **Application for Retired Member/Payee Survivor Benefits** (my|CalPERS 1191) form will be a **Tax Withholding Election for Survivor Benefits** (my|CalPERS 1190) form so an election may be made for Federal and State Tax withholding.

**Health Insurance**

If the survivor is entitled to a monthly benefit and continued coverage under the Public Employees’ Medical and Hospital Care Act, as administered by CalPERS, the enrollment shall be continuous. (C.C.R. § 599.502(E) (8)).

**Warrants Issued After Retiree’s Death**

All checks or retirement warrants issued (dated) after the retiree’s death should be promptly returned to CalPERS.* If funds have been transferred to a bank for direct deposit to the retiree’s account, CalPERS will contact the bank directly regarding reimbursement of the full amount of the warrants issued after the retiree’s death. Any allowance accrued but unpaid prior to the retiree’s death will be paid to the eligible beneficiary. (G.C. § 21510)

*Unless the CalPERS representative specifically tells the surviving spouse or registered domestic partner that the payments do not need to be returned
MONTHLY AND/OR PRORATED PAYMENT
INCLUDING ANY ALLOWANCE ADJUSTMENTS

The retirement allowance is treated as payroll wages. Federal income tax will be withheld based on the rate of a married person claiming three exemptions unless the beneficiary or survivor elects no withholding, or elects a different marital status or number of exemptions. If no election is submitted and the rate of married with three exemptions is used, no federal tax will be withheld if the gross monthly payment is less than the IRS minimum level.

If the beneficiary or survivor is a resident of the State of California (or a non-California resident who chooses to have California state taxes withheld), state income tax will also be withheld based on the rate of a married person claiming three exemptions unless they elect no withholding, elect a flat amount withheld, or elect a different marital status or number of exemptions. For California residents, if no election for state withholding is submitted and the rate of married with three exemptions is used, no taxes will be withheld if the gross monthly payment is less than the Franchise Tax Board minimum level.

OPTION ONE, TEMPORARY ANNUITY PAYMENTS AND RETIRED DEATH BENEFIT (C.C.R. § 589.5 and G.C. § 22970.88)

If the benefit is payable to a spouse (or ex-spouse awarded a community property interest), death benefits may be non-taxable, partially taxable, or fully taxable. Any taxable portion of the benefit will be subject to 20 percent federal withholding unless rolled over into an IRA. The non-taxable portion of the distribution is not eligible for rollover. This portion will be paid with no taxes deducted and will be reported to the tax authorities as a non-taxable benefit. Special tax rules apply to eligible rollover distributions. The spouse should consult a tax advisor before making a tax election for these benefits.

If someone other than the retiree’s spouse or ex-spouse is a beneficiary of all or a portion of an Option One, Temporary Annuity balance, or Retired Death Benefit, the taxable portion of the benefit will be subject to 20 percent federal withholding unless rolled over into an “inherited” type IRA. The non-taxable portion of the distribution is not eligible for rollover. It will be paid with no taxes deducted and will be reported to the tax authorities as a non-taxable benefit. Special tax rules apply to eligible rollover distributions. The non-spouse beneficiary should consult a tax advisor before making a tax election for these benefits.

If the beneficiary lives in California, CalPERS will automatically withhold 3 percent of the taxable portion of the payment for State taxes unless the payments are rolled over into an IRA. If they do not wish to have State tax withheld from an Option One, Temporary Annuity or retired death benefit payment, they must submit a Tax Withholding Election for Survivor Benefits Including Benefits Eligible for Rollover form (myCalPERS 1192) with the appropriate box checked.
STATEMENT OF BENEFITS PAID AND WITHHOLDING (C.C.R. § 589.5 and G.C. § 22970.88)
In January of the year following payment, CalPERS provides each retiree and/or beneficiary with a tax statement showing the gross amount(s) of benefits paid during the previous calendar year and the amount of income tax withheld, if any. All payments made by CalPERS are reported to the IRS and California State Franchise Tax Board. Questions about the taxability of CalPERS benefits should be directed to the IRS, the California State Franchise Tax Board, or a tax advisor.

TAXPAYER IDENTIFICATION NUMBER (C.C.R. § 589.5 and G.C. § 22970.88)
Section 6109 of the IRS Code requires recipients of reportable payments to furnish Taxpayer Identification Numbers (TINs). The Social Security Number (or Employer ID number, if a trust or organization) must be furnished to CalPERS, even if the retiree and/or beneficiary is not required to file a tax return.

NOTICE OF POSSIBLE PENALTIES (C.C.R. § 589.5 and G.C. § 22970.88)
If the retiree and/or beneficiary elects not to have federal tax and/or California State tax withheld, or not enough federal or California State tax withheld, the retiree and/or beneficiary may be responsible for payment of estimated tax. The retiree and/or beneficiary may also incur penalties under the estimated tax rules if withholding and estimated tax payments are not sufficient. IRS Publication 505, Tax Withholding and Estimated Tax, provides additional information.

CHANGING A TAX WITHHOLDING ELECTION (C.C.R. § 589.5 and G.C. § 22970.88)
Once a tax withholding election for a monthly benefit is filed, it will remain in effect until another election is filed revoking the original.

To file another election, the retiree and/or beneficiary would need to complete federal form W-4P and state form DE-4P and submit them to CalPERS. This form can be viewed and printed from the “Forms & Publications Directory” on the CalPERS Website.
REFUND OF MEMBER CONTRIBUTIONS

MEMBER REFUNDS

Once a permanent separation has been entered into my|CalPERS, an Options at Separation letter is generated to the member. The letter explains the members options based on age and vesting as well as providing tax information if they choose to withdraw their contributions and interest. (G.C. § 20730)

If the member is moving from one CalPERS covered employer to another, he or she may not receive a return of contributions. In addition, if the member is moving to any of the public funded retirement systems with which CalPERS has a reciprocal agreement, the member may not elect to withdraw his or her contributions. If the member is moving to a position covered under CalSTRS, Legislators’ Retirement System, University of California Retirement Plan, or the Judges’ Retirement Systems, he or she may not elect to refund. (G.C. § 20731)

Should the member prefer to leave their funds in CalPERS, they need not respond to the Options at Separation letter. Their contributions will continue to earn interest at the current rate. As long as the contributions remain in CalPERS, members can review their Annual Member Statement which is available online, via their my|CalPERS member account, or mailed (if elected) each November to the current address on record. If the member has at least five years of service credit, he or she can apply for a retirement allowance at age 50 or older. If the funds are still in CalPERS when the member reaches age 70, an election to either refund or retire must be made. (G.C. § 20731)

Should the member prefer a refund of contributions and interest, he or she will need to return the Refund/Rollover Election Package (PERS02M0324) directly to CalPERS. The form is located on the CalPERS Website or can be obtained by calling CalPERS and requesting a copy. The member can elect to withdraw his or her contributions and interest as an in-hand distribution or as a rollover to an IRA or other qualified retirement plan. (G.C. § 20734)

A refund will not be issued until the member has been permanently separated from all CalPERS-covered employers via my|CalPERS. (G.C. § 20733)

NOTE:
A member who is on an extended leave without pay or on a military leave may not receive a refund of their CalPERS retirement contributions. These types of refunds are considered “in service distributions,” which are not allowed by the Internal Revenue Service.
FORFEITURE OF BENEFITS

Under the California Public Employees’ Pension Reform Act of 2013, if an employee is convicted of a felony committed in connection with his or her job, the employee forfeits all retirement benefits earned or accrued after the commission of the felony, but not the benefits accrued prior to the commission of the felony.

The employee and prosecuting agency must notify the employer within 60 days of the conviction. The employer must notify CalPERS of the conviction and sentencing date within 90 days of the felony conviction. (G. C. 7522.72 and 7522.74)
IRC Section 415 (B) Replacement Benefit Plan

Internal Revenue Code section 415(b) (IRC 415) is a federal provision that limits the amount of annual retirement benefit an individual can receive from a tax-qualified, defined benefit pension plan such as CalPERS. The annual retirement benefits payable from CalPERS are subject to the dollar limits imposed by IRC 415. This law was enacted to prevent employers from using tax-qualified defined benefit plans as tax shelters. The CalPERS retirement plan may lose its tax-exempt status if it fails to comply with IRC 415.

The IRC 415 places a dollar limit on the annual retirement benefit (allowance) that can be received from CalPERS. CalPERS retirees whose retirement allowances are limited by IRC 415 will receive replacement benefits from a separate fund through the Replacement Benefit Plan (RBP), as permitted by California retirement law effective January 1, 2013. The RBP is funded by replacement benefit contributions paid by the retiree’s former CalPERS employers.

When a retiree’s retirement allowance exceeds the IRC 415 dollar limit CalPERS invoices the retiree’s former employers for the amounts payable from the RBP. The invoice payments are deposited into the Replacement Benefit Fund (RBF). CalPERS issues payment from the RBF to the retiree. Payment of the employer invoices is required before any replacement benefit can be issued to a retiree.

Every CalPERS employer is deemed to participate in the RBP by statute. CalPERS’ authority to administer the RBP is set forth in Government Code section 21750 et seq., and in Title 2 of the Code of Regulations section 589 et seq. Under section 21761, “all contracting agencies under this system shall be deemed to have elected to contract with the board for administration of the replacement benefit plan”. The Replacement Benefit Custodial Fund ("RBP Fund") from which amounts exceeding I.R.C. § 415 limits are paid, is separate and apart from the retirement fund. (Gov. Code § 21758, subd. (a)). Employers are required to pay into the RBP Fund “amounts equivalent to the benefits that are not paid from the retirement fund to annuitants because of the application of the payment limitations under Section 415 of Title 26 of the United States Code; and administrative costs assessed to and paid by members enrolled in the replacement benefit plan.” (Gov. Code § 21758, subd. (c), and Cal. Code Regs., tit. 2, § 589.4, subd. (a) and (b)).

For additional information about IRC section 415(b) and the Replacement Benefit Plan, please see the FACT SHEET at http://www.calpers.ca.gov/eip-docs/about/pubs/member/internal-revenue-code-section415.pdf

1 Effective January 1, 2013 only retirees with a CalPERS membership date prior to January 1, 2013 are eligible for the Replacement Benefit Plan in retirement.

2 All statutory references are to the Government Code and all regulation references are to Title 2 unless indicated otherwise.
Important: Please attach a copy of the claim showing the original designation of benefits.

DISCLAIMER OF BENEFITS

I, ______________________ have been notified by , that I

(Please print) am entitled to receive benefits in the event of the death of:

Member's First Name             Middle Initial             Last Name

I forgo the benefit of ______________ plus any Cost of Living increases and other adjustments payable for life.

I, ______________________, WITH FULL UNDERSTANDING OF THE NATURE
AND AMOUNT OF THE BENEFIT TO WHICH I AM ENTITLED, HEREBY FOREVER
DISCLAIM ALL RIGHTS AND INTEREST I HAVE TO THIS BENEFIT IN ITS
ENTIRETY.

I understand, due to my disclaimer of the above-described benefit, that it will be paid as if I were never entitled.

I understand by disclaiming my benefit, I have no right to designate any individual to whom the benefit shall be paid.

I understand that recommends I contact an attorney for legal advice prior to signing this Disclaimer of Benefits, but does not require such consultation.

I understand this Disclaimer of Benefits is irrevocable and will not be set aside for any reason, and I hereby release from any claim I have to this benefit.

I assert I have signed this document in accordance with my own free will and I have not been coerced or forced to sign this document by anyone.

I further assert that I understood the contents and effect of this document before signing it and any questions I had concerning the effect or contents of this document were fully answered by personnel prior to my signing this document.
Dear [Name],

This letter is to acknowledge receipt of your application for Service Retirement effective July 1, 2012.

If you are currently enrolled in a CalPERS basic health plan you may continue your health insurance into retirement. Please contact your personnel office to ensure your health benefit coverage is active until your retirement processing is completed.

You may be entitled to receive a disability retirement if you are unable to work because of an illness or injury. To request a service pending disability retirement, you must complete a Disability Retirement Election Application. Please note that your retirement date cannot be earlier than the day following your last day on pay status.

CalPERS will send you a letter providing the date of your first retirement check, the amount you can expect to receive, and important income tax information. This letter is usually sent after you have separated from employment but before you receive your first retirement benefit check. Changes to the benefit option election you make, beneficiary you designate, or the retirement date you request, cannot be made after you receive your first full retirement benefit check.

Retirement Type: [Specify]
Retirement Effective Date: [Specify]
Last Day on Payroll: [Specify]
Option Selected: [Specify]
Date of Birth: [Specify]
Federal Tax: [Specify]
State Tax: [Specify]

[CalPERS ID]

Page 1 of 2
Dear [Name],

Your Service Retirement Allowance:
Your election to receive the Option 2 has been processed.

Your retroactive warrant will be issued on June 04, 2012, and will cover the period of December 02, 2011 through May 31, 2012.

Your monthly retirement benefit is $2,241.64 based on your retirement date of December 02, 2011. This amount does not include any deduction you have authorized this system to make. Your first regular warrant will arrive on or shortly after July 01, 2012 and will cover the period of 06/01/2012 through 06/30/2012. Your future retirement warrant will be mailed to arrive shortly after the first of the month following the month to which they apply.

Beneficiary/Survivor Allowance:
Upon your death, benefits will be paid to your beneficiary in accordance with the designation indicated on your retirement election document. If you elected a benefit which requires marriage and/or birth documentation and you have not submitted these documents, please send them immediately to Benefits Services Division. If the documents are not in file at the time of your death, it may be necessary to delay payment of benefits to your beneficiary.

Income Tax Information:
The following information regarding your contributions will assist you in the determination of the taxability of your benefit.

<table>
<thead>
<tr>
<th>CONTRIBUTIONS</th>
<th>TOTAL CONTRIBUTIONS AND INTEREST</th>
<th>INTEREST</th>
<th>TAXED CONTRIBUTIONS</th>
<th>NON-TAXED CONTRIBUTIONS</th>
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<tr>
<td>TOTAL</td>
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</tr>
</tbody>
</table>

[Signature]

Page 1 of 3
Date

Employer Name
Address
City/State/Zip

CalPERS ID:

Subject

Participant CalPERS ID:

Notice of Placement on Retirement Roll:

This is to advise you that the employee named above has been placed on our 05/2012 Service Retirement roll with an effective date of May 31, 2012 and a separation date of April 30, 2012. 0.0 days of unused sick leave have been credited to the member's account. 0.0 days of unused education leave have been credited to the member's account. The employee's separation date is the date following the employee's last day in employment status. The date can be equal to but no later than the retirement date. Please notify us immediately if separation did not occur by the date.

For information regarding employment of a retired member, please see your "Procedure Manual for Reporting to the California Public Employees' Retirement System." If any of the information above is not correct, please contact us.

If you have any questions, please visit our Web site www.calpers.ca.gov, or you may contact us toll-free at 888 CalPERS (or 888-225-7377).

Benefit Services Division

myCalPERS 0928
Application for Retired Member/Pensioner Survivor Benefits

Name of the Deceased Member
Social Security Number / CalPERS ID Number

Signature Section
Required Information
This section is required. By signing out this section, you certify under penalty of perjury under the laws of the state of California that the information provided here is correct to the best of your knowledge. You also state your name here as if you were the deceased to whom any benefits to which you may be entitled. You understand that completing this section appears on your Social Security card and provides your Social Security number.

Name/First Name, Middle Initial, Last Name
Daytime Phone
Signature
Date (mm/dd/yyyy)
Sex / Male, Female

Relationship to Deceased

Address for Correspondence
City
State
ZIP
Address for Payment
City
State
ZIP
Address for Other Correspondences
City
State
ZIP

Section 1
Information About the Member and Immediate Family

Was the deceased a member of another public retirement system in California? (e.g., SITRS, UCERS, county or city retirement system) □ Yes □ No □ Don't Know

Was the deceased a member of another public retirement system in California? (e.g., SITRS, UCERS, county or city retirement system) □ Yes □ No □ Don't Know

If Yes, Name of System

Name of Executor/Administrator

Address
City
State
ZIP
Daytime Phone

Attorney Handling Probate

Address
City
State
ZIP
Daytime Phone
CalPERS
California Public Employees' Retirement System

Tax Withholding Election for Survivor Benefits

Name of the Deceased
Social Security Number / CalPERS ID Number

Section 1

Prorated Payment Including Any Allowance Adjustments

Federal Tax Withholding Election
☐ I do not elect to have federal tax withheld from my death benefit payment(s).
☐ I elect to have federal tax withheld based on __________

Number of Exemptions: ______
Number of Exceptions: ______

In addition, I elect to have the following amount of federal tax withheld: $__________.

☐ I elect to have the following total amount of federal tax withheld: $__________.

California State Tax Withholding Election
☐ I do not elect to have state tax withheld from my death benefit payment(s).
☐ I elect to have state tax withheld based on: __________

Number of Exemptions: ______
Number of Exceptions: ______

In addition, I elect to have the following amount of state tax withheld: $__________.

☐ I elect to have the following total amount of state tax withheld: $__________.

I elect to have state tax withheld in the amount of 10 percent of the amount withheld for federal income tax withholding.

Section 2

Tax Election Declaration
By signing here, I hereby make the elections checked above.

Your Signature: ____________________________
Social Security Number or Tax Identification Number: ____________________________

Date (mm/dd/yyyy)

Important: Failure to return this form will be considered an election to have taxes withheld.