



BENEFIT SERVICES DIVISION
P.O. Box 942711
Sacramento, CA 94229-2711
888 CalPERS (or 888-225-7377)
TDD - (916) 795-3240; FAX - (916) 795-3988

Reply to: Section 445

July 27, 2007

Fred Guido
[REDACTED]

Dear Fred Guido:

If you are in the process or have already separated from all CalPERS-covered employment, you will need to advise this office as to the disposition of your retirement contributions.

Before making this important decision, please read all of the information contained with this letter. The information is lengthy, however, after reading it you will be able to make an informed decision.

Included with this letter is information on reciprocity and other California public retirement systems, including election forms. The remaining documents contain tax information, two election documents terminating CalPERS membership, and a spousal or registered domestic partner non-signature form. Please complete EITHER the refund or rollover election form and other accompanying forms, if applicable, and return to the address on the letterhead.

IF YOU ARE MOVING FROM ONE CALPERS-COVERED EMPLOYER TO ANOTHER, YOU MAY NOT RECEIVE A REFUND OR A ROLLOVER. YOU MUST BE PERMANENTLY SEPARATED FROM ALL CALPERS-COVERED EMPLOYMENT BEFORE YOU MAY TERMINATE YOUR CALPERS MEMBERSHIP AND RECEIVE A RETURN OF RETIREMENT CONTRIBUTIONS. ONCE A REFUND OR ROLLOVER PAYMENT IS ISSUED IT CANNOT BE CANCELED.

Please determine which bullet applies to you and read the applicable important information that should be considered before you decide to withdraw your contributions and terminate your membership in CalPERS.

- If you have less than 5 years of service credit - You are not a vested CalPERS member. If you decide to leave your contributions on deposit with CalPERS you will continue to earn interest at the current rate of 6% and your membership will continue. No additional service credit will be earned unless you again become employed by a CalPERS-covered employer or acquire reciprocal rights with another California public retirement system. **Only if you become vested will you have the right to future retirement benefits.** Exception: If you have a job related disability and are a safety member you may qualify for Industrial Disability Retirement even if you have less than 5 years of service credit. Contact your employer or CalPERS for more information.
- If you have at least 5 years of service credit and are younger than age 50 - You are a vested CalPERS member. You may leave your contributions on deposit with CalPERS, earning interest at the current rate of 6%. Then, when you are age 50 (the minimum age to qualify for service retirement) you can apply for retirement and receive a monthly allowance based on the service credit earned before you separated from employment. You should use the retirement estimate calculator on our website at www.calpers.ca.gov to find out what your allowance would be at age 50. (If you are disabled, regardless of age, you may be eligible for disability retirement. Contact your employer or CalPERS for the disability retirement election/application package.)

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- If you have at least 5 years of service credit and are age 50 or older - You are a vested CalPERS member who qualifies for service retirement. You should use the retirement estimate calculator on our website at www.calpers.ca.gov to get an estimate of your retirement allowance before deciding if you want to withdraw your contributions, thus forfeiting your right to a monthly allowance. You may obtain a service retirement election/application form from your employer or CalPERS.

If you wish to leave your funds on deposit, you do not need to respond to this letter. You will continue to receive an Annual Member Statement every fall. If you move, please call CalPERS to update your address on our records.

If, after considering all information, you wish to withdraw your funds you may do so providing you; 1) have permanently separated from employment, 2) are not moving to another CalPERS-covered employer, 3) are not accepting a job covered by another California public retirement system. Your refund will be comprised of the retirement contributions in your account with interest at 6% through the date your payment is scheduled to the State Controller's Office. Once CalPERS receives the properly completed refund or rollover election form AND your employer has updated our system to show that you have separated from employment, it will take about 3 - 4 weeks for your payment to be issued.

Please be aware that the employer contributions are NOT refundable. The amount contributed by your employer, as a percentage of payroll, goes into a separate fund that is used only to pay the pension portion of retirement or death benefits. Employer contributions are not the same as tax deferred member contributions that your employer may have contributed to your account on your behalf.

A refund election will terminate your membership in CalPERS and you will not be eligible for any future service retirement, disability retirement or death benefits.

A refund election is considered a lump sum distribution under the Internal Revenue Code. The untaxed portion of your refund (tax deferred contributions and interest) will be subject to 2 ½% state and 10% federal early withdrawal penalty tax if you are under age 59½. CALPERS MAY NOT WITHHOLD AN AMOUNT TO COVER THE PENALTY TAX THAT MAY BE DUE WHEN YOU FILE YOUR INCOME TAX RETURN, SO PLAN ACCORDINGLY. Mandatory federal income tax withholding of 20% will be deducted from the untaxed portion of the refund. You will have the option of electing to have 2% of the untaxed portion withheld for California state income tax. For those California residents who do not make a choice, 2% will automatically be withheld for state tax.

To avoid the 20% federal income tax withholding and federal and state early withdrawal penalty taxes, you may defer the taxability by electing to have the taxable portion of your refund rolled over to an IRA or an eligible defined contribution plan. If this is what you decide to do, you must submit the rollover election form contained in this package. Do NOT send a rollover form from your financial institution in lieu of the CalPERS rollover form.

If we can be of further assistance, please contact us.

Refund Processing Unit
Benefit Services Division

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IMPORTANT CALPERS REFUND TAX INFORMATION RETAIN FOR FUTURE REFERENCE

The following consists of summarized tax information and is provided in accordance with Section 402(f) of the Internal Revenue Code. **CALPERS CANNOT PROVIDE SPECIFIC INFORMATION OR TAX ADVICE. PLEASE SEE YOUR TAX CONSULTANT, THE INTERNAL REVENUE SERVICE OR THE STATE FRANCHISE TAX BOARD. FOR ADDITIONAL INFORMATION CONCERNING ROLLOVERS, CONSULT THE APPROPRIATE FINANCIAL INSTITUTION OF YOUR CHOICE.**

ROLLOVERS - An "eligible rollover distribution" consists of the taxable portion of a refund of your contributions, including interest, due to a separation from all CalPERS-covered employment. You may avoid current taxation on the taxable amount of an eligible rollover distribution by rolling over that amount to an individual retirement arrangement (IRA) or another qualified employer retirement plan that accepts rollover contributions. A rollover may be accomplished in one of the following ways:

- 1) **Direct Rollover** - You may request CalPERS transfer the taxable amount of the distribution to a special IRA or a qualified retirement plan that accepts rollovers. The amount to be rolled over must be at least \$500.00. Taxes will be reportable when you take the money out of the IRA or other qualified plan.
- 2) **Regular Rollover** - You may take an in-hand distribution and, not later than 60 days after you receive the distribution, transfer all or a portion of the taxable portion of the distribution to an IRA or qualified plan that accepts rollovers. Taxes will be reportable when you take the money out of the IRA or other qualified plan.

Even if you plan to rollover the taxable portion of the eligible distribution, unless you elect a "direct rollover", you will only receive 80% of the distribution. Federal tax rules require CalPERS to automatically deduct 20% federal tax withholding from the taxable portion of your refund if it is over \$200.00.

If you wish to make the "regular rollover" for the full 100% of your refund, you will have to make up the 20% difference out-of-pocket. You will also be taxed on the 20% that was withheld. When filing your individual tax return you then can get a refund of the amount withheld to the extent you have no further tax liability.

Early distributions from a qualified retirement plan are subject to an early withdrawal penalty tax of 10% federal and 2½% state on the taxable portion of the distribution, if received prior to age 59½ unless an exception applies, PLUS any income tax due on the distribution.

Please be aware, not all distributions are eligible to be rolled over. Any distribution that is part of a series of substantially equal periodic payments made at least annually under a life annuity, over life expectancy or over a specified period of 10 or more years is ineligible to be rolled over. Also ineligible for rollover treatment is the amount of a distribution that is necessary to satisfy the minimum distribution requirements that apply after you separate from employment or turn age 70½, whichever occurs later.

EXCEPTIONS TO THE ADDITIONAL TAX - There are some instances where an individual will be exempt from the early withdrawal penalty tax of 10% federal and 2½% state even if they take an early distribution from a qualified retirement plan. These exceptions are as follows: (1) receipt of a CalPERS service or disability retirement benefit, paid as a monthly allowance over your/your beneficiary's life, (2) a lump sum distribution, if made to a beneficiary because of your death, (3) a lump sum distribution made to you because of your separation from service after attaining age 55 or after becoming disabled (Because CalPERS cannot verify that a lump sum distribution was made due to disability, you should contact the IRS directly to apply for this exception.), (4) Effective 1-1-07, the 10% federal penalty tax will be waived when you receive a lump sum distribution after attaining age 50 and you were a safety member who provided police protection, firefighting service or emergency medical service.

FIVE-YEAR AND TEN-YEAR AVERAGING/CAPITAL GAIN - If you receive a lump sum distribution after you are age 59½, you may be able to make a one-time election to figure the tax on the payment by using "5-year averaging". To qualify for 5-year averaging, you must be at least 59½ and have participated in CalPERS (the plan making the distribution) for no less than 5 years before the year the distribution is made.

If you receive a lump sum distribution and you were born before January 1, 1936, you can make a one-time election to figure the tax on the payment by using "10-year averaging" (using 1986 tax rates). Only one election is available to an individual, and if made, eliminates the ability to elect 5-year averaging and capital gain treatment after attaining age 59½. However, any 10-year averaging election made prior to January 1, 1987, and before attaining age 59½, does not count toward your one election.

If you were born prior to January 1, 1936 and you receive a lump sum distribution, any pre-1974 CalPERS contributions you paid (if applicable) may be taxed as long-term "capital gain" at a rate of 20%.

CALIFORNIA STATE TAX WITHHOLDING - Whether you elect to receive a refund or directly roll over your contributions, California state income tax withholding is optional. State tax, if withheld, is 2% of the taxable portion of the refund. An individual also has the right to revoke or change their choice prior to the mailing of their warrant.

For those California residents who do not make a choice, 2% will be automatically withheld for state tax.

For individuals who reside outside of California, no state tax will be withheld unless specifically requested. Please be aware that you may still owe California state taxes.

Publications are available from the Internal Revenue Service which provide specific information on special tax treatment on lump sum distributions. If you have state tax liability questions, contact the California Franchise Tax Board.

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Reply To: Section 841

ELECTION TO COORDINATE RETIREMENT WHEN CHANGING RETIREMENT SYSTEMS

CalPERS has agreements with many counties and other public agencies with local independent retirement systems which permit movement from public employer to public employer within a specific time period without loss of retirement rights. This is called "reciprocity". CalPERS also has "non-reciprocal" agreements with the State Teachers' Retirement System (CalSTRS); Legislators' Retirement System (LRS); and Judges' Retirement Systems (JRSI and JRSII) that provide similar benefits although there is no reciprocity between the systems. (See the enclosed Non-Reciprocal Public Retirement Systems form.)

The following public retirement systems in California have entered into an agreement with CalPERS for "reciprocity":

COUNTIES OF:

Alameda	Kern	Merced	San Diego	Sonoma
Contra Costa	Los Angeles	Orange	San Joaquin	Stanislaus
Fresno	Marin	Sacramento	San Mateo	Tulare
Imperial	Mendocino	San Bernardino	Santa Barbara	Ventura

CITIES OF:

Concord*	Fresno	Pasadena	San Clemente (non-safety only)*
Costa Mesa (safety only)*	Oakland (non-safety only)	Sacramento*	San Diego
			San Jose

AND:

City and County of San Francisco*	Long Beach Schools Business Mgt System	University of California
Contra Costa Water District	Los Angeles City Retirement System	Retirement Plan (UCRP)
East Bay Municipal Utility District	Los Angeles Co Metro Transportation Authority	CA Admin. Services Authority
East Bay Regional Park District	San Luis Obispo County	

*These entities are now CalPERS-covered employers. If you earned service credit in these systems prior to their CalPERS contract, you may be eligible for reciprocity for that earlier service credit.

ADVANTAGES OF ESTABLISHING RECIPROCITY ARE:

- **FINAL COMPENSATION EXCHANGE:** Your CalPERS benefits will be computed using the highest final compensation (average salary) earned under either system. You must retire from both Systems on the same date and identify the other retirement system on your application.
- **MINIMUM SERVICE REQUIREMENTS:** Your service credit under both systems will be considered to determine eligibility for benefits under both systems. You must attain CalPERS' minimum retirement age before you can receive a benefit from our System.
- **DISABILITY RETIREMENT:** If you qualify for a disability retirement from the other system, you will also receive an allowance from CalPERS providing you retire from both systems on the same day.
- **BASIC DEATH BENEFIT:** CalPERS always pays at least the amount of your retirement contributions.
- **EMPLOYEE CONTRIBUTION RATE:** If a variable contribution rate based on age applies, your age at entry into CalPERS may allow you a lower contribution rate in the other system.

IN ORDER TO ESTABLISH RECIPROCITY BETWEEN CalPERS AND THE OTHER SYSTEM, YOU MUST:

- 1) Leave CalPERS covered employment and join a reciprocal system within six months of separation.
- 2) Leave your CalPERS contributions on deposit; do not elect a refund or rollover payment.
- 3) Inform CalPERS of the name of the public agency for which you will be employed.

I have read the information provided to me regarding reciprocity and wish CalPERS to establish reciprocity on my behalf with the following California public retirement system. I further understand that once I have elected and established reciprocity, I may not withdraw my CalPERS contributions while I am an active member with one of the reciprocal systems listed above.

(Other Retirement System)

(Signature and Date)

(Social Security Number)

(Address, City, State and Zip Code)



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ELECTION TO COORDINATE RETIREMENT WHEN CHANGING TO NON-RECIPROCAL PUBLIC RETIREMENT SYSTEMS

There is no reciprocity between the following systems and CalPERS:

- State Teachers' Retirement System (CalSTRS)
- Legislators' Retirement System (LRS)
- Judges' Retirement System (JRS)
- Judges' Retirement System II (JRS II)

However, if you enter employment under CalSTRS, LRS, JRS, or JRS II the following will apply:

- Your CalPERS benefits will be computed using the highest final compensation (average salary) earned under either system. **You must retire from both Systems on the same date and identify the other retirement system on your application.** NOTE: Under JRS and JRS II, this will apply provided that the period intervening between active membership does not exceed 90 days if last employed with JRS/JRSII or six months if last employed with CalPERS.
- While you are in service as a member of CalSTRS, LRS, JRS, or JRS II, you may retire from CalPERS without meeting CalPERS' minimum service credit requirement. However, you must attain CalPERS' minimum age requirement before you can receive a benefit from our System. Also, you may not withdraw your CalPERS contributions while you are an active member of CalSTRS, LRS, JRS, or JRS II.
- You may redeposit contributions you previously withdrew from CalPERS.

I have read the information provided above. I elect to continue my membership in CalPERS and leave my contributions on deposit because I am accepting employment in which I will be a member of the statewide retirement system indicated below. I further understand that once I have elected to continue my membership in CalPERS, I may not withdraw my CalPERS contributions while I am an active member with one of the retirement systems listed above.

(Other Retirement System)

(Signature and Date)

(Social Security Number)

(Street or PO Box)

(City, State and Zip Code)



ROLLOVER ELECTION FORM (Must be under age 70½)

Reply to: Section 445

Name: _____

SSA#: _____

If you wish to elect a refund as a direct rollover, please complete and sign this form. If you are married or have a registered domestic partner, your spouse or registered domestic partner must also sign this form or it will be returned to you. If you cannot obtain your spouse's or registered domestic partner's signature, then the "Justification for Non Signature of Spouse or Registered Domestic Partner" form must accompany this election form. You may not elect a refund if you have been or will be re-employed with another CalPERS-covered employer, or if you are establishing reciprocity with another California public retirement system.

PLEASE READ AND SIGN THE FOLLOWING WAIVER OF RIGHTS STATEMENT. NO ROLLOVER REFUND WILL BE PROCESSED WITHOUT YOUR SIGNATURE!

I am aware of my service and disability retirement rights under CalPERS. I have read the description of my rights, and the benefit calculation formula and table, set forth in the CalPERS member booklet for my specific classification. Despite my knowledge of these facts, I hereby WAIVE all rights and understand that by requesting a refund, I am forfeiting all future retirement benefits.

Member Signature

I ELECT TO RECEIVE A REFUND AS A DIRECT ROLLOVER OF THE TAXABLE PORTION OF MY CONTRIBUTIONS AND INTEREST.

STATE TAX WITHHOLDING

Yes - I elect to have 2% of the taxable portion withheld for state income tax.

No - Do not withhold state income tax.

Note: If you do not check one of the above choices, state tax withholding will automatically be deducted from your rollover.

DIRECT ROLLOVER FINANCIAL INSTITUTION INFORMATION - Do *not* submit a transfer form from your financial institution in lieu of this completed form. IRA Other eligible retirement plan

Name of Institution / Plan

Account or Contract Number

Your signature below certifies that the plan is eligible under the provisions of the Internal Revenue Code to accept a direct rollover.

Member Signature

() _____
Telephone Number

Date

Address

SPOUSE / REGISTERED DOMESTIC PARTNER SIGNATURE: *By signing this form, I acknowledge my spouse's / registered domestic partner's request for a refund.*

Spouse / Registered Domestic Partner Signature

Date

If **NO** spouse or registered domestic partner signature, please check below if the following applies:
 I am not legally married or do not have a registered domestic partner.

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REFUND ELECTION FORM

Reply to: Section 445

Name: _____

SSA#: _____

If you wish to elect a refund, please complete and sign this form. If you are married or have a registered domestic partner, your spouse or registered domestic partner must also sign this form or it will be returned to you. **If you cannot obtain your spouse's or registered domestic partner's signature, then the "Justification for Non Signature of Spouse or Registered Domestic Partner" form must accompany this election form. You may not elect a refund if you have been or will be re-employed with another CalPERS-covered employer, or if you are establishing reciprocity with another California public retirement system.**

PLEASE READ AND SIGN THE FOLLOWING WAIVER OF RIGHTS STATEMENT. NO REFUND WILL BE PROCESSED WITHOUT YOUR SIGNATURE!

I am aware of my service and disability retirement rights under CalPERS. I have read the description of my rights, and the benefit calculation formula and table, set forth in the CalPERS member booklet for my specific classification. Despite my knowledge of these facts, I hereby WAIVE all rights and understand that by requesting a refund, I am forfeiting all future retirement benefits.

Member Signature

I ELECT TO RECEIVE A REFUND OF MY RETIREMENT CONTRIBUTIONS AND INTEREST.

STATE TAX WITHHOLDING (Optional):

Yes - I elect to have 2% of the taxable portion withheld for state income tax.

No - Do not withhold state income tax.

Note: If you do not check one of the above choices, state tax withholding will automatically be deducted.

FEDERAL TAX WITHHOLDING FOR MEMBERS ELECTING A REFUND ON OR AFTER APRIL 1st OF THE CALENDAR YEAR FOLLOWING AGE 70½:

Yes - I elect to have 10% federal income tax withheld from the taxable portion of the refund.

No - Do not withhold federal income tax.

Note: Federal tax withholding of 20% is mandatory for members younger than 70½.

Member Signature

() _____
Phone Number

Date

Address

SPOUSE OR REGISTERED DOMESTIC PARTNER SIGNATURE: By signing this form, I acknowledge my spouse's / registered domestic partner's request for a refund.

Signature

Date

If **NO** spouse / registered domestic partner signature, check below if the following applies to you:
 I am not legally married or do not have a registered domestic partner.

* If it has been more than two years since you separated from employment covered by CalPERS, you and your spouse/registered domestic partner **MUST** sign this form in the presence of a notary public **OR** authorized employee of CalPERS.

Signature (Notary/Authorized CalPERS employee)

Date

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SEAL

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JUSTIFICATION FOR NON SIGNATURE OF SPOUSE OR REGISTERED DOMESTIC PARTNER

Pursuant to Government Code section 21261, the member's current spouse or registered domestic partner must be made aware of the selection of benefits or change of beneficiary made by a member. The spouse or registered domestic partner of a CalPERS member must acknowledge the submission of: a request for refund of contributions, election of retirement optional settlement, and designation of beneficiary for death benefits

If a spouse or registered domestic partner's signature does not appear on one of the above-name documents, the following information MUST be completed and submitted WITH the document.

Social Security Number:	Name:
Application Submitted: Refund Election Form (BAS-438T), Rollover Election Form (BAS-438R) REQUIRED MINIMUM DISTRIBUTION REFUND ELECTION FORM (PERS01M0041DMC), OR ROLLOVER FORM (PERS01M0042DMC) TERMINATING AGENCY ROLLOVER ELECTION FORM TERMINATING AGENCY REFUND ELECTION FORM	

- My spouse or registered domestic partner did not sign the form because either:
 - I do not know and have taken all reasonable steps to determine the whereabouts of my spouse or registered domestic partner; OR,
 - My spouse or registered domestic partner has been advised of the application and has refused to sign the written acknowledgement; OR,
 - My spouse or registered domestic partner is incapable of executing the acknowledgement because of an incapacitating mental or physical condition; OR,
 - My spouse or registered domestic partner has no identifiable community property interest in the benefit; OR,
 - My spouse or registered domestic partner and I have executed a spousal or domestic partner settlement arrangement which makes the community property law inapplicable.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

Signature of Member

Date

COLLECTION AND ACCESS INFORMATION

Submission of the requested information is mandatory. The information is collected pursuant to Government Code (sections 20000, et seq.) and will be used for administration of the Boards' duties under the Retirement Law, Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Portions of this information may be transferred to another governmental agency (such as your employer) but only in strict accordance with current statutes regarding confidentiality. Failure to supply the information may result in the System being unable to perform its functions regarding your status. You have the right to review your membership files maintained by the system

For questions concerning your rights under the Information Practices Act of 1977, please contact the information Coordinator, CalPERS, PO Box 942702, Sacramento, CA 94229-2702. For answers to your questions concerning a refund of your contributions, please contact the CalPERS Refunds Section, PO Box 942711, Sacramento, CA 94229-2711 or call toll-free at 888 CalPERS (or 888-225-7377).