

1959 Survivor Benefit Program



The 1959 Survivor Benefit provides a monthly allowance to eligible survivors of members who were covered for this benefit program and died before retirement. This benefit coverage is available by contract amendment for those members who are not covered by federal Social Security with their employer. Covered members are required to pay a monthly fee that is deducted from their salary specifically to fund the 1959 Survivor Benefit Program.

The 1959 Survivor Benefit allowance is payable in addition to any other pre-retirement death benefit paid by CalPERS, with the possible exception of the Special Death Benefit. If the 1959 Survivor Benefit is greater than the Special Death Benefit, then the difference is paid as the 1959 Survivor Benefit. Please refer to your CalPERS Member Benefit Booklet for information on the Special Death Benefit and other pre-retirement death benefits.

Upon a member's pre-retirement death, the respective employer and surviving spouse, registered domestic partner, or dependent children are encouraged to immediately contact CalPERS for assistance.

Monthly Benefit Levels

Currently, there are six different benefit levels. The applicable level depends on the contract the employer has with CalPERS. County schools members and State members are covered by Level 5.

Local members (city, county, or special district) may be covered by any of the first four levels or by the "Indexed" level, depending on their employer's contract with CalPERS.

Please refer to the following chart to determine the amounts payable under each level depending on the number of eligible survivors:

Benefit Payments

Benefit Level	One Survivor	Two Survivors	Three or More Survivors
Level 1*	\$180	\$360	\$430
Level 2*	\$225	\$450	\$538
Level 3*	\$350	\$700	\$840
Level 4	\$950	\$1,900	\$2,280
Level 5	\$750	\$1,500	\$1,800
Indexed Level	\$500**	\$1,000**	\$1,500**

* These levels are closed for new agencies or for contract amendments

** These benefit amounts increase by 2 percent each January, beginning in January 2001.

Eligible Survivors

Spouse or registered domestic partner: A surviving spouse or registered domestic partner is a person who was legally married, or in a registered domestic partnership, with the member either one year prior to the member's death, or before the occurrence of the injury or onset of illness that resulted in the member's death. A surviving spouse or registered domestic partner is entitled to the 1959 Survivor Benefit as long as they have care of an eligible child, OR are at least age 62 (age 60 at Level 4, 5, and under the Indexed Level). A surviving spouse may remarry and continue to receive their allowance.

Children: An unmarried biological or adopted child of the member or an unmarried stepchild (if the child was living with the member in a parent-child relationship) is eligible for benefits while under age 22. An unmarried child incapacitated because of a disability which began before attaining age 22 may be entitled to the benefit until the disability ends. If a child is in the care of the guardian, or is living on their own, the child's portion of the benefit is payable to the guardian or to the child directly, rather than to the surviving spouse or registered domestic partner.

Parents: A parent may be eligible if there is no surviving spouse, registered domestic partner or eligible children, and the parent(s) was dependent on the member for at least half of their financial support at the time of the member's death.

Taxability Of The Benefit

The 1959 Survivor Benefit is a taxable allowance and will be reported by CalPERS to the tax authorities each year on a Form 1099R.

Some surviving spouses and registered domestic partners are subject to a mandatory 20 percent federal withholding on all or a portion of their 1959 Survivor Benefit allowance.

If the 20 percent federal withholding applies, a spouse or registered domestic partner may avoid the withholding if they elect to have the allowance directly rolled over into an individual retirement account (IRA). A form to elect a rollover will be provided at the time benefits are payable if the payee is subject to the mandatory 20 percent withholding.

All or a portion of the allowance may be rolled over into an IRA, or else be subject to 20 percent withholding, under the following circumstances:

- The entire allowance is subject to 20 percent withholding, or may be rolled over to an IRA, if the payee is a surviving spouse, or registered domestic partner, who has care of children who will all turn age 22 in less than 10 years from the effective date of the allowance.
- A portion of the allowance is subject to 20 percent withholding, or may be rolled over to an IRA, if: 1) the payee is a surviving spouse, or registered domestic partner, who has care of at least two children, and: 2) the payee will have care of only one eligible child in less than 10 years from the effective date of the allowance.

The 20 percent withholding does not apply when a spouse, or registered domestic partner, receives the allowance at age 60 or 62.

In any case, the surviving spouse, or registered domestic partner, is encouraged to call CalPERS for answers regarding their specific tax questions.

For More Information

If you have questions or need further information about the 1959 Survivor Benefit Program, please contact your nearest CalPERS office.

CalPERS Disability and Survivor Benefits Division
P.O. BOX 1652 Sacramento, CA 95812-1652
(888) 225-7377
(877) 249-7442 – Telecommunications Device for the Deaf
(916) 795-3988 – Fax

CalPERS Regional Offices

For a directory of CalPERS Regional Offices, refer to the CalPERS online website at www.calpers.ca.gov.

While reading this material, remember that we are governed by the California Public Employees' Retirement Law. The statements in this handout are general. The retirement law is complex and subject to change; therefore, if there is a conflict between the law and this handout, any decisions will be based on the law.

For specific tax questions, please call your tax advisor.



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