

Retirement Benefits for Judicial Officers



JRS Plan 1

as administered by



November 2015

Retirement Benefits for Judicial Officers in JRS 1

This booklet provides information regarding Judicial Retirement System Plan 1 (JRS 1) retirement benefits available to eligible justices, judges or commissioners of specified courts in the State. This publication summarizes the law (Subtitle D, Title 8, Texas Government Code) and Board of Trustee Rules of the Employees Retirement System of Texas (ERS), which administers JRS 1. The booklet cites pertinent provisions of Subtitle D. The law and rules prevail in all questions of interpretation and application.



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Retirement benefits for members of JRS 1



Retirement Benefits for Judicial Officers JRS Plan 1

If you became a judge, justice or commissioner of the Supreme Court, Court of Criminal Appeals, Court of Appeals, District Court or specified commissions to a court before September 1, 1985, you are required to be a member of and contribute to the Judicial Retirement System 1 (JRS 1). Membership begins the first day you hold office and terminates upon your death, retirement or withdrawal of your contributions.

An annual non-refundable membership fee of \$10 is collected by ERS. Membership fees are deposited into an Expense Fund to help pay for operating costs, and all other funds paid to JRS 1 are deposited into the General Revenue Fund.

If for any reason you cease to be a judicial officer, you may withdraw your contributions from JRS 1, but this will cancel your service credit in JRS 1. If you retire and then resume state elected or appointed judicial service, you may not rejoin and again contribute to JRS 1.

Each month, a percentage of your gross salary will be deducted as your contribution to JRS 1 and credited to your individual retirement account. In addition, the state contributes an amount necessary to finance the system.

Fiscal Year	Member Contribution Rate
2016	9.5%
2017	9.5%

A member of JRS 1 who accrues 20 years of service in the retirement system may elect to continue contributions.

Resumption of service

If you retire and then resume state elected or appointed judicial service, your annuity payments will be suspended until you leave office and reapply to ERS for payment resumption. It is your responsibility to notify ERS of your return to judicial service. Suspension of the annuity payment, which begins on the day you take the oath of office, will not reduce the number of months annuity payments are scheduled under an optional retirement benefit plan you have chosen. The suspension of your annuity does not apply if you take assignments as a visiting judge after retirement.

If you became a judge, justice or commissioner of the Supreme Court, Court of Criminal Appeals, District Court or specified commissions to a court before September 1, 1985, you are required to hold membership in JRS 1.



Retirement eligibility and benefits

Retirement Benefits for Judicial Officers JRS Plan 1

Retirement eligibility

You become eligible to receive an unreduced Service Retirement Annuity in four ways:

- at age 65 with 10 years creditable service and currently holding a judicial office,
- at age 65 with 12 years creditable service, whether or not you currently hold a judicial office,
- at any age with 20 years service, regardless of whether you hold a judicial office, or
- if you served at least 12 years on an appellate court and meet the Rule of 70, regardless of whether you currently hold a judicial office.

Or, you may choose to receive a reduced benefit as early as:

- age 60 with 10 years of service, currently holding a judicial office or
- age 60 with 12 years of service, whether or not you currently hold a judicial office.

Retirement benefits

There are three types of retirement benefits in the JRS 1 retirement program, including service retirement, disability retirement and death benefits. Before any annuity can be paid, the Chief Justice of the Supreme Court must certify that you are entitled to it. A member who is impeached or removed from office for official misconduct may not receive benefit payments.

Service retirement

Your base Service Retirement Annuity (SRA) will be 50% of the state salary being paid for a judge of a court of the same classification as the court on which you last served. This is increased by 10% if you have not been

out of office for more than one year at retirement or if you have accepted an assignment as a visiting judge within one year prior to your effective date of retirement. Monthly retirement annuities are automatically adjusted each time judicial salaries change. The SRA of a member who elects to make contributions after 20 years of service would be based on 50% of the state salary plus 2.3% for each subsequent year, not to exceed 90%.

Disability retirement

A member of the JRS 1 who has acquired at least seven years of service credit in an appointed and/or elected position may request a disability retirement annuity. The disability must be certified by the Chief Justice of the Supreme Court and may be denied for a condition caused by the excessive use of alcohol or narcotic drugs. When applying for a disability retirement, you must submit two opinions by licensed physicians supporting your claims, and the Chief Justice may appoint a licensed physician to make an additional investigation. The disability annuity cannot be reduced because of age but may include the extra 10% added to the base SRA, if applicable. You will receive the disability retirement annuity for the duration of your disability, and if you have chosen one of the optional retirement plans, your beneficiaries or estate may receive your benefits under the plan chosen.

Death benefits

If you have less than 10 years of service credit, you are not eligible to select a death benefit annuity. In this case, if you die before your retirement, all your contributions to the retirement system are payable in a lump sum to your selected beneficiary or estate.

If you have more than 10 years of service credit, you may select one or more persons to receive a death benefit annuity, which will be payable beginning on the day after your death, in the event you die before retirement. You have two choices of reduced annuities. After your death:

- the reduced annuity is paid in the same amount throughout the life of one beneficiary chosen by you before your retirement (Retirement Option 1) or
- 120 monthly reduced annuity payments will be paid to one or more beneficiaries selected by you (Retirement Option 4).

The death benefit plan you select will take effect at your death unless you amend the plan, select a retirement annuity at your retirement or become ineligible to select a plan.

If you choose not to file a death benefit plan and die before retirement, your surviving beneficiary may choose either **Option 1** or **Option 4**. If there is no beneficiary, your personal representative may choose either **Option 1** or **Option 4** for the benefit of your heirs, or in lieu of a plan, receive a total refund of your contributions.

Lump-sum death benefit

If you are retired at the time of your death, a lump-sum death benefit in the amount of \$5,000 will be paid to your selected beneficiary or estate. This payment is in addition to any other survivor benefit. If you retire under the Proportionate Retirement Program with less than the total years of service credit required for a service retirement from JRS 1, the payment is reduced accordingly.

Health and other insurance benefits for employees and retirees are subject to change based on available state funding. The Texas Legislature determines the level of funding for such benefits and has no continuing obligation to provide those benefits beyond each fiscal year.



Retirement Benefits for Judicial Officers JRS Plan 1

A lump-sum payment will be paid to a retiree's beneficiary or estate in certain situations when the full amount of the retiree's contributions have not been paid in benefits before the retiree's death. This law affects only those retirees who have chosen the standard annuity, but does not apply to Options 3 and 4.

Retiree insurance coverage

When you retire, you and your spouse are eligible to enroll in health insurance through the Texas Employees Group Benefits Program (GBP), including available health maintenance organizations (HMOs). You also qualify for dental coverage with either of the state's three dental plans. Your children under age 26 and/or disabled children of any age may be eligible for health insurance coverage. Unmarried children under age 26 can be enrolled in dental coverage.

Retired and active judges are covered by the same health plans and receive the same state contributions toward premium costs (100% for retiree and part of the premium for dependent coverage). Active judges who go directly to retirement status may keep a portion of their Optional Term Life Insurance or enroll in the \$10,000 Fixed Optional Life Insurance plan. (An active judge going directly to retirement status who does not have Optional Term Life Insurance at the time of retirement may apply for a \$10,000 Fixed Optional Life plan, but will have to go through evidence of insurability.) If they have Dependent Term Life Insurance in force at that time, they may keep a portion of that coverage. Retiree health premiums include \$2,500 of Basic Term Life Insurance for the retiree at no cost. Optional Term

Life elections 1 and 2, Fixed Optional Life and Dependent Term Life are the only optional life insurance coverages available to retirees.

When you turn age 65, or if you are certified as disabled by the Social Security Administration (SSA), you become Medicare-eligible. It is up to YOU to enroll in Medicare Part A and Part B. Enroll up to 90 days before your 65th birthday or when you are certified as disabled by SSA.

If you are currently working for a state agency or higher education institution, you do not need to sign up for Part B until you are no longer working. Remember to apply for Medicare Part B no more than 90 days before you stop working.

When a retiree with 10 or more years of service credit dies, the retiree's spouse, eligible children under age 26 and currently covered eligible disabled children of any age may enroll in GBP health coverage and dental coverage (unmarried children only) as survivors, provided the required premiums are paid and any dependency requirements continue to be met. Eligible survivors have 30 days to enroll, and children may enroll regardless of whether the spouse continues coverage. The state makes no contribution toward the cost of surviving dependent coverage. This premium is the total responsibility of the covered dependent.

Exemption from forced payment of debts

All retirement annuity payments, optional benefit payments, member contributions and money in the various retirement funds are exempt from

garnishment, assignment, attachment or any other legal process except child support payments as required by a court order or, in certain limited circumstances, a federal tax levy.

Federal income tax on annuity payments

When you retire, ERS will provide full and current information on the tax status of your monthly annuity. Federal income tax laws are subject to change at any time; however, the following is a summary of current tax provisions relating to annuity payments:

The retiree's nontaxable contributions to JRS 1 are paid out tax free on a prorated basis and not in full at the beginning. Therefore, a portion of your annuity payment will be taxable immediately and a portion will be excluded from tax. In general, the nontaxable part is the prorated return of your contributions. At the time the tax-free portion of your annuity payments equals the total of your contributions, your entire annuity payment will be taxable. Federal law requires ERS to deduct federal income tax on the taxable portion of annuity payments unless the member elects not to have tax deducted.

Social Security

As a judicial officer, you are covered by Social Security. The benefits you receive from Social Security do not affect any retirement benefits you receive from JRS 1. For information regarding your Social Security benefits, you should contact your nearest Social Security office.



Earning service credit

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Establishing additional service credit

You may receive additional service credit by purchasing past active military service or through buying previously withdrawn judicial service (if you retire under JRS 1, you must purchase JRS 1 withdrawn service). You may buy up to 48 months (four years) of prior active military service if you currently contribute to and have at least eight years of service credit in JRS 1 and are not eligible to receive federal retirement payments for 20 or more years of active military service.

Calendar year service

A contributing member who has not retired may establish service credit in the retirement system for any calendar year during which the member:

- held an office included in the membership of the retirement system or
- was eligible to take the oath for an office included in the membership of the retirement system.

If you do not establish credit before the first anniversary of the date of first eligibility, interest will be computed on the basis of the state fiscal year at an annual rate of 10% from the date of first eligibility to the date of deposit.

You may purchase military, previously withdrawn judicial service or calendar year service.

You may purchase service credit in three ways:

1. a one-time lump sum payment for the total period purchased,
2. a lump-sum payment of the total amount due for increments (in months) of credit available to you or
3. rollover (transfer) of money from one retirement account to another, e.g., using money from your 401(k) to pay for service credit.

Contact ERS to request service purchase cost information. ERS will send you a cost estimate detailing each purchase plan available to you.

Other retirement systems



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Years of service credit in any one of the other nine retirement systems participating in the Proportionate Retirement Program cannot be transferred into JRS 1. However, the systems administer the Proportionate Retirement Program to provide benefits to members who have service credit in more than one system. Besides JRS 1, other participating systems are:

- City of Austin Police Retirement System
- City of Austin Retirement System
- El Paso City Employees' Pension Fund
- El Paso Firemen & Policemen's Pension Fund
- Employees Retirement System of Texas
- Judicial Retirement System of Texas Plan 2
- Teacher Retirement System of Texas
- Texas County and District Retirement System
- Texas Municipal Retirement System

If you have money in an account in more than one system, you may be eligible for a service retirement annuity, if the combined total of all your years of service credit satisfies the minimum length-of-service requirement for the systems from which you are retiring. You are not required to retire simultaneously from all systems for which you are eligible.

Under the Proportionate Retirement Program, military service credit established in more than one system for the same period of active military duty will be credited in only one system. If you qualify for proportionate retirement, you will receive a monthly annuity from each system based on service established in that system.

To protect your rights under this program, if you have service credit established in more than one system, each one should receive written notice from you listing all the systems in which you have an account.

The Proportionate Retirement Program is designed to provide benefits to members with service credit in more than one system.



**You can choose
a standard annuity
or one of five
survivor annuity options.**

Your annuity options

Retirement Benefits for Judicial Officers JRS Plan 1

At retirement, you will select a standard annuity or one of five survivor options that may provide a monthly benefit after your death to the beneficiary named by you. **The decision you make in choosing an option is an important one and cannot be changed after retirement.** Spousal consent will be required if you select the standard annuity or Option 3 or 4.

Survivor option reduction factor tables are used when a retiring employee chooses a survivor option to continue payments to a beneficiary after his or her death. Some of these factors are based on the employee's age at retirement and the beneficiary's age. For more information on the reduction factors that would apply to you and your beneficiary, contact ERS Customer Service at (877) 275-4377 toll-free.

Other features

A lump sum payment will be paid to a retiree's beneficiary or estate in certain situations when the full amount of the retiree's contributions have not been paid in benefits. This law affects only those retirees who have chosen the standard annuity.

If you select Option 1, 2 or 5 and your beneficiary precedes you in death, then your monthly annuity check returns to the standard annuity amount.

If you select Option 1, 2 or 5, you **cannot** change your beneficiary after the effective date of retirement. You must designate a specific individual under these options, and the reduction from the standard annuity amount is calculated on the basis of the age difference in years of your age at retirement and the age of your beneficiary at that time.

If you select Option 3 or 4, you **can** change your beneficiary after retirement. The reduction from your standard annuity amount for these options is calculated on actuarial reduction factors, regardless of your age at retirement.

Monthly Payment Options		
Option	Retiree Payment	Survivor Payment
Standard annuity	This is the highest monthly payment paid to you for life.	No monthly survivor payment. If there is money left in your account after your death, your survivor receives a one-time payment.
Option 1	This is a lower monthly payment paid to you for life.	After your death, your survivor gets 100% of your monthly payment for life.*
Option 2	This is a lower monthly payment paid to you for life.	After your death, your survivor gets 50% of your monthly payment for life.
Option 3	This is a lower monthly payment paid to you for life.	If you die before you get 60 monthly payments, your survivor gets the rest of the 60 monthly payments. Then the monthly payment stops.
Option 4	This is a lower monthly payment paid to you for life.	If you die before you get 120 monthly payments, your survivor gets the rest of the 120 monthly payments. Then the monthly payment stops.
Option 5	This is a lower monthly payment paid to you for life.	After your death, your survivor gets 75% of your monthly payment for life.*

*If your survivor is not a spouse or is younger than you, the percentage he or she receives may be less.

Sample annuity calculations



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Example 1 (40%)

An individual serves on the district bench from age 35 through age 47. At the end of the third term, the individual decides to enter private law practice and draws benefits upon becoming eligible at age 60. The calculation would be as follows:

- **Service** – If an individual has been off the bench more than one year, a minimum of 12 or more years is necessary for retirement. (Military credit is applicable once a member has at least eight years on the bench.)
- **Age** – A member may retire as early as age 60 with reduced benefits or wait until age 65 for full benefits
- **Sample Calculation** – Percentage applicable at age 60 = 40%

Monthly Salary	x Percentage	= Standard Annuity
\$11,666.66	x 40%	= \$4,666.66

Example 2 (50%)

An individual serves on the district bench from age 50 until age 60 and immediately retires. The calculation would be as follows:

- **Service** – 10 years and currently holding a judicial office. (Military credit is applicable once a member has at least eight years on the bench.)
- **Age** – A member may retire as early as age 60 with reduced benefits.

- **Sample Calculation** – Percentage applicable at age 60 = 40%
plus
Bonus* for retiring immediately upon leaving the bench + 10% = 50%

Monthly Salary	x Percentage	= Standard Annuity
\$11,666.66	x 50%	= \$5,833.33

Example 3 (60%)

An individual serves on the district bench from age 55 until age 65 and then retires immediately. The calculation would be as follows:

- **Service** – 10 years and currently holding a judicial office. (Military credit is applicable once a member has at least eight years on the bench.)
- **Age** – A member may retire with full benefits at age 65.
- **Sample Calculation** – Percentage applicable at age 65 = 50%

plus
Bonus* for retiring immediately upon becoming eligible + 10% = 60%

Monthly Salary	x Percentage	= Standard Annuity
\$11,666.66	x 60%	= \$7,000.00

Reduction percentages for early retirement

Age at Retirement	Percentage of State Salary
At least 60 but less than 61	40.0%
At least 61 but less than 62	41.7%
At least 62 but less than 63	43.6%
At least 63 but less than 64	45.6%
At least 64 but less than 65	47.7%

Example 4 (90%)

An individual who elects to make contributions after obtaining 20 years of service credit would be based on 50% of the state salary plus 2.3% for each subsequent year not to exceed 90%. The calculation would be as follows:

- **Service** – 20 years and currently holds a judicial office. (Military credit is applicable once a member has at least eight years on the bench.)
- **Age** – a member may retire with full benefits at any age.
- **Sample Calculation** – Percentage applicable at any age = 50%

plus
Bonus* for retiring immediately upon becoming eligible + 10% = 60%
plus
An additional 2.3% for each subsequent year after obtaining 20 years service credit. For the purpose of this calculation, let's assume member works an additional 13 years x 2.3% = 30%

Monthly Salary	x Percentage	= Standard Annuity
\$11,666.66	x 90%	= \$10,499.99

*The retirement system shall increase by 10% of the amount of the applicable state salary under the annuity of a member who on the effective day of retirement has not been out of judicial office for more than one year or has served as a visiting judge in this state and the first anniversary of the last day of that service has not occurred.



How to apply for retirement and other information

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You must notify ERS not more than 90 days before the date you want to retire. Retirement may commence on any day of the month. When you call, please have the following information available:

- retirement payment option,
- partial lump-sum options (if applicable),
- beneficiary information (including Social Security numbers and dates of birth),
- direct deposit information (routing and account number), and
- federal tax withholding.

Additional information you need to know:

- Proof of age is required for you regardless of the option you select. Proof of age is required for your beneficiary if you select a Retiree & Survivor 100%, 75% or 50% payment option.
- **Valid proof-of-age documents include:** copy of a birth certificate, passport, baptismal record, bible record or school record. If your name has changed or does not match the document, you must also send a copy of your valid state driver's license.

Applying for your contribution refunds

Terminating judicial officers are not required to withdraw their retirement contributions. If you have 12 or more years of service credit, you are entitled to receive a monthly annuity upon reaching retirement age.

Current law provides you this “vested” right to retirement benefits if you do not withdraw your contributions, even though you leave the bench and cease contributing. You do not have to be an active judicial officer at the time of retirement.

Account withdrawal

If you leave judicial service, you may withdraw all of the money in your JRS 1 account, but by doing this you cancel your service credit in the system, which, in turn, terminates your rights to JRS 1 benefits. To withdraw from your JRS 1 account, contact ERS Customer Benefits.

Statement of Retirement Benefits

While you're still contributing to an ERS retirement account, ERS will send you an annual Statement of Retirement Benefits near the month following your birthday, around the same time you receive your summary of Social Security benefits from the Social Security Administration. You can use the two statements together to get a complete picture of your retirement benefits. The Statement of Retirement Benefits provides you important retirement planning information, including benefit estimates and vesting information.

For more information

You may write, call or visit ERS for more detailed information on retirement and JRS Plan 1. To assist ERS in responding to your requests, please provide your name as it appears on your court payroll records and your Social Security number. If you wish to visit ERS in person, please call in advance to schedule an appointment. Your call will permit the Customer Benefits staff to review your file prior to your arrival and reduce the waiting time during your visit. ERS is open from 8 a.m. until 5 p.m., Monday through Friday, except on holidays.

Retirement records of members and beneficiaries are confidential. ERS will not release certain information about your account without your written authorization.

Requesting more information

ERS Services:

- Pre-retirement counseling
- Benefit estimates
- Annuity processing
- Benefit payments

To visit in person:

Employees Retirement System of Texas
200 E. 18th Street
Austin, Texas 78701

(Free parking is available in front of the ERS entrance, parallel to 18th St.)

To write:

Employees Retirement System of Texas
Customer Benefits Division
P. O. Box 13207
Austin, Texas 78711-3207

To call:

(877) 275-4377, toll-free

Our website:

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