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## Administrative Law Judges and Legal Advisors' Retirement Handbook

This handbook applies to administrative law judges and legal advisors hired prior to April 26, 2005. Please consult the *MSEP/MSEP 2000 General Employees' Retirement Handbook* or the *MSEP 2011 General Employees' Retirement Handbook* for information about your benefits if hired after this date.

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*This handbook contains a general summary of the benefit provisions administered for administrative law judges and legal advisors by the Missouri State Employees' Retirement System (MOSERS). It is intended to give you a general idea of your benefits and acquaint you with the Administrative Law Judges and Legal Advisors' Plan (ALJLAP). The benefits described apply to actively employed members of the ALJLAP on the date this handbook was issued, unless otherwise stated. If there is any difference between the information provided in this handbook and the law or policies which govern the ALJLAP, the law and policies will prevail. The statutes referenced in this handbook are from the Revised Statutes of Missouri (RSMo).*



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The ALJLAP is a closed plan. This handbook is intended for administrative law judges and legal advisors who were employed or participated in the plan prior to April 26, 2005.

Administrative law judges or legal advisors employed for the first time on or after April 26, 2005 are participants in either the MSEP, MSEP 2000, or MSEP 2011, depending on the date they initially became a state employee.

## MOSERS' Mission

MOSERS exists to advance the financial security of its members.

## How To Contact MOSERS



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MOSERS benefit counselors are a valuable source for information and assistance regarding your benefits. They can explain the different plan provisions, provide you with a benefit estimate, and counsel you regarding your benefit options.

Our call center hours are 8:00 a.m. to noon and 1:00 p.m to 4:30 p.m. Monday - Friday.

### Website

[www.mosers.org](http://www.mosers.org)

### Email

[mosers@mosers.org](mailto:mosers@mosers.org)

### Telephone

(573) 632-6100  
(800) 827-1063

### Mailing Address

PO Box 209  
Jefferson City, MO 65102-0209

### Fax

(573) 632-6103

### Office Location

907 Wildwood Drive  
Jefferson City, MO

### Social Media





## When You Begin State Employment

### WHAT IS MOSERS?

MOSERS is a single-employer, public employee retirement plan administered in accordance with Chapter 104 of the Revised Statutes of Missouri (RSMo).

MOSERS operates as a tax-qualified “defined benefit” plan under Section 401(a) of the Internal Revenue Code. A defined benefit (DB) plan is one that requires a member to be vested (work a set number of years in a benefit-eligible position) and provides a set benefit (based on salary and credited service<sup>①</sup>) for life once a member meets the age and service requirements for retirement. In other words, the “benefit” is “defined” by the law.

A DB plan can be either contributory or noncontributory. The ALJLAP is a noncontributory plan.

Acting as an administrative agent, MOSERS oversees four separate and distinct plans, which provide retirement, life insurance, and long-term disability benefits to different classifications of employees. The plans administered by MOSERS are:

- **Missouri State Employees’ Plan (MSEP)**
  - General State Employees
  - Legislators
  - Elected State Officials
- **Missouri State Employees’ Plan 2000 (MSEP 2000)**
  - General State Employees (including MSEP 2011 members)
  - Legislators (including MSEP 2011 members)
  - Elected State Officials (including MSEP 2011 members)
- **Judicial Plan/Judicial Plan 2011**
- **Administrative Law Judges and Legal Advisors’ Plan (ALJLAP)**

MOSERS administers the following benefits for most state employees:

- Retirement
- Life Insurance
- Long-Term Disability Insurance

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Each September, MOSERS’ Board of Trustees establishes an employer contribution rate for the next fiscal year. The contribution rate, which is set as a percentage of payroll, is actuarially calculated to cover the system’s benefit obligations and administrative costs for the coming fiscal year and into the future. When the system’s actuary<sup>①</sup> calculates the contribution rate, it is based on a number of factors including the current level of benefits, how many members are in the plan, current and expected future pay<sup>①</sup> levels, the age and average life expectancy of members, expected earnings on investments, and the plan’s unfunded liability.

State law requires all public employee retirement systems in Missouri to publish comprehensive annual financial reports. MOSERS’ annual report is designed to comply with both Missouri State law and the Government Finance Officers Association’s disclosure guidelines applicable to public employee retirement plans. We will send a *Summary Annual Financial Report* to you each December, and a *Comprehensive Annual Financial Report* (CAFR) is available to you upon request. Both publications are available on our website.

## **THE BOARD OF TRUSTEES**

Responsibility for the operation and administration of MOSERS is vested in an 11-member board of trustees. Board members include:

- Two active members of MOSERS elected by the active and terminated-vested<sup>①</sup> members
- One retiree elected by the retired members of MOSERS
- Two members of the Senate appointed by the President Pro Tem of the Senate
- Two members of the House of Representatives appointed by the Speaker of the House
- Two members appointed by the Governor
- The State Treasurer
- The Commissioner of Administration

The board is responsible for establishing and maintaining board policies, procedures, and objectives for all aspects of the retirement system's operations. The day-to-day management of MOSERS is delegated to the executive director who is hired by the board. The executive director acts as advisor to the board on all matters pertaining to the system and, with the approval of the board, contracts for professional services and employs the remaining staff needed to operate the system.

### **Responsibilities of the Board of Trustees**

- To select and employ a qualified advisor (an actuary<sup>①</sup>) regarding funding of the system
- To arrange annual audits of MOSERS' records and accounts
- To approve and certify the employer retirement contribution rate
- To administer MOSERS retirement plans according to the *Revised Statutes of Missouri*
- To approve the MOSERS budget
- To make an ongoing educational commitment to learn more about investments, benefits, and insurance while serving on the board
- To act as investment fiduciaries when administering MOSERS' assets
- To provide (or contract) life insurance and long-term disability insurance benefits for eligible state employees

## **SYSTEM ADMINISTRATION**

### **Confidentiality of Your Records**

MOSERS is required to provide, upon written request, the following information with regard to any present or future benefit recipient who is receiving or may be eligible to receive a benefit in the future under any benefit program administered by MOSERS: the benefit recipient's name, eligibility to receive a benefit, dates when a benefit was or will be payable, and current or estimated future benefit amount.

MOSERS will keep all other member records confidential unless:

- The benefit recipient consents in writing to the release of the information
- The information is requested by the benefit recipient's legal representative
- The information is requested pursuant to a subpoena or other legal process as provided by law including, but not limited to Sections 104.312 or 104.1051, RSMo
- Disclosure is made by MOSERS for a purpose that is compatible with the purpose for which it was collected

You should be aware that when you apply for retirement, it is entirely possible that your employer will become aware that you have applied. This is simply a function of the ongoing flow of information between MOSERS and employers in connection with personnel management and the processing of retirement applications.

### **MOSERS Member ID**

Member IDs are our way of helping protect you against identity theft. The ID will help us quickly identify you in our computer system in order to efficiently maintain our records and internal processes. Your Member ID and Social Security number have been cross-referenced in our computer system so we can identify you using either number.

- MOSERS will use your Member ID on correspondence (except tax documents) instead of your Social Security number. We are required to include your Social Security number on any tax related forms used to complete your income tax return (such as a 1099-R).
- You may use your Member ID when you call or write MOSERS; however, you are not required to do so. We can identify you in our system by either Member ID or Social Security number.
- MOSERS will give out your Member ID over the phone only after your identity has been authenticated.
- Unlike passwords or a PIN, your Member ID cannot be changed.
- You should use your Member ID only with MOSERS-related correspondence. Other benefit administrators (MCHCP, MO Deferred Comp, etc.) do not have a record of this number.

### **Appeals to the Board of Trustees**

Members, beneficiaries, survivors, retirees, judges, administrative law judges and employers may request review by the board of trustees of the Missouri State Employees' Retirement System (MOSERS) of decisions by the executive director of MOSERS, or his/her designee, concerning eligibility for and/or the amount of benefits, service, contributions, refunds, and membership.

The request for review must be stated in writing and addressed to the executive director or the board of trustees. The request must state what decision the board of trustees is being asked to review and what action the board of trustees is being asked to take. The request must be made within sixty (60) days after the administrative decision has been mailed or otherwise communicated to the party making the request for review.

The review will be held at the next regularly scheduled board meeting that is at least thirty (30) days after the date on which the request for review is received unless another date is mutually agreed to by the parties. The party requesting review (the appellant) will be notified in writing of the date on which the board of trustees will conduct the review.

### **Forfeiture of Retirement Benefits**

You (and your beneficiary) will forfeit all rights to retirement benefits as described below if you have been:

- Removed from office by impeachment or for misconduct.
- Disbarred from the practice of law.
- Convicted of a felony on or after August 28, 2014 under state law (or a substantially similar offense provided under federal law) involving stealing or receiving stolen money, property, or service valued at \$5000 or more, forgery, counterfeiting, bribery of a public servant, or acceding to corruption, in connection with your duties as an administrative law judge or legal advisor. (This forfeiture applies only to retirement benefits accrued on or after August 28, 2014.)



## UNDERSTANDING YOUR PLAN

### Highlights of Your Retirement Plan

The ALJLAP is a closed plan and will no longer be available to employees employed for the first time as an administrative law judge<sup>①</sup> or legal advisor<sup>①</sup> on or after April 26, 2005, or who have not previously participated in the ALJLAP.

- **Defined Benefit** - A lifetime monthly pension benefit (once you meet retirement eligibility) based on your final average pay<sup>①</sup>.
- **Cost-of-Living Adjustment (COLA)** - *If employed before August 28, 1997*, you will receive at least 4% each year until you reach the 65% cap. After you have reached your COLA cap, the rate is based on 80% of the percentage increase in the average Consumer Price Index (CPI)<sup>①</sup> from one year to the next with an annual maximum of 5% (minimum 0%). *If employed on or after August 28, 1997*, the rate is based on 80% of the percentage increase in the average CPI from one year to the next with an annual maximum of 5% (minimum 0%).
- **Vesting Period** - Automatically vested on the day you became a member of the ALJLAP.
- **Normal Retirement Eligibility** - Age 62 with at least 12 years of credited service; age 60 with at least 15 years of service; or age 55 with at least 20 years of service.
- **Prorated Retirement Eligibility** - Age 65 with less than 12 years credited service.

### Membership Requirements

The ALJLAP was established on August 13, 1984. To be eligible to participate in the ALJLAP, you must be serving in one of the following positions:

- Administrative Law Judge of the Division of Workers' Compensation (*employed on or after August 13, 1984*)
- Legal Advisor of the Division of Workers' Compensation (*employed on or after August 13, 1984*)
- Chairperson of the State Board of Mediation (*employed on or after August 31, 1987*)
- Member of the Labor and Industrial Relations Commission of Missouri (*employed on or after June 16, 1987*)
- Attorney or legal counsel appointed or employed by the Labor and Industrial Relations Commission (*employed on or after August 28, 1994*)
- Administrative Hearing Commissioner assigned to the Office of Administration (*pursuant to Section 621.015, RSMo*)

### Other Benefits Administered by MOSERS

- **Long-term Disability (LTD) Insurance** - Partial income replacement in the event you become disabled, helping to bridge the gap from your date of disability to your recovery or retirement (see the *LTD Handbook*).
- **Basic Life Insurance** - Equal to one times your annual salary (\$15,000 minimum) at no cost to you. Your employer pays the monthly premiums for basic coverage (see the *Life Insurance Handbook*).
- **Optional Life Insurance** - You may purchase additional coverage for yourself, spouse and dependent child(ren) at group rates (see the *Life Insurance Handbook*).

## RESOURCES FOR BENEFIT INFORMATION

Benefit information is available to you in the following ways:

- **Website**
  - MOSERS members wishing to log in to their MOSERS Member Homepage must create an Online ID. Your Online ID will replace the use of your Social Security number/Member ID for logging in and is a more secure practice. Click on the **Member Login** button at the top of our website main page and we will guide you through the process. You will only need to create an Online ID once, then, any time you log in, you will simply use your Online ID and MOSERS password. This is a unique ID you will create especially for your MOSERS login, so if you have created one for MCHCP or MO Deferred Comp, you will still need to set one up for the MOSERS website.
  - Get organized and reduce paper. Sign up for email delivery of MOSERS publications. This includes your *Annual Benefit Statement*, which is a summary of your service, beneficiaries and benefits.
  - **Rumor Central Blog** – Sign up for email notifications to keep you in the loop regarding straight talk about MOSERS benefits.
- **Handbooks and Brochures** - All of MOSERS' handbooks and brochures are online and available from benefit counselors. View them on our website or print them out and read them at your convenience.
- **PensionsPlus Newsletter** - As long as you are an active state employee, we will send you an electronic *PensionsPlus* newsletter. Every time a new issue is published, we will send a notification directly to your inbox.
- **Annual Benefit Statement** - Once a year, we will send you a summary of your benefits, service, and beneficiary information. View it online from your **Member Homepage** at your convenience.
- **Benefit Counselors** - Our benefit counselors are available by email, in person, and by phone. Call MOSERS to schedule an individual appointment.
- **Social Media** - Follow MOSERS on Facebook and Twitter.
- **State Statutes** - The laws that govern MOSERS are found primarily in chapters 104 and 105 of *Revised Statutes of the State of Missouri*.

### Online Resources

- MOSERS  
[www.mosers.org](http://www.mosers.org)
- Social Security Administration  
[www.ssa.gov](http://www.ssa.gov)
- MO Deferred Comp  
[www.modeferredcomp.org](http://www.modeferredcomp.org)



## Throughout Your Career

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### PLANNING AHEAD FOR YOUR RETIREMENT

Financial professionals often refer to sources of retirement income as the “three-legged stool.” The goal of the three-legged stool is to achieve a reasonable level of replacement income that will support your financial needs during retirement.

When you retire from state employment, the legs are made up of your MOSERS pension benefit, Social Security, and your personal savings and investments. By familiarizing yourself with your future estimated MOSERS and Social Security benefits, you will be better able to determine how much you will need in personal savings and investments to achieve your desired standard of living during retirement.

Financial planners stress the importance of personal savings and investments and recommend the use of tax-favored savings vehicles (such as MO Deferred Comp) to accumulate personal savings. Visit the deferred comp website at [www.modeferrredcomp.org](http://www.modeferrredcomp.org) for more information.

There is one point on which most people agree—retirement should be a time of financial security—a reward for a lifetime of hard work. Your continued participation in MOSERS is an important part of ensuring a successful financial future, but not the only part you will need to consider.

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### While You Are Working

- Review your MOSERS *Annual Benefit Statement*. Report any discrepancies to MOSERS as soon as possible.
- Purchase, if cost effective for you, any eligible credited prior service<sup>①</sup> as soon as possible (i.e. time worked in a full-time position for a city, county, public school or other political subdivision in Missouri).
- Evaluate your personal finances periodically as they relate to meeting your financial needs at retirement.
- Read the handbooks and correspondence regarding your benefits. Contact a MOSERS benefit counselor with any questions you have regarding your retirement benefits.
- Visit our website to stay updated on the latest news and log in to update any personal information, such as address, email, or beneficiaries.
- Start investing for retirement and contribute to the MO Deferred Comp Plan. This long-term, tax-sheltered savings plan is a good way to supplement your MOSERS retirement and Social Security income. There are different options to choose from once you start your monthly contributions through payroll deduction. Choose to invest in a Missouri Target Date Fund, which automatically adjusts your asset allocation during employment and through retirement, or enroll in the Self-Directed Brokerage Account for a more hands-on approach.
- Check out MOSERS' financial calculators for mortgage loans, car loans, and a comparison calculator to help you compare the value of different retirement options over time. From MOSERS' website, click on **Members**, then **Calculators**.

## HOW YOUR BENEFIT ADDS UP

To be “vested” means you are eligible for a future retirement benefit once you meet the age and service requirements. As an administrative judge<sup>①</sup> or legal advisor<sup>①</sup>, you are automatically “vested” on the day you become a member<sup>①</sup> of the ALJLAP.

Let’s take a look at the big picture. What is the value of your defined-benefit pension? This example provides an estimate of a retirement benefit paid over a 15-year period. The following assumptions are used for illustrative purposes only:

Final Average Pay<sup>①</sup>:.....\$8,000.00  
 Annual COLA:.....4% (until COLA cap)\*  
 Annual COLA:.....2% (80% of the percentage increase in the average CPI, after COLA cap)  
 Length of Retirement: ..... 15 years

$$\$8,000 \times .50 = \$4,000 \text{ Base Benefit}$$

Year			COLA		Monthly Benefit	Annual Benefit
1	\$4,000.00				\$4,000.00	\$48,000.00
2	\$4,000.00	x	1.04	=	\$4,160.00	\$49,920.00
3	\$4,160.00	x	1.04	=	\$4,326.40	\$51,916.80
4	\$4,326.40	x	1.04	=	\$4,499.46	\$53,993.52
5	\$4,499.46	x	1.04	=	\$4,679.44	\$56,153.28
6	\$4,679.44	x	1.04	=	\$4,866.62	\$58,399.44
7	\$4,866.62	x	1.04	=	\$5,061.28	\$60,735.36
8	\$5,061.28	x	1.04	=	\$5,263.73	\$63,164.76
9	\$5,263.73	x	1.04	=	\$5,474.28	\$65,691.36
10	\$5,474.28	x	1.04	=	\$5,693.25	\$68,319.00
11	\$5,693.25	x	1.04	=	\$5,920.98	\$71,051.76
12	\$5,920.98	x	1.04	=	\$6,157.82	\$73,893.84
13	\$6,157.82	x	1.04	=	\$6,404.13	\$76,849.56
14	\$6,404.13	x	1.04	=	\$6,600.00	<u>\$79,200.00</u>
15	\$6,600.00	x	1.02	=	\$6,732.00	\$80,784.00
<b>Estimated Total Retirement Benefit</b>						<b>\$958,072.68</b>

\* This COLA applies if you were employed before August 28, 1997. In this example, the 65% COLA cap is reached in the 14th year. Future COLAs are based on 80% of the percentage increase in the average CPI from one year to the next with an annual maximum of 5% (minimum 0%).

## LIFE EVENTS

### Divorce and Your MOSERS Benefit

If you have been married at any time while you were employed in a position covered by the ALJLAP and are considering a divorce, your spouse may be legally entitled to a portion of your retirement benefit. By law, your ex-spouse may receive up to 50% of your benefit accrued during all or part of the marriage.

Your retirement benefit from MOSERS may be marital property. See our brochure *Divorce and Your Retirement Benefit* for more details.

### Survivor Benefits When You Die

#### *Death Before Retirement (Active)*

If you should die while serving as an administrative law judge<sup>①</sup> or legal advisor<sup>①</sup>, MOSERS will pay a survivor benefit to your eligible spouse or child(ren). Although survivor benefit payments can begin the month following your date of death, they are not automatic. Each eligible benefit recipient must submit an *Application for Survivor Benefits* with the required proof-of-age and lawful presence documentation.

To be eligible, your surviving spouse must be married to you for a minimum of two consecutive years immediately prior to your date of death and also on your last day of employment as an administrative law judge. The monthly benefit for your spouse will be 50% of your retirement benefit and payable for the remainder of your spouse's life.

If there is no eligible spouse, a total of 50% of your monthly benefit will be paid to your natural or legally adopted child(ren) who are younger than age 21. If there is more than one eligible child, the benefit will be divided equally among them. The survivor benefit for each child will stop when the eligible child becomes age 21 (unless a child is totally disabled).

This benefit is paid regardless of your length of service, except where the period of service could not have been 12 years because of a voluntary or mandatory retirement provision. In that instance, the benefit will be prorated.

#### *Death Before Retirement (Inactive)*

If you die after leaving state employment, but prior to retirement, your eligible spouse (or children) may receive a monthly survivor benefit if you have completed at least 12 years of service. **If you have not completed 12 years of service, there is no survivor benefit payable to anyone.**

### If You Become Disabled or Incapacitated

If you become incapacitated (no longer able to handle your own affairs), MOSERS must pay benefits to the individual who has legal responsibility for your financial matters. The possibility of becoming incapacitated is an important issue because you never know if or when it will happen. You can decide in advance who will be responsible for managing your ALJLAP benefits by designating an agent.

Any employee, beneficiary<sup>①</sup>, or retiree may designate an agent with regard to the application for receipt of an annuity<sup>①</sup> or any other benefits from the ALJLAP. Complete the *Designation of Agent* form (available online) to name an agent and a successor agent. MOSERS will recognize your agent first regarding the distribution of your benefits upon receipt of a physician's statement notifying MOSERS in writing that you are disabled or incapacitated. If your agent cannot or will not perform these duties, MOSERS will look to your successor agent for instructions (if one has been named).

The *Designation of Agent* form allows you to choose an agent who can make benefit decisions for you if you become disabled or incapacitated. This form does not give your agent broad powers (control over your other financial affairs) like those usually found in a durable power of attorney. If you are interested in giving your agent broad powers, please consult with an attorney who can advise and help you prepare a durable power of attorney.

The *Designation of Agent* form relates only to your ALJLAP benefits and becomes effective when MOSERS receives a written statement from a physician notifying us you are incapacitated.

If you become disabled or incapacitated and **have not designated** an agent to make decisions regarding your ALJLAP benefits, one of the following persons may act as an agent upon submission of a written statement from your physician regarding your disability or incapacity and the completion of a family member affidavit (available by contacting MOSERS). The powers of an agent will be granted, in the following order, to your:

- Spouse
- Child
- Parent
- Brother or sister
- Niece, nephew, or grandchild

MOSERS is not liable with regard to any payment made in good faith to your agent.

### **If You Leave State Employment**

When you leave state employment, your human resources representative will send MOSERS a termination form indicating your last day of service. The amount of service you have earned determines when you are eligible for retirement benefits. MOSERS will send you a letter approximately 45 days after we receive your termination form. This letter will indicate your option(s) for receiving a retirement benefit, an estimate of your benefit amount, and the date you are eligible to begin receiving benefits.

In general, the retirement laws in effect on the date you leave state employment determine both your eligibility for a benefit and the provisions used to calculate your benefit.

**It is important that you keep your address current.** Please call, write, or go online to notify MOSERS if your name, phone number(s), mailing address or email address changes. We will send you a retirement packet approximately 120 days prior to your normal retirement date.

If you leave state employment, please contact MOSERS if your name, phone number(s), email, or mailing address changes.



## Approaching Retirement

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### APPROACHING-RETIREMENT CHECKLIST

#### Twelve Months Prior to Retirement

- Contact a MOSERS benefit counselor for an estimate of your retirement benefit. Provide us with your spouse's date of birth and the amount of prior service credit you plan to purchase or transfer (if applicable). You can also generate your own estimate on our website. Log in to your **Member Homepage** and choose **Estimate** then **Estimate Your Retirement Benefit**.
- Review your MOSERS *Annual Benefit Statement*. Report any discrepancies to MOSERS as soon as possible.
- Review your retirement handbook. Contact a MOSERS benefit counselor with any questions you have regarding your retirement benefits.
- Contact your Social Security office for an estimate of your Social Security benefit.
  - **Social Security Windfall Elimination Provision (for non-Social Security covered service)** - Generally speaking, the non-Social Security service that would be eligible for credit in MOSERS is not affected by the windfall elimination provision. However, if the service you are considering for purchase is not covered by Social Security, you should contact a Social Security office to discuss what implications such a purchase would have on your future Social Security benefit.
- Check the state's deferred comp plan regarding your distribution options at retirement (if applicable).

#### Six Months From Retirement

- Discuss your benefit estimate and the different benefit payment options with your family and financial advisor.
- Prepare a retirement budget. Compare your retirement expenses against your ALJLAP benefit, Social Security, and any other retirement income such as savings that will be available to you.
- Contact the Missouri Consolidated Health Care Plan (MCHCP) or your medical benefit administrator regarding your medical coverage at retirement, and get estimates of premium costs.
- Obtain a copy of an acceptable proof-of-age and lawful presence document (see list on page 21) for yourself and your spouse (if applicable). If married, you must also provide MOSERS with a copy of your marriage certificate.
- It is important to keep MOSERS informed about your contact information. Please call, write, or go online to notify MOSERS if your name, phone number(s), email, or address changes.

## ACQUIRING ADDITIONAL SERVICE CREDIT

Certain provisions allow you to purchase, or transfer several types of service under the ALJLAP. The purchase or transfer of service may increase the amount of your retirement benefit and, in some cases, you may become eligible to retire at an earlier date.

### Automatic Military Service Credit

If you are called to, or volunteer for, active military duty, the Uniformed Services Employment and Reemployment Rights Act (USERRA) protects your employment and benefit rights, provided you meet the eligibility requirements. When you return from military leave, you may be eligible to receive credit in the ALJLAP for your active-duty military service. This service will be used in determining the amount of, and your eligibility for, a retirement benefit. To be eligible for automatic military service credit, you must:

- Have been employed by the state immediately prior to entering the armed forces
- Return to state employment within the time frame specified by USERRA.
  - **1-30 Days:** Report for work by the beginning of the first regularly scheduled work day that falls 8 hours after you return home.
  - **31-180 Days:** Submit an application for reemployment no later than 14 days after completion of military service.
  - **180+ Days:** Submit an application for reemployment no later than 90 days after completion of military service.
  - **Service Connected Injury or Illness:** The reporting and application deadlines listed above will be extended up to 2 years if you are hospitalized or convalescing because of a service connected injury or illness.
- Provide a copy of your honorable discharge and your military DD 214 form or other pertinent documentation.
- Meet any other requirements under USERRA.

### Purchasing Prior Military Service Credit

You may purchase up to four years of active-duty military service credit performed prior to becoming a member of MOSERS. This includes active-duty military training.

If you elect to purchase your active-duty military service, you must purchase all that you served (total months and days) up to a maximum of four years, prior to applying for retirement. In connection with such a purchase, MOSERS requires that you submit a copy (not the original) of your military *DD 214* or *NGB 23 Discharge* form, which verifies the following:

- Your service was active duty
- Your service was in an eligible branch of the U.S. Armed Forces or reserve components (Army, Air Force, Navy, Marine Corps, Coast Guard, Army National Guard, or Air National Guard)
- Your dates of service
- You were honorably discharged

Any purchase or transfer of service must be completed prior to applying for retirement.

For additional information on USERRA go to [www.dol.gov](http://www.dol.gov).

Obtain Copies of your *DD 214* or *NGB 23*, by contacting:

#### National Personnel Record Center

1 Archives Dr. • St. Louis, MO 63138

(314) 801-0800

Fax: (314) 801-9195

Website: [www.archives.gov/veterans](http://www.archives.gov/veterans)

#### MO National Guard

(if MO listed as home of record at discharge)

2405 Logistics Rd.

Jefferson City, MO 65101

(573) 638-9890 or (573) 638-9683

Fax : (573) 638-9546

Website: [www.moguard.com](http://www.moguard.com)



## Transfer/Purchase Public Employment Service

Under the provisions of Section 105.691, RSMo, you may receive credit for your full-time, nonfederal public employment within the state of Missouri. Depending on certain criteria, this service may be purchased, transferred, or a combination purchase/transfer.

To be eligible to **transfer** your service from another retirement plan to MOSERS:

- Your prior employment must be covered by another retirement system and you must be vested in that system.
- There must be an agreement between MOSERS and the other retirement system.

You may be eligible to **purchase** service if:

- You are not vested or elect to withdraw from the other retirement system
- There is no agreement between the two systems
- Your prior employment was not covered by a retirement system
- You have service remaining after you transfer eligible service

If you elect to purchase credit for your full-time, nonfederal public employment at a reduced rate (under Section 104.344, RSMo), you must purchase all that you have up to four years. To be eligible you cannot be vested in another retirement plan for the same period of service.

You cannot receive credit for the same period of service under two retirement systems. If you purchase or transfer service credit, you must forfeit all rights to benefits for that same period of service under the other retirement system.

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**You must complete any purchase/transfer of service prior to applying for retirement.** If you are interested in purchasing or transferring service, please go online or contact a MOSERS benefit counselor for an application and detailed brochure titled *MSEP/MSEP 2000 Acquiring Service Credit*.

## Transfer of Service

### *Section 104.800, RSMo*

You may be able to increase your retirement benefit by transferring service. Section 104.800, RSMo allows you to make a one-time transfer of **up to eight years** of creditable service to or from the following retirement systems:

- Missouri State Employees' Plan (MSEP)
- Administrative Law Judges and Legal Advisors' Plan (ALJLAP)
- MoDOT and Patrol Employees' Retirement System (MPERS)
- Prosecuting Attorneys and Circuit Attorneys' Retirement System (PACARS)

The Missouri State Employees' Plan 2000 (MSEP 2000) is not included in this transfer provision.

This one-time transfer between retirement plans must be completed prior to your date of retirement. If you elect to transfer service, you will forfeit any remaining service of that type and all rights to benefits under the retirement plan based on that service. For more information on transferring service, please contact a MOSERS benefit counselor.

### *Section 287.815.3, RSMo*

Members of the Labor and Industrial Relations Commission, administrative hearing commissioners, members of the State Board of Mediation, and attorneys or legal counsel appointed or employed under Section 286.070, RSMo, may be eligible to transfer service credit earned as a result of prior service in any retirement plan administered by MOSERS to the ALJLAP. To be eligible for the transfer, you must have less than 12 years of service as an administrative law judge<sup>①</sup> or legal advisor<sup>①</sup> or both. If you elect to transfer this service, you will forfeit all rights to benefits under the retirement plan from which the service was transferred. Administrative hearing commissioners assigned to the office of administration must serve a majority of a term (at least three years) in order to qualify for benefits.

*Section 287.815.1, RSMo*

This provision allows the chairman of the State Board of Mediation and the members of the Labor and Industrial Relations Commission who have served in the general assembly, but have less than 12 years of ALJLAP service, to receive two full years of creditable service in the ALJLAP for each full or partial biennial assembly served or purchased. In order to receive this credit, the member must waive in writing all rights to any retirement benefit from the MSEP or the MSEP 2000.

**SERVICE CREDIT WHILE ON A LEAVE OF ABSENCE**

It is important to remember that an approved leave of absence does not guarantee that you will receive credited service<sup>①</sup> for the period of time on leave. Not all leaves of absence qualify for credited service. You will, however, continue to accrue service if your employing agency approves one of the following leaves of absence:

- Leave of absence due to illness or injury for yourself (up to 12 months)
- Leave of absence for military service or training
- Leave of absence eligible under the Family and Medical Leave Act of 1993 (FMLA)



## Ready to Retire

### READY-TO-RETIRE CHECKLIST

It's never too early to start planning for retirement. MOSERS benefit counselors are available to assist you along the way. The checklist below provides a general timetable for retirement preparation.

You must complete the purchase of credited prior service<sup>①</sup> before applying for retirement.

#### One Month From Retirement

- Log in to your Member Homepage and complete your *Retirement Application for Judges, Administrative Law Judges and Legal Advisors* and related forms. Please submit your retirement application **at least 30 days, but not more than 90 days prior to the month your retirement benefit is to begin.**
- Go online ([www.mchcp.org](http://www.mchcp.org)) or obtain the required form(s) to retain your medical coverage from your human resources representative or MCHCP (if applicable).
- Notify your department human resources office regarding your intentions to retire. Find out when you should submit a letter of resignation.
- Contact your local Social Security office to file for benefits if you are eligible and wish to do so.
- Check with MO Deferred Comp regarding your distribution options at retirement (if applicable).
- Make sure you have completed and submitted the required applications to continue your life insurance (if applicable).
- Review your estate/will information and life insurance beneficiary<sup>①</sup> designations (if applicable).

## NORMAL RETIREMENT

As an administrative law judge<sup>①</sup> or legal advisor<sup>①</sup>, you are automatically "vested" on the day you become a member of the ALJLAP. The amount of service you earn determines when you will be eligible the amount of your benefit. In general, the retirement laws in effect on the date you leave state employment determine your eligibility for a benefit and the provisions used to calculate your benefit.

### Eligibility Requirements

Your normal retirement date<sup>①</sup> is the date at which you may retire with an unreduced benefit. You will be eligible for normal retirement when you are no longer serving as an administrative law judge or legal advisor and meet at least one of the following age and service requirements:

- Age 62 with at least 12 years of service.
- Age 60 with at least 15 years of service.
- Age 55 with at least 20 years of service.

### Base Benefit<sup>①</sup> Formula

At the time you apply for retirement, we will calculate your base benefit by using a formula that takes into account the following factors:

- Final Average Pay<sup>①</sup> - The average of your highest 12 consecutive months of compensation.
- Multiplier - The multiplier is established by the legislature and is currently 50% (.50).

Under the Internal Revenue Code, pension plans such as MOSERS must limit retirement benefits and compensation used to determine retirement benefits. The limits are indexed to increase in increments of \$5,000 depending on the rate of inflation (and amendments to the law).

$$\text{Final Average Pay} \quad \times \quad \text{Multiplier (.50)} \quad = \quad \text{Monthly Base Benefit}$$

#### *Example of Base Benefit Calculation*

As with any formula, it is sometimes helpful to provide an example to see how the calculation works. This example uses the following assumptions:

Final Average Pay:.....\$8,000.00  
 Multiplier ..... 50% or .50

Final Average Pay	x	Multiplier (.50)	=	Monthly Base Benefit
<b>\$8,000</b>	<b>x</b>	<b>.50</b>	<b>=</b>	<b>\$4,000</b>

## RETIRING WITH LESS THAN 12 YEARS OF SERVICE

You are eligible for **reduced** retirement benefits if you are at least age 65 with **less than** 12 years of service. If you elect to retire with less than 12 years of service, your base benefit<sup>①</sup> will be prorated (reduced) according to your actual service. The reduction factor is based on your actual service divided by 144 months (12 years).

$$\text{Actual Service} \div 144 \text{ Months} = \text{Reduction Factor}$$

### *Example of Early Retirement Benefit Formula*

This example uses the following assumptions:

Age at Retirement:.....65 Years  
 Final Average Pay<sup>①</sup> ..... \$8,000  
 Credited Service ..... 10 Years (120 Months)

### Early Retirement Reduction Factor Calculation

$$\begin{array}{rclclcl} \text{Actual Service} & \div & 144 \text{ Months} & = & \text{Reduction Factor} \\ \mathbf{120 \text{ months}} & \div & \mathbf{144 \text{ Months}} & = & \mathbf{0.83333} \end{array}$$

### Base Benefit Calculation

$$\begin{array}{rclclcl} \text{Reduction Factor} & \times & \text{FAP} & \times & \text{Multiplier (.50)} & = & \text{Base Benefit} \\ \mathbf{0.83333} & \times & \mathbf{\$8,000} & \times & \mathbf{.50} & = & \mathbf{3,333.32} \end{array}$$

## APPLYING FOR RETIREMENT

We recommend that you apply for retirement 45-90 days prior to your date of retirement. The payment of benefits is not automatic and cannot be paid retroactively. Before benefit payments can begin, you must leave employment, meet the age and service requirement for retirement, and complete the application process by completing the *Retirement Application for Judges, Administrative Law Judges and Legal Advisors* form and submitting it to MOSERS. You can complete the retirement process online. Estimates from the MOSERS website or from staff must be verified, meet all legal requirements, and if necessary, be corrected before any payments can be made. Corrections could change the amount of the service and benefits you receive or even your eligibility to receive a benefit.

### Acceptable Proof-of-Age and Lawful Presence Documents

To establish your eligibility for retirement, you must submit an acceptable proof-of-age and lawful presence document with your retirement application. You can upload a scan of a document\* from your Member Homepage. Click **Online Documents** and then **Document Upload**.

Please submit **one** of the following documents:

- U.S. Birth Certificate (certified with embossed or raised seal issued by state or local government)

OR a photocopy of **one** of the following:

- Valid Missouri Driver's License or Missouri Nondriver ID
- U.S. Passport (current or expired)
- U.S. Certificate of Citizenship
- U.S. Certificate of Naturalization
- U.S. Certificate of Birth Abroad

*\*Except Birth Certificate*

## BENEFIT PAYMENT DETAILS

### Direct Deposit of Your Benefit Payment

Direct deposit is the standard form of payment for receiving your monthly retirement benefit. We will automatically deposit your benefit payment into your checking or savings account on the **last working day** of each month. Direct deposit is the safest, fastest, and most convenient way to receive your monthly benefit payment. When you apply for retirement (or survivor) benefits, please complete and submit a *Direct Deposit Authorization* form. If you have an existing pay card, (other than a Social Security pay card), we can transmit your monthly benefit payment to that card. Complete the *Direct Deposit Authorization* form with your card information.

In addition to the retirement application, complete the following forms (if applicable) during the retirement process:

- *Direct Deposit Authorization*
- *Substitute W-4P* (Tax Withholding)
- *Designation of Agent*
- *Retain/Change Optional Life Insurance*
- *Retain/Terminate Dependent Child Life Insurance*
- *Designate/Change of Beneficiaries-Basic & Optional Life Insurance*
- *Authorization to Release Information*

You may complete and submit all of these forms online by logging in to your **Member Homepage**.

### **Deductions From Your Benefit Payment**

If applicable, we can withhold the following deductions from your monthly benefit payment:

- Missouri income tax as specified on your W-4P (Tax Withholding form)
- Federal income tax as specified on your W-4P (Without this form, we are required to withhold federal taxes as if you are married claiming three exemptions.)
- MOSERS optional life insurance premium
- Aflac insurance premium
- Missouri Consolidated Health Care Plan premium
- Miscellaneous deductions such as vision & dental insurance and Missouri State Employees Charitable Campaign (MSECC) contributions

### **Waiving Your Benefit**

You may waive your monthly retirement benefit for a period of time. However, federal law forbids the waiver of your benefit once you are older than age 70½ and retired. If you decide to waive your benefit and reinstate it later, the amounts waived are forfeited.

### **Protection of Benefits**

Your benefits from MOSERS are not subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim, except with regard to the collection of child support or maintenance, payment made to a former spouse pursuant to a division of benefits order, or an IRS levy. Also, your benefit may not be transferred or assigned. However, you may authorize a deduction from your retirement benefit for premiums due for any state-sponsored life or medical insurance, Missouri income taxes, federal income taxes, and Missouri State Employees Charitable Campaign (MSECC) contributions.

### **Correcting a Benefit Error**

The executive director of MOSERS is in charge of all records of the retirement system. If, due to an error, you receive more or less than the benefit to which you are entitled, the error, when discovered, will be corrected and your benefit will be adjusted accordingly.

If errors in your records are due to fraud, the perpetrator(s) of the fraud will be subject to a fine or imprisonment.



## After Retirement

### COST-OF-LIVING ADJUSTMENT (COLA)

After retirement, you will receive an annual COLA (0-5%) for your lifetime on the anniversary date of your retirement. For example, if you begin receiving retirement benefits on May 1, 2021, your first COLA will be paid with your May 31, 2022 benefit and each May thereafter.

The ALJLAP provides an annual COLA to eligible retired members, surviving spouses, beneficiaries, and surviving children younger than age 21.

If you choose, you may waive your COLA. However, federal law forbids you from waiving your COLA once you are older than age 70½. In addition, if you decide to waive the COLA, the waiver is final for that year's increase.

#### COLA Rate

##### *Administrative Law Judges and Legal Advisors Employed for the First Time Before August 28, 1997*

The COLA rate will be equal to 80% of the percentage increase in the average CPI from one year to the next, but will not be less than 4% or more than 5% of the monthly benefit payable prior to the increase, until the total increases equal 65% of your initial benefit (COLA cap).

After you reach 65% in accumulated COLAs, you will continue to receive a COLA each year for your lifetime. The COLA rate will be equal to 80% of the percentage increase in the average CPI from one year to the next with an annual maximum of 5% (minimum 0%).

##### *Administrative Law Judges and Legal Advisors Employed for the First Time On or After August 28, 1997*

You will be eligible to receive a COLA (0-5%) each year for your lifetime. The annual COLA will be equal to 80% of the percentage increase in the average CPI from one year to the next with an annual maximum of 5% (minimum 0%).

### HOW REEMPLOYMENT AFFECTS YOUR BENEFIT PAYMENT

Based on current law, if you are receiving an ALJLAP benefit and later become reemployed in a position covered by another MOSERS plan (such as a general state employee, legislator, or elected official), your monthly ALJLAP benefit will not be affected.

We apply COLAs each year on the anniversary date of your retirement.

- The Consumer Price Index<sup>①</sup> is the CPI for all urban consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency.
- According to Missouri state law, each January, MOSERS must compare the average CPI for the calendar year just completed to the average CPI from the prior year to determine the percentage change between the two years. The MOSERS COLA rate for any year is based on 80% of the percentage increase in the average CPI from one year to the next.
- After you retire, you will receive a COLA (0-5%) each year for the rest of your life. Survivor benefits are also eligible for annual COLAs.



## **Law Practice After Retirement**

If you are receiving retirement benefits under the ALJLAP, you cannot practice law or do law business unless you comply with Sections 476.510 and 476.565, RSMo.

- If you are younger than age of 76, you may practice law if you make yourself available to serve as appointed defense counsel for indigent persons who may be charged with a violation of any of the criminal laws of Missouri. The appointment cannot exceed six cases involving prosecution for a felony per calendar year. Although you cannot receive any compensation for the appointment, you may be reimbursed for actual and necessary out-of-pocket expenses from funds appropriated for the support of public defender activities. The supreme court may excuse you from serving as appointed defense counsel upon showing a physical or mental condition that would preclude the service.
- If you are age 76 or older, you may practice law without making yourself available to serve as appointed defense counsel.

## **DEATH AND YOUR RETIREMENT BENEFIT**

### **Death After Retirement**

Under the ALJLAP, you will receive a retirement benefit for your lifetime. Upon your death, your eligible surviving spouse or child(ren) will receive a monthly survivor benefit equal to 50% of your monthly retirement benefit. To be eligible, your surviving spouse must have been married to you for a minimum of two consecutive years immediately prior to the date of your death and on your last day of employment as an administrative law judge<sup>①</sup> or legal advisor<sup>①</sup>. If there is no eligible surviving spouse or your spouse dies while receiving a survivor benefit, a total of 50% of your monthly benefit will be paid to your children younger than age 21. We will divide the benefits equally among your eligible children and will stop them at the end of the month in which the youngest eligible child reaches age 21. If the child is totally disabled, we will continue paying the benefit for his or her lifetime.

Survivor benefits are not automatic. When we are notified of your death, a benefit counselor will send your spouse, child(ren), or the person who contacts us a letter and the *Application for Survivor Benefits* (if applicable). Your spouse/beneficiary<sup>①</sup> must apply for survivor benefits, which will start the day following your date of death.

### **Final Benefit Payment**

We may prorate your final monthly benefit payment based on your date of death. We will pay it at the end of the month in which you die. If you elected to receive your benefit by direct deposit and the account remains open, we can deposit your final payment in your account as usual. If you receive your benefit by paper check, we will issue your final check to the appropriate party.

You have the option of designating a beneficiary<sup>①</sup> to receive the final payment from the ALJLAP. If a beneficiary has not been designated, we will pay the final payment in the following eligibility order to you:

- Surviving spouse (to whom you were married at the time of death)
- Surviving children or their descendants (divided equally)
- Surviving parents (divided equally)
- Surviving brothers and sisters, or their descendants (divided equally)

If there are no eligible family members, we will pay your final benefit payment as otherwise permitted by law.

## **POST-RETIREMENT RESOURCES**

- *RetireeNews* - To keep you up to speed, you will receive a newsletter in retirement.
- **Benefit Statements** - On the anniversary of your retirement, you'll get your *Annual Benefit Statement*.
- **Retiree Connection** - This group of representatives from each area of the state meets at MOSERS to discuss issues and concerns. Find out who your area representative is on the **Retiree Connection** page on our website.
- **Coffee Break Seminars** - Attend a **FREE** post-retirement Coffee Break seminar in your area. These seminars allow MOSERS to discuss issues with retirees and keep them informed on different topics.

## **WHEN SHOULD I CONTACT MOSERS?**

Contact MOSERS if you want to do the following:

- Provide a change of address or email
- Inform us of a family status change (marriage, divorce, death of spouse)
- Change/stop direct deposit
- Change life insurance beneficiary
- Change tax deductions
- Apply for retirement
- Release your information to a family member or designate an agent/power of attorney



## Glossary

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### Definition of Terms

When these words or terms are used, they have the following meanings unless the context clearly indicates a different meaning is intended.

### A

**Actuary** - An expert who analyzes risks and computes rates according to probabilities, which are based on known experiences. An actuary is experienced in retirement plan financing and is either a member of the American Academy of Actuaries or is enrolled under the Employee Retirement Income Security Act of 1974.

### Administrative Law Judge

Any person appointed pursuant to Section 287.610 or Section 621.015, RSMo, or any person who hereafter may have by law all the powers now vested by law in administrative law judges appointed under the provisions of the workers' compensation law.

**Annuity** - Income payable for the lifetime of the retired member in equal monthly payments.

**Annuity Starting Date** - The first day of a calendar month when a member begins to receive retirement benefits. Before this date, a member must leave state employment, meet retirement eligibility criteria, and complete the retirement process (*Retirement Application for Judges, Administrative Law Judges and Legal Advisors*). The payment date for each month's benefit is the last working day of the month.

### B

**Base Benefit** - The amount a member is entitled to receive at retirement before reductions for early retirement.

**Beneficiary** - Any person or entity entitled to or designated by a member or retiree who may be legally entitled to receive benefits.

### C

**Consumer Price Index (CPI)** - The CPI-U is the Consumer Price Index for all urban consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. The CPI is used by MOSERS to determine the annual cost-of-living adjustment (COLA) for benefit recipients.

**Credited Service** - The sum of an administrative law judge or legal advisor's years and full months of service earned and any creditable prior service. Creditable service is recognized in determining eligibility for a benefit and the amount of the benefit.

**Credited Prior Service** - Service accrued before becoming a member of the ALJLAP which was purchased or transferred pursuant to the provisions of Sections 104.344, 104.800, 105.691, and 476.524, RSMo. Depending on your date of hire, this service may include active-duty military service, full-time, nonfederal public employment, and up to eight years of prior service accrued in any plan administered by MOSERS or the MoDOT and Patrol Employees' Retirement System (MPERS), and the Prosecuting Attorneys and Circuit Attorneys' Retirement System (PACARS).

### F

**Final Average Pay (FAP)** (in the ALJLAP) - The average pay for a member's highest 12 full consecutive months of service before leaving employment.

## L

**Legal Advisor** - Any person appointed or employed pursuant to Sections 287.600, 287.615, or 287.616, RSMo to serve in the capacity as a legal advisor or an associate administrative law judge.

Any person appointed pursuant to Sections 286.010 or 295.030, RSMo.

Any attorney or legal counsel appointed or employed pursuant to Section 286.070, RSMo.

## P

### Pay

1. All salary and wages payable to an employee for personal services performed for a department, excluding:
  - a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000.
  - b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave.
  - c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal

laws or regulations.

2. All salary and wages, which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department.
3. All salary and wages, which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department.

## R

**Retirement Date** - The day an administrative law judge or legal advisor begins to receive retirement benefits. Before this date, a participant must leave state employment, meet retirement eligibility criteria, and apply for benefits by completing an application for retirement. The payment date for each month's benefit is the last working day of the month.

## T

**Terminated-Vested** - No longer employed, but entitled to a retirement benefit once both the age and service requirements for retirement eligibility are met.

**Termination Date** - Your last day of work in a MOSERS benefit-eligible position, as reported by your employing department.



*Visit MOSERS' website for the most current version of this publication.*

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