

Judicial

Member Handbook

MainePERS Judicial Retirement Program

Benefits for Judges and Justices



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maine **PERS**
Public Employees
Retirement System

mainepers.org

JUDICIAL RETIREMENT PROGRAM BENEFITS FOR JUDGES AND JUSTICES

A general summary
of the benefits available to you
as a MainePERS member

A publication of
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The information in this handbook is intended to give you a general understanding of benefits available to you as a member of the MainePERS Judicial Retirement Program. The contents cannot form the basis of any rights between MainePERS and its members, nor does this handbook provide all of the detail of the laws and rules that govern the Judicial Retirement Program membership and related rights. There are frequent changes to the statutes and rules relating to the Judicial Retirement Program, and the most recent changes may not be reflected in this handbook. Before making a decision relating to your rights and benefits, you should review current law, and consult with MainePERS staff and with your own advisers.

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WELCOME TO THE MAINEPERS JUDICIAL RETIREMENT PROGRAM

The MainePERS Judicial Retirement Program was established to ensure that certain benefits are available to Judges in the State of Maine. This booklet is intended to assist you to understand your benefits. If you have questions, please contact the Retirement Services Unit at MainePERS. We welcome calls from members.

MEMBERSHIP

As a judge, you must become a member of the Judicial Retirement Program when you are appointed.

As a member, you contribute a percentage of your earnings to MainePERS. These contributions earn interest at a rate set by MainePERS Board of Trustees. The State also contributes an amount to the Judicial Retirement Program that is a percentage of your total earnings. This percentage varies from year to year.

HOW SERVICE CREDIT ACCUMULATES

As a full-time judge, you receive a year of service credit for a year of work. You may not earn more than a year of service credit in a year. A "year" is one calendar year.

The following constitutes creditable service in the Judicial Retirement Program:

Prior Service

Service as a judge prior to December 1, 1984. A maximum of 10 years of prior service is allowed as Judicial Retirement Program creditable service.

Membership Service

Service as a judge after November 30, 1984, for which contributions are made.

Maine Public Employees Retirement System Service

Service as a member of MainePERS (e.g. employment with the State of Maine) under the following conditions:

- When you are appointed as a judge, the contributions you have on account as a member of the State and Teacher or the Legislative Retirement Program may be transferred to the Judicial Retirement Program. This will result in your membership service in these programs becoming Judicial Retirement Program membership service.
- If you previously withdrew your MainePERS contributions, you may purchase the associated service after you become a Judicial Retirement Program member. All service credit purchases must be completed before the effective date of your retirement.

RECEIVING ADDITIONAL SERVICE CREDIT

Additional Service Credit Granted

You will continue to earn up to 30 days of creditable service per year for unpaid leaves of absence from your Judicial Retirement Program-covered employer.

LEAVING YOUR MAINEPERS-COVERED EMPLOYMENT

If you stop working for your Judicial Retirement Program-covered employer, you may leave your contributions and interest on account with MainePERS, or you may take a refund of your contributions and interest.

Leaving Your Contributions on Account with MainePERS

If you stop working in a MainePERS-covered job and do not take a refund, your contributions continue to earn interest. You may withdraw your contributions at a later date or apply for a retirement benefit if and when you qualify. You cannot borrow against the funds you leave in your MainePERS account. If you are not vested, your account balance may automatically be refunded to you three years after you terminate.

Taking a Refund

If you terminate all MainePERS-covered employment, you may apply for a refund. The refund application packet includes information to consider before deciding to request a refund. By refunding your contributions, you give up your rights to any MainePERS benefits. Since it may not be in your best interest to withdraw your contributions, we suggest you examine the pros and cons of taking a refund.

Certain conditions apply to refunds, including the following:

- MainePERS cannot give you a partial refund. We must refund all of your contributions and interest, including contributions made to all other retirement programs administered by MainePERS.
- You can receive a refund of only your own contributions and applicable interest.
- You may roll over all or a portion of your refund to another employer plan that accepts rollovers and/or to an Individual Retirement Account/ Annuity (IRA), with certain restrictions.
- All or a portion of your refund may be subject to state and/or federal taxes.
- If you take a refund, you give up your rights to all MainePERS benefits.

DISABILITY RETIREMENT BENEFIT

You may be eligible for a disability retirement benefit if you become mentally or physically disabled while you are in MainePERS-covered service and are permanently unable to perform the duties of your position. The determination of disability is ultimately made by action of five or more members of the Supreme Judicial Court. The amount of your disability benefit is either 66 ⅔% or 59% of your AFC, depending on whether you are in the "age-limited" disability plan or the "no-age-limit" disability plan:

- You are in the age-limited plan if you were hired and became a MainePERS or Judicial Retirement Program member before October 16, 1992, were employed on that date, and did not elect to change to the no-age-limit plan. Under this plan, you are eligible to apply for a disability benefit before you reach your normal retirement age. The benefit under this plan is 66 ⅔% of your AFC.
- You are in the no-age-limit plan if you were hired, or rehired, and became a MainePERS or Judicial Retirement Program member on or after October 16, 1992, or if you were hired before then and you elected to change from the age-limited plan to the no-age-limit plan. Under this plan, you can apply for a disability benefit at any age. The benefit under this plan is currently 59% of your AFC.

Your disability benefit may be reduced by benefits you receive for the same disability from other sources such as Workers' Compensation or Social Security. You must inform MainePERS whenever you receive these benefits, and you may have to reimburse MainePERS if you receive retroactive payments or lump-sum settlements from these programs. Depending on the circumstances, there may be other limitations on your eligibility to receive a disability benefit.

If you would like more information about your disability benefit, contact the MainePERS Disability Services Unit or see *An Overview of Disability Benefits*, available in hardcopy or online in the Publications section at www.maineopers.org.

DEATH BENEFITS

Ordinary Death Benefit

If your death occurs before you retire, an ordinary death benefit is available under the eligibility guidelines explained below. This benefit is available as one of the following three options:

- (1) A lump-sum refund of your contributions and interest.

This option is available to the first-listed of the following persons who survive you: your designated beneficiary(ies) or, in the

event you named no beneficiary or he/she pre-deceases you, your spouse, child(ren), or elder parent(s). If none of these persons survive you, the lump-sum refund is paid to your estate.

This option is available if, upon your death, you are:

- in service as a Judicial Retirement Program member;
- no longer in service as a Judicial Retirement Program member, but you have not taken a refund of your contributions and you are not receiving a MainePERS service retirement benefit; or
- receiving a Judicial Retirement Program disability benefit.

(2) A monthly "survivor benefit."

This option is available to the first-listed of the following persons who survive you: your designated beneficiary(ies) or, in the event you named no beneficiary or he/she predeceases you, your spouse, child(ren), or parent(s). The amount of the monthly survivor benefit is set by law based on the relationship of your beneficiary(ies) to you.

This option is available if, upon your death, you are:

- in service as a Judicial Retirement Program member; or
- receiving a Judicial Retirement Program disability benefit.

(3) A monthly payment calculated as though on the day you died you retired under retirement Option 2 (see page 13).

This option is available to the first-listed of the following persons who survive you: your designated beneficiary(ies) or, in the event you did not name a beneficiary or he/she predeceases you, your spouse, child(ren), or parent(s).

This option is available if, upon your death, you are:

- in service as a Judicial Retirement Program member;
- no longer in service as a Judicial Retirement Program member, but you have not taken a refund of your contributions, and you are eligible to receive but are not yet receiving a MainePERS retirement benefit; or

- receiving a MainePERS disability benefit.

Accidental Death Benefit

Your spouse and/or dependent children may be entitled to receive an accidental death benefit, which provides monthly income if your death occurs (1) before you retire and (2) as the result of an injury that arose out of and in the course of your employment.

Dependent children are those who are:

- [a] under age 18 and unmarried;
- [b] under age 22, unmarried, and full-time students; or
- [c] permanently disabled by a mental or physical condition.

If you have a dependent child(ren), the amount of this benefit is the same as your average final compensation (AFC). If you do not have a dependent child(ren), it is two-thirds of your AFC. An accidental death benefit is reduced by any Workers' Compensation benefits that your spouse and/or dependent child(ren) receive.

Note: If the accidental death benefit is available, your spouse and/or dependent child(ren) will have a choice between this benefit or an ordinary death benefit as described on page 4.

Designating a Beneficiary for Your Death Benefits

When you become a Judicial Retirement Program member, you have the opportunity to complete a "Designation of Beneficiary, Pre-Retirement Death Benefit" form, which your employer files with MainePERS. This form governs both your ordinary and accidental death beneficiary(ies). If you would like to verify or change your beneficiary(ies), or if you have any questions about your death benefits, contact MainePERS' Survivor Services Unit. You may change your beneficiary(ies) at any time.

You may designate more than one beneficiary for your ordinary death benefit. However, if you designate more than one beneficiary, certain ordinary death benefits may not be available. For example, if your designated beneficiaries are your spouse and a non-dependent child, the survivor benefit option will not apply.

An accidental death benefit will not be available to your spouse and/or dependent child(ren) if you designate someone other than your spouse and/or dependent child(ren) as your beneficiary(ies) and die as an active MainePERS member or while receiving a MainePERS disability benefit, and your death is the result of an injury that arose out of and in the course of your employment.

Group Life Insurance

MainePERS also administers a Group Life Insurance Program, separate from the retirement plan. This program provides term life insurance and accidental death and dismemberment insurance to Judicial members and retirees. For most judges, the employer pays for basic life insurance coverage (equal to your annual salary rounded up to the next \$1,000). You may choose to pay for additional coverage and/or dependent insurance. Retiree coverage is based on your average final compensation at the time of retirement, and reduces over time to 40% of your AFC.

For more about Group Life Insurance benefits, contact the Survivor Services Unit. For the Group Life Insurance Certificate of Coverage, visit the Publications section of www.maineper.org.

SERVICE RETIREMENT

This section provides general overview about receiving your service retirement benefit. When you are preparing to retire, contact your employer to be sure you have all of the information you need to address these issues.

Terminating Employment

To retire, you must first terminate employment from your MainePERS-covered position. If you qualify to receive a retirement benefit, your benefit will be effective on the first day of the month following termination, unless you elect a later date. If you again accept MainePERS-covered employment before the effective date of your retirement benefit, you cannot receive a benefit until you terminate covered employment again.

Normal Retirement Age

Normal retirement age is the age at which you can retire without your benefit being subject to an early retirement reduction. Your normal retirement age is either 60, 62, or 65 depending on which of the following applies to you:

Your normal retirement age is 60 if before July 1, 1993 you had at least 10 years of service credit.

Your normal retirement age is 62, if:

- before July 1, 1993, you had less than 10 years of service credit and
- before July 1, 2011 you had at least 5 years of service credit.

Your normal retirement age is 65 if before July 1, 2011, you had less than 5 years of service credit.

Note: If, before July 1, 1993, you were eligible to purchase enough additional service credit to give you 10 years of service credit, and you purchase that service credit before you retire, your normal retirement age will be 60.

If, before July 1, 2011, you were eligible to purchase enough additional service credit to give you 5 years of service credit, and you purchase that service credit before you retire, your normal retirement age will be 62.

Eligibility for a Service Retirement Benefit (Being Vested)

- If your final termination from MainePERS-covered employment was before October 1, 1999, you must have at least 10 years of service credit to qualify for a benefit.
- If your final termination from MainePERS-covered employment is after September 30, 1999, you must have at least 5 years of service credit in order to qualify for a benefit.
- If you reach age 70 and have been in service for at least one year immediately before then, you are eligible for a benefit at termination.

Qualifying to Receive a Service Retirement Benefit

You qualify to receive a benefit:

- once you have at least 25 years of service credit, including prior service;
- upon reaching your normal retirement age of 60, 62 or 65 whether or not you are in service, provided you are vested with 5 or 10 years, whichever applies to you; or
- upon reaching age 70, provided you have been in service for at least one year immediately prior to your retirement.

How MainePERS Determines Your Service Retirement Benefit

Your retirement plan is a "Defined Benefit" (or "DB") plan. Defined Benefit plans use a specific formula to calculate the benefit amount. This formula, which is set by law, is based on these factors:

(1) Prior Service. This is up to 10 years of judicial service prior to December 1, 1984, and 75% of the salary in effect on November 30, 1984, for the position from which you retire.

(2) Average Final Compensation. (AFC). This is the average of your three highest years of earnable compensation. Earnable compensation is the salary or wages you earn for employment. For judges in service between July 1, 2003 and June 30, 2005, earnable compensation is adjusted to reflect salary adjustments granted but not funded in fiscal years 2004 and 2005. It is also adjusted for judges in service on July 1, 2010, to reflect salary adjustments granted but not funded during fiscal year 2011. Certain payments do not count towards earnable compensation.

(3) Service Credit. This is:

- credit you receive for time you spend working in a MainePERS-covered employment position,
- credit you receive for time during which you receive a MainePERS disability retirement benefit, and

- additional credit you may receive under certain other conditions, as outlined on page 2.

(4) Accrual Rate. The accrual rate is 2% for each year of service through June 30, 1998, and 3% from July 1, 1998. This is the percentage of your AFC you receive as a benefit for each year of creditable service earned.

Your service retirement benefit is calculated as follows:

Prior Service Based Benefit:

Prior Service Years ÷ 10 x 75% of the November 30, 1984 salary for the position from which you retire =

Annual Service Retirement Benefit under the Full Benefit option at Normal Retirement Age

+

Service Credit Based Benefit:

AFC x Years of Service Credit through June 30, 1998 x 2% =

Annual Service Retirement Benefit under the Full Benefit option at Normal Retirement Age

+

AFC x Years of Service Credit from July 1, 1998 x 3% =

Annual Service Retirement Benefit under the Full Benefit option at Normal Retirement Age

=

Total Annual Service Retirement Benefit Under the Full Benefit option at Normal Retirement Age

For example, assume you retire at your normal retirement age with 25 years of service in the Judicial Retirement Program, consisting of 2 years of prior service, 14 years of service credit through June 30, 1998 and 9 years of service credit from July 1, 1998. Your three highest annual amounts of earnable compensation were \$89,326, \$99,326, and \$111,325. The November 30, 1984 salary for the position from which you are now retiring was \$43,736.00. Your annual service retirement benefit under the Full Benefit option would be:

1. Prior Service Benefit Calculation:

$$\begin{aligned} 2 \div 10 &= .20 \\ \$43,736.00 \times 75\% &= \$32,802.00 \\ .20 \times \$32,802.00 &= \$6,560.40 \text{ annually} \end{aligned}$$

2. AFC Calculation:

$$\begin{aligned} &\$ 89,326 \\ &\quad 99,326 \\ &+ \underline{111,325} \\ &\$ 299,977 \div 3 \text{ years} = \$99,992.33 \text{ AFC} \end{aligned}$$

3. Membership Service Benefit Calculation

Pre-July 1, 1998 calculation:

$$\begin{aligned} &\$99,992.33 \text{ (AFC)} \times 2\% \text{ (accrual rate)} \times 14 \text{ years} \\ &= \$27,997.85 \text{ annually} \end{aligned}$$

Post-July 1, 1998 calculation:

$$\begin{aligned} &\$99,992.33 \text{ (AFC)} \times 3\% \text{ (accrual rate)} \times 9 \text{ years} \\ &= \$26,997.93 \text{ annually} \end{aligned}$$

$$\begin{aligned} &\$6,560.40 + \$27,997.85 + \$26,997.93 \\ &= \$61,556.18 \text{ annually} \div 12 \\ &= \$5,129.68 \text{ monthly benefit} \end{aligned}$$

Note: If you have at least 25 years of service credit and decide to retire before you reach your normal retirement age of 60, 62 or 65, MainePERS must reduce your benefit based on your current age in relation to your normal retirement age. If your normal retirement age is 60, your reduction would be approximately 2¼% for each full year that you are younger than age 60. If your normal retirement age is 62 or 65, your reduction would be 6% for each full year that you are younger than your normal retirement age.

Maximum Benefit Determination

If you were appointed on or after December 1, 1984 or were in service on December 1, 1984, your benefit cannot exceed 70% of your average final compensation.

Example:

$$\text{AFC} = \$99,992.33$$

$$\$99,992.33 \times 70\% = \$69,994.63$$

$$\$69,994.63 \div 12 = \$5,832.89 \text{ maximum monthly benefit}$$

Selecting a Benefit Payment Option

When you retire, you can choose to reserve the maximum amount of your benefit for yourself, or take one of several “reduced benefit” payment options. A reduced benefit is a way for your beneficiary to continue receiving a payment after your death. Since it’s not possible for MainePERS to fully understand each member’s unique circumstances, we do not advise members on which option to select. Our staff can help your decision process by explaining each benefit payment option in more detail.

The first step toward receiving your service retirement benefit is to request an estimate of your benefit when you are within 6 to 12 months of your anticipated retirement date. MainePERS will provide an estimate of your retirement benefit for each of the retirement benefit payment options available to you. You choose the benefit payment option under which you will receive your service retirement benefit.

Note: Under Options 1 through 8, you receive a reduced benefit payment because some level of benefit will be paid to your surviving beneficiary(ies) upon your death. Under those options, we first determine your service retirement benefit based on the Full Benefit option, then adjust based on several factors, including which option you choose.

The service retirement benefit options are as follows:

Full Benefit

Provides you with the highest retirement benefit, but nothing for a beneficiary. All benefits stop effective the first of the month following your death, regardless of the number of benefit payments you received. (Options 1-8 are reduced from this amount.)

Option 1

If, at the time of your death, any of the contributions you made to the system, or the interest accrued on those contributions, remain on account, a one-time lump-sum payment will be made to your surviving beneficiary(ies). The amount of time it takes to use all of your contributions depends on your age at retirement. Your contributions are reduced equally each month over a period of time based on your life expectancy.

Option 2

The same amount you are receiving at the time of your death continues until the death of your designated beneficiary(ies). Under this option, if your beneficiary(ies) dies first, you continue to receive the same amount you were at the time of his/her death.

Option 3

One half of the amount you are receiving at the time of your death continues until the death of your designated beneficiary(ies). Under this option, if your beneficiary(ies) dies first, you continue to receive the same amount you were at the time of his/her death.

Option 4

A percentage of the benefit you are receiving at the time of your death continues until the death of your beneficiary(ies). You designate the percentage to continue to your beneficiary when you retire. Under this option, if your beneficiary(ies) dies first, you continue to receive the same amount you were at the time of his/her death.

Option 5

A monthly benefit that is shared by you and your beneficiary while you both are living. Each month you both receive a percentage you designate at retirement. Following the first death, whether it be yours or your beneficiary's, the payment of the smaller percentage stops and the survivor continues to receive the remaining (higher) percentage for the remainder of his/her lifetime. **Note:** The percentage you designate to your beneficiary cannot be more than 49%.

Option 6

Like Option 2, except your benefit will increase to the Full Benefit amount in the event that your beneficiary dies before you.

Option 7

Like Option 3, except your benefit will increase to the Full Benefit amount in the event that your beneficiary dies before you.

Option 8

Like Option 4, except your benefit will increase to the Full Benefit amount in the event that your beneficiary dies before you.

Designating a Beneficiary at Retirement

If you select any of retirement benefit payment Options 1 through 8, you will need to designate a beneficiary who will receive a benefit upon your death.

(1) Option 1: The reduction from your full benefit amount is based on your age when you retire and on the accumulated contributions in your account when you retire.

(2) Options 2 through 8: The reduction from your full benefit amount is based on your age and your beneficiary's age when you retire, and the benefit amount your beneficiary will receive when you die.

If you select any of the retirement benefit payment Options 1 through 4, you may choose to designate more than one beneficiary.

(1) Option 1: The number of beneficiaries you designate will not change the amount by which your benefit is reduced. This is because the reduction does not depend on whom you designate as your beneficiary.

(2) Option 2, 3 or 4: The number of beneficiaries you designate will affect the amount of reduction from full benefit. This is because the reduction from your full benefit amount under any of these options is based in part on the age of each beneficiary

and the level of benefit to be paid to each surviving beneficiary upon your death. Thus, each additional beneficiary that you designate will increase the reduction from full benefits.

If you are married on the date that your retirement becomes effective and select the Full Benefit payment option, or any of Options 1 through 8, and designate a beneficiary other than your spouse, Maine law requires that you notify your spouse of your selection. If this situation applies to you, MainePERS must have proof you notified your spouse before we process your first benefit payment.

Changing Your Beneficiary After You Retire

Option 1: You may change your beneficiary designation at any time.

Options 2 through 5: If you designate your spouse as your sole beneficiary, and your spouse dies and you remarry, you may change your retirement beneficiary designation.

Options 2 through 8: If you designate your spouse or former spouse as your sole beneficiary and you are divorced, or get divorced, and your former spouse agrees to give up all rights to being your beneficiary, you may change your retirement beneficiary designation.

A change of beneficiary under Options 2 through 8 will result in a change in your benefit amount. If you request a change of beneficiary under one of the above circumstances, we will tell you the amount of the change before you make your decision.

If you select any of Options 2 through 8, and designate someone other than your spouse or former spouse as your sole beneficiary, you will be allowed to make a one-time change in your retirement beneficiary, under the following circumstances:

- (1) The beneficiary you named when you retired must still be alive.
- (2) You may not change your payment option. Your new beneficiary's benefit amount will be the same as your original beneficiary's.

(3) Because your and your new beneficiary's benefit amounts will not change, the amount remains based upon your age and the age of the original beneficiary. Payment of a benefit to your new beneficiary cannot be more than what was expected to be paid to your original beneficiary.

Therefore, if you name a new beneficiary, it is possible that a benefit will not be paid for the new beneficiary's lifetime. If you ask to change your beneficiary, we will tell you when the benefit to the new beneficiary will stop. If the new beneficiary dies prior to that date, their benefits will stop immediately.

RECEIVING YOUR FIRST BENEFIT PAYMENT

Preliminary Benefit Payments

To determine the actual amount of your retirement benefit, MainePERS must receive your final payroll information from your employer. If this does not happen promptly, or if the details of your service credit or compensation are complex, a number of months may pass before you receive your first full monthly retirement payment. In order not to delay the start of retirement benefits, you can receive a "preliminary" monthly payment at the end of your first month of retirement. The gross amount of each preliminary benefit check will be an estimated monthly retirement benefit under the retirement option you selected, based on earnings reported to us at the time of your first preliminary benefit payment. MainePERS cannot make preliminary payments in some situations.

COST-OF-LIVING ADJUSTMENT (COLA)

There will be no cumulative COLA in September 2011, 2012 or 2013.

In most cases, you are eligible to receive any COLA after you have received retirement benefit payments for at least 12 months. Your COLA begins the September after you meet this requirement. For example, if your retirement date is on or before September 1 of any year, you will receive any COLA effective in September of the following year.

The exception to COLA eligibility applies if your normal retirement age is 62 or 65. If you are in one of these categories, you will receive any COLA effective the first September that is at least 12 months after you reach your normal retirement age. COLA is applicable to the first \$20,000 of your retirement benefit (indexed). The Cost-of-Living Adjustment matches the Consumer Price Index for all Urban Consumers (CPI-U), an index compiled by the United States Department of Labor's Bureau of Labor Statistics. When the CPI is negative, there will be no COLA.

SOCIAL SECURITY

If you are eligible to receive Social Security benefits in addition to a Judicial Retirement Program service retirement benefit, Social Security may reduce your Social Security benefits in some circumstances.

Please contact the Social Security Administration directly with any questions you have. You can find the location and phone number of your local Social Security office in the phone book under "United States Government-Health and Human Services," or you can call Social Security toll-free at 1-800-772-1213; or visit their web site at www.ssa.gov.

HEALTH INSURANCE

MainePERS does not administer health insurance benefits. Please contact the office of State Employee Health and Benefits directly with any questions you have. You can call them at 207-287-6780 or 1-800-422-4503.



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