



Tulare County Employees' Retirement Association

# Pension Progress

Phone: (559) 713-2900

www.tcera.org

Keeping Members Informed

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## TCERA and Your Social Security Benefits

The Retirement Office staff often receives questions about the impact your TCERA retirement benefits might have on benefits you will also be eligible to receive from Social Security.

Generally the questions regarding Social Security and the TCERA retirement plan fall into three major areas of concern:

- 1) **How do these dual benefits impact me as a county or outside district employee?**
- 2) **Do our TCERA pensions reduce our Social Security benefits?**
- 3) **Does the federal "Windfall Elimination Provision" apply in California?**

Many of these issues pertain to Social Security Administration provisions and not just to the specific state laws that govern the Tulare County Employees' Retirement Association. As a result, you are encouraged to contact the Social Security Administration for additional information regarding these matters.

Our response to the first two questions is that Tulare County and outside district employees pay into both Social Security and TCERA so that at some point you will be able to retire from both systems and receive retirement benefits. Pension payments made to you from TCERA will not reduce the amount you receive from Social Security.

However, there are current TCERA members for whom "The Windfall Elimination"(SSA Publication #005-10045), or the "Government Pension Offset" (SSA Publication #05-10007), provisions create a possibility that retirement benefits received as a result of work with a government entity **might** impact the amount of your Social Security benefits.

We emphasize the word "might" because, as stated in both the Windfall Elimination and Government Pension Offset publications, the social security benefit reduction is based **upon work for an employer who doesn't withhold Social Security taxes**. Tulare County (and the outside district employers that belong to TCERA) **do** withhold Social Security taxes from their regular employees. As a result, a pension earned **solely on work with Tulare County would not currently have an impact on the benefits you might also eventually receive from Social Security**.

Some members of TCERA, however, have come to us with previous service with an employer that **does not** participate in Social Security. A few examples of these employers include the California State Teachers, the State of California and some of the larger local government employers such as the City and County of Los Angeles, the County  
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## TCERA and Social Security Benefits

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of Orange and others. Pension benefits earned as a result of service with these government agencies may reduce the Social Security benefits for employees who retire from these agencies.

The Windfall Elimination Provision publication also indicates that there are a variety of ways that those people who would otherwise be impacted by the reduction in Social Security benefits might still be exempted from the current rules. One way to avoid having Social Security benefits reduced is to have 30 or more years of “substantial earnings” under Social Security. Because Tulare County does withhold Social Security taxes from the pay of its regular employees, your service with Tulare County should count towards the 30 years of substantial Social Security earnings.

As stated above many of the issues raised here are related to the administration of Social Security benefits rather than those of TCERA. If you are concerned that any of the Social Security reductions might apply to you we urge you to obtain additional information about your individual work history from the Social Security Administration. We encourage you to visit their website at [www.ssa.gov](http://www.ssa.gov).



### Divorce and Your Retirement

California is considered a **community property** state which means that retirement benefits earned during a marriage are an asset that can be divided in the event of a divorce. In order for TCERA to properly handle any such division, the following steps should be taken by the plan member or spouse:

- One of the two parties should file a court document called a **Joinder**. This document joins TCERA as a party to the divorce proceedings. Once filed and served upon the Retirement Office, the Joinder prevents TCERA from paying out any retirement funds until a final judgment is reached.
- Frequently a **Domestic Relations Order (DRO)** will be submitted as part of the Final Judgment. The DRO gives specific language as to how the retirement plan assets are to be divided between the two parties. A sample DRO is available from TCERA that covers the issues of importance to the Retirement Plan.
- The final step occurs when a **Final Judgment** is reached and filed with the court. TCERA requires a copy of this document or the completed DRO in order to divide the TCERA account. Please remember to provide a copy that has a signature of all parties involved including a signature or stamp from the judge who heard the case.

Once the Final Judgment or DRO is received, TCERA will calculate the division of the retirement plan benefits, inform each party of the amount they will receive and provide information as to how each person can receive their portion.

Because a delay in providing the TCERA with the proper documents can result in a delay in receiving retirement amounts, members are encouraged to take action quickly. If you have questions about current or previous divorce proceedings feel free to contact the Retirement Office.



# How Disability Retirement Works

If you should become permanently disabled while a member of the Tulare County Employees' Retirement Association (TCERA), you may be eligible to receive a Disability Retirement allowance.

In applying for disability retirement, you will be required to provide evidence of your disability from the physicians seen by you for your medical condition. The final determination of disability will be made by the Retirement Board after consideration of all information and evidence pertaining to your case.

There are two types of disability benefits payable from TCERA:

## Non-Service Connected Disability



You can qualify for this type of disability retirement if:

- You have 5 or more years of retirement service credit and,
- The Board determines that you are permanently disabled from your job due to physical or mental injuries or illness.

## Service Connected Disability

You can be granted this type of disability retirement if:

- The Board determines that you are permanently disabled from your job and,
- Your disability is due to job-related illness or injury.

To apply for a Disability Retirement, contact the Retirement Office for an appointment. During your appointment, the procedures you must follow will be explained and you will be given the forms you must complete. You may also request the forms by calling the Retirement Office and then send the completed application through the mail.

Once you have completed the required forms, TCERA will process your application and submit your medical and other records for a medical review. If necessary, the Retirement Office may also arrange for you to be examined by a physician or physicians who specialize in the area(s) of your claimed disability. (Such examinations are paid for by the Retirement Association.) After the medical review is completed and received by the Retirement Office, an internal review of your case will be completed followed by placing your application on the Board of Retirement meeting agenda. You will be notified of the date and time of the meeting and have the right to attend, but are not required to do so in order for the Board to take action on your case.

After the Retirement Board makes its decision, you will be notified in writing by TCERA. If your application is approved, you will be advised of your retirement effective date and will be asked to complete additional forms in preparation for you to receive your first pension check. If your application is denied, you will be advised of your right to request a hearing to contest the Retirement Board's decision.



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## Disability Retirement *(Continued)*

Your effective date of disability retirement is typically the day following the last day you receive regular compensation from your TCERA plan sponsor or the date your completed application is received by the Retirement Office - whichever is later.

If you are granted a Disability Retirement allowance, the Retirement Board can require you to be medically examined at any time up to age 55 to determine if you are still unable to perform the duties of your job. If the Board determines that you are no longer disabled, and you are offered a position by your former employer, your Disability Retirement allowance will stop.

Feel free to contact the Retirement Office at (559) 713-2900 with any questions you may have concerning disability retirement benefits and applications.

