

S203561

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

In re the MARRIAGE OF GREEN

Julie R. Green,
Appellant,

v.

Timothy P. Green,
Respondent.

SUPREME COURT
FILED

DEC 11 2012

Frank A. McGuire Clerk

Deputy

First District Court of Appeal, Division Four
(Case No. A129436)

Contra Costa County Superior Court (Case No. D0801292)
Honorable Charles B. Burch
Honorable Susanne M. Fenstermacher

**APPELLANT JULIE GREEN'S
MOTION FOR JUDICIAL NOTICE**

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Counsel to Appellant Julie R. Green

Pursuant to Evidence Code sections 452 and 459 and California Rules of Court 8.252(a), and 8.520(g), Appellant Julie Green respectfully requests that this Court take judicial notice of two reports issued by the California Public Employees' Retirement System ("CalPERS").

The two reports are: (1) "A Guide to Your CalPERS Service Credit Purchase Options (CalPERS PUB 12), dated June 2012 (Exhibit 1), and (2) "A Guide to CalPERS Community Property" (CalPERS PUB 38A), dated March 2012 (Exhibit 2). The first report discusses the process for CalPERS members to purchase elective service credit, including military service credit. The second report describes CalPERS's approach to dividing CalPERS retirement benefits upon dissolution of marriage.

Both reports are the proper subject of judicial notice. Under Evidence Code section 452, courts may take judicial notice of "[o]fficial acts of the legislative, executive, and judicial departments ... of any state of the United States." (Evid. Code, § 452, subd. (c).) Reports of administrative agencies are official acts that courts may judicially notice. (*Ordlock v. Franchise Tax Board* (2006) 38 Cal.4th

897, 911 fn.8 [taking judicial notice of statistical report of the Franchise Tax Board].)

Both reports are relevant to the issues in this case. This case presents the question of whether four years of military service credit purchased during marriage should be characterized as community or separate property. Exhibit 2 sets forth CalPERS's view on that issue—namely, that elective service credit purchased during marriage is presumptively community property. (See Ex. 2, at p. 15.)

Exhibit 1 explains the nature of elective service credit and details how CalPERS members can purchase military service credit. (See Ex. 1, at pp. 4-8, 31-33.) This exhibit provides useful background on the nature of the military service credit at issue and the requirements that must be satisfied before a member may purchase such service credit.

Neither of these exhibits was available at the time of trial. While trial in this case took place in April 2010 (Reporter's Transcript 1), the exhibits were published in June 2012 (Exhibit 1) and March 2012 (Exhibit 2). Moreover, excerpts of an earlier version of Exhibit 1 were before the trial court. (See Appellant's Appendix 122-129.) These exhibits do not relate to proceedings that

post-date the trial court's ruling in this case. (See Cal. R. Ct., Rule 8.252(a)(2)(C).)

Finally, this motion suffers from none of the procedural defects present in Respondent Timothy Green's motion for judicial notice. This motion is made concurrently with the filing of Ms. Green's brief on the merits, does not present new authorities or arguments that are not raised or discussed in the merits brief, and establishes the relevance of the documents for which judicial notice is sought.

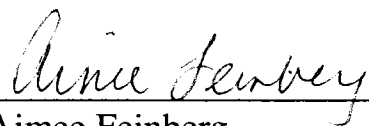
For these reasons, Appellant Julie Green respectfully requests that the Court grant her motion and take judicial notice of Exhibits 1 and 2 accompanying this motion.

Dated: December 10, 2012

Respectfully submitted,

April Rose Sommer

CALIFORNIA SUPREME COURT CLINIC
UC DAVIS SCHOOL OF LAW

By: 
Aimee Feinberg

Counsel for Appellant Julie R. Green

(PROPOSED) ORDER

This matter came before the Court on Appellant Julie Green's Motion for Judicial Notice, pursuant to Evidence Code sections 452 and 459 and California Rules of Court 8.252(a) and 8.520(g). The Court grants the motion and takes judicial notice of Exhibits 1 and 2 attached to said motion.

IT IS SO ORDERED.

Date:

**DECLARATION OF AIMEE FEINBERG
IN SUPPORT OF MOTION FOR JUDICIAL NOTICE**

I, Aimee Feinberg, declare as follows:

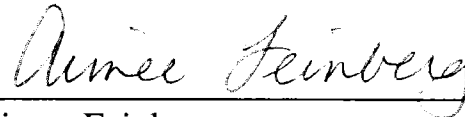
1. I am over 18 years old and am not a party to the within action.

If called to do so, I could and would testify competently to the following:
2. I am the Director of the California Supreme Court Clinic at the University of California, Davis School of Law, counsel to Appellant Julie Green in this action.
3. Exhibit 1 is a true and correct copy of the document entitled, “A Guide to Your CalPERS Service Credit Purchase Options” (CalPERS PUB 12), dated June 2012, as obtained at <http://www.calpers.ca.gov/eip-docs/about/pubs/member/guide-calpers-service-credit-options.pdf>.

4. Exhibit 2 is a true and correct copy of the document entitled, "A Guide to CalPERS Community Property" (CalPERS PUB 38A), dated March 2012, as obtained at <http://www.calpers.ca.gov/eip-docs/about/pubs/member/calpers-comm-model-package.pdf>.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 10th day of December, 2012, at Davis, California.



Aimee Feinberg

PROOF OF SERVICE

I am employed in the County of Yolo, State of California. I am over the age of 18 and not a party to the within action. My business address is UC Davis School of Law, 400 Mrak Hall, Davis, CA 95616.

On December 10, 2012, I served the foregoing document described as:

**APPELLANT JULIE GREEN'S
MOTION FOR JUDICIAL NOTICE**

on the following:

Mr. Robert Alex Roth
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[Pub/Depublication Requestor]

Office of the Clerk
California Court of Appeal
First Appellate District, Division Four
350 McAllister Street
San Francisco, CA 94102-7421

By Mail: I caused to be enclosed a copy of the aforementioned document in a sealed envelope and caused it to be deposited with postage prepaid with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct

Executed on December 10, 2012, at Davis, California





A Guide to Your CalPERS

Service Credit Purchase Options

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Office of Public Affairs
P.O. Box 942701
Sacramento, California 94229-2701

888 CalPERS (or 888-225-7377)
www.calpers.ca.gov

PUB 12: SUPPLEMENTAL INFORMATION

*Appends the CalPERS member publication **A Guide to Your CalPERS Service Credit Purchase Options**, CalPERS Publication 12, dated June 2012*

We have implemented new guidelines for purchasing certain service credit types that require you to use our Service Credit Cost Estimator, an online tool that helps you plan for retirement by estimating your service credit purchase cost.

The new guidelines apply to:

- Additional Retirement Service Credit (ARSC) only through 12/31/12*
- Military Service (Military)
- Redeposit of Withdrawn Contributions (Redeposit)
- Service Prior to Membership (SPM)

*Please note that effective January 1, 2013, ARSC is being eliminated as a service credit purchase option, due to pension reform legislation. Only ARSC requests received in a CalPERS office on or before December 31, 2012, will be processed.

The new guidelines require you to go to our website, access the Service Credit Cost Estimator to generate and print an estimate, and select a link to access the appropriate request form. **You must print out, complete, and submit the form along with your printed estimate to CalPERS.**

Follow these steps to obtain an estimate and the request form:

- Visit the home page of the CalPERS website at www.calpers.ca.gov.
- Select "Service Credit Cost Estimator" from the Quick Links menu.
- Complete a cost estimate for the service credit type you wish to purchase.
- On the results page, print out your service credit cost estimate.
- On the results page, select the link to the Service Credit Cost Request form.
- Complete the form and mail it to CalPERS along with the printed cost estimate.

The ARSC, Military, Redeposit, and SPM request forms are no longer available for download from our online Forms & Publications Center. **CalPERS will not accept a cost request for these four types of service credit purchase that is not accompanied by a completed service credit cost estimate.**

This new process will save you time as you plan for retirement. It will also enable our staff to provide you with the highest quality customer service. If you do not have a computer at home, you may contact your employer, visit a CalPERS Regional Office, or visit your local library for use of their computers.

Effective Date: September 3, 2012

INTRODUCTION

Each year, CalPERS provides you with an Annual Member Statement containing information about your CalPERS years of service and member contributions. It's important to review this statement, since your service credit is an important component in determining your future retirement benefits. There may be ways you can increase the amount of your CalPERS service credit. Perhaps you want to redeposit contributions you previously withdrew or make new contributions for eligible service you performed in the past for which you did not receive service credit.

This publication describes various types of CalPERS service credit you may be eligible to purchase, and helps you determine whether the increase in your future retirement benefits is worth the cost. After reading it, you will know whether you may be eligible for a particular service credit type and what process you need to follow to request cost information and elect the purchase.

We encourage you to submit your request to purchase service credit at least one year **before you retire** in order to ensure that we include your purchase in your retirement benefit calculations.

This is especially important if you are requesting to redeposit funds previously withdrawn from CalPERS to re-establish your membership and to coordinate a concurrent retirement date with one or more reciprocal retirement systems. For more information about reciprocity, review the CalPERS publication *When You Change Retirement Systems*.

Requesting a Service Credit Purchase

In most cases, you must request your service credit purchase cost information **before** you retire. Be sure to do so early in your retirement planning process.

UNDERSTANDING SERVICE CREDIT

You earn CalPERS service credit for work with a CalPERS-covered employer. It accumulates on a fiscal year basis (July 1 through June 30), and is one of the factors CalPERS uses to calculate your future retirement benefits.

Your retirement benefit is based on:

- Your years of service
- Your age at retirement
- Your final compensation (your highest salary averaged over one or three consecutive years, depending on your employer's contract).

To earn a full year of service credit during a fiscal year, in general you must work at least:

- Hourly pay employees – 1,720 hours
- Daily pay employees – 215 days
- Monthly pay employees – 10 months full time

Service Credit Purchase Eligibility

To see if you're eligible to purchase service credit, you need to check your CalPERS Annual Member Statement against your own employment records. Statements are prepared each fall based on data we receive from your employer. They report your service credit and employment information through June 30 of each year. You can also view your Annual Member Statement on the CalPERS website or contact us to request a copy.

You may be eligible to purchase service credit for a period during which you withdrew contributions, were a temporary employee, were in the military, or took a leave of absence. You should also review the service credit purchase types described in this publication to see if any of these options apply to you.

Active Members

If you are currently employed by a CalPERS-covered employer, you are eligible to make a service credit purchase. This eligibility applies to State employees, classified school employees, and employees of cities, counties, and public agencies that contract with CalPERS.

Inactive Members

If you are no longer working for a CalPERS-covered employer, but have service credit on account at CalPERS, you are also eligible to make a purchase. Inactive members can purchase only certain types of service credit. See each option section for specific eligibility.

Retired Members

If you are a CalPERS retiree, there are certain types of service credit you can purchase. See each option section for specific eligibility.

Retirement vs. Leave Time Credit

Service credit for retirement purposes may differ from the service credit used by your employer for accrual of leave time. If you have questions, check with your Personnel Office.

Reciprocal System Members

If you are a former CalPERS member who is an active member of another California retirement system that can be “linked” to CalPERS at retirement, you are eligible to redeposit previously withdrawn CalPERS contributions and re-establish your CalPERS membership. Retirement systems that have reciprocity with CalPERS are listed on page 40.

You must make the election to purchase service credit prior to your retirement with both systems. Otherwise, your monthly retirement allowance payments may be delayed several months while your membership is being re-established with CalPERS.

Optional Members

If you are an elected or appointed official or a legislative employee who exercises the option of becoming a CalPERS member, you are eligible to purchase service credit.

Alternate Retirement Program (ARP) Participants

If you are enrolled in ARP on or after August 11, 2004, because you are a new, first time State miscellaneous or industrial employee, you are a member of CalPERS. As such, you are eligible to purchase most types of service credit (unless otherwise specified) provided in this publication, whether or not you are a current or former ARP participant. See Additional Retirement Service Credit (ARSC) and Military Service for specific eligibility guidelines.

Service Credit Purchase Types

CalPERS offers a variety of service credit purchase types as described in this publication. However, there are some limitations as to who is eligible for each. Please review the appropriate section for additional information and to see whether you qualify.

Additional Retirement Service Credit

- Currently in compensated employment with a CalPERS-covered employer
- Have at least five years of earned CalPERS service credit
- Can purchase from one to five years of service credit—in whole year increments.

Alternate Retirement Program (ARP) Service

- Were a new State miscellaneous or industrial employee hired on or after August 11, 2004
- Have reached the conclusion of your three-month ARP election period
- Did not elect to convert your ARP time to CalPERS service credit
- Received a distribution of ARP funds after separating from State service but prior to your three-month election period
- While being maintained by DPA, a portion of your ARP funds were distributed to a former spouse or domestic partner.

California National Guard

- Elect CalPERS membership as a California National Guard member
- Currently serving in the California National Guard.

Second Tier Service

This publication does not include information for State employees interested in converting second tier service to the first tier. If you need this information, contact us to request a **Second Tier Conversion Election Package**.

Layoff, Prior Service & Optional Member Service

- Laid off by a CalPERS-covered employer that contracts for the layoff benefit (you must have been a full-time employee laid off on or after January 1, 1981)
- Worked for your employer before it contracted with CalPERS or before a contract exclusion was removed
- Served as an elected or appointed official or legislative employee.

Leave of Absence

- For maternity or paternity
- For a job-related injury or illness (temporary disability)
- To further your education
- To work for a government agency, college, university, or nonprofit organization
- For a sabbatical
- For your own serious illness
- For a military leave of absence (See Military Service).

Military Service

- Served in active military duty prior to your CalPERS membership
- While a CalPERS member, took a leave of absence to serve on active military duty.

Peace Corps, AmeriCorps*VISTA, or AmeriCorps Service

- Served as a volunteer in the Peace Corps, AmeriCorps VISTA (Volunteers in Service to America), or AmeriCorps.

Redeposit of Withdrawn Contributions

- Withdrew your CalPERS retirement contributions
- Contributions were removed from a member account due to a community property settlement and were refunded.

Service Prior to Membership

- Worked for a CalPERS-covered employer before you became a CalPERS member (e.g., seasonal, temporary, or part-time employee)
- Worked for a federal or State employer under the Comprehensive Employment and Training Act (CETA) from 1973 to 1982
- Worked in a fellowship program.

PURCHASING SERVICE CREDIT

Service Credit Purchase Costs & Processing Time

Cost is determined using formulas that are established by law which can differ depending on your type of membership (State, school, or public agency) and the service credit you're requesting. You'll find more specific information on cost in each section.

Since service credit purchases can be costly, you can use the Service Credit Cost Estimator on the CalPERS website to get an idea of the cost for Additional Retirement Service Credit; Redeposit; Maternity/Paternity and Sabbatical Leaves; Military; Peace Corps, AmeriCorps*VISTA, or AmeriCorps; Service Prior to Membership; and Alternate Retirement Program service credit purchases.

CalPERS processes purchase requests on a first-in, first-out basis, giving special consideration to those members who are already retired or in the process of retiring.

Requesting a Service Credit Purchase

In most cases, you must request your service credit purchase cost information **before** you retire. Be sure to do so early in your retirement planning process.

We encourage you to submit your service credit request at least one year prior to your retirement date. In order for us to include your purchased service credit in your retirement benefit calculation, we must first complete the processing of your service credit purchase election and all required documents.

Your Service Credit Purchase Decision

Only you can decide whether the increase to your future benefits is worth the cost of your purchase. You may want to attend a CalPERS member education class to find out more. Register online using the CalPERS Education Center or check with a CalPERS Regional Office for dates and locations. You can also use the Retirement Planning Calculator on the CalPERS website to see how additional service could impact your future retirement benefits.

Payment Options

You can choose to pay for service credit in one of four ways:

Lump Sum Payment

You pay the entire amount at one time.

Installment Payments

You can make payments for up to 180 months. Interest continues to accrue until the entire amount is paid.

Service With Another Retirement System

You cannot purchase service credit in CalPERS if you have already received credit for it in another public retirement system.

Your Documentation

If you select a payment option that includes a lump sum or partial payment, that payment — and any documentation required — needs to be returned at the same time as your signed election document.

Partial Lump Sum Payment with Installment Payments

You pay an initial lump sum and spread out payments on the remaining balance. Interest continues to accrue until the entire amount is paid.

Plan-to-Plan Transfer or Rollover

You may be eligible to make a lump sum or partial lump sum payment through a rollover or “in service” plan-to-plan transfer from certain qualified retirement plans and IRA accounts. More detailed information, including specific plan types, will be provided to you along with your election to purchase service credit.

Additional details on payment options, pre-tax vs. after-tax payments, and interest rates will be sent to you with your cost information and election document.

Other Information

If you decide to make installment payments and retire before the entire amount is paid, CalPERS will automatically continue deductions from your monthly retirement allowance (on an after-tax basis), unless you make other payment arrangements.

Service credit purchases have tax implications that need to be taken into consideration. For more information about taxes, contact the IRS, the Franchise Tax Board or a tax advisor. You can obtain a free copy of “*Pension and Annuity Income*,” IRS Publication 575, by calling toll-free, (800) 829-1040, or visiting their web site at www.irs.ustreas.gov. Contact the Franchise Tax Board by calling toll free, (800) 852-5711 or visit their web site at www.ftb.ca.gov.

Visit the CalPERS website for additional information regarding service credit purchases.

Steps for Making a Service Credit Purchase

CalPERS Review

When CalPERS receives your completed request form, we will:

- **Review your request.** If your form is incomplete, we will mail a copy of it back to you along with a new form to complete and return to CalPERS.
- If you are **not** eligible, we will send you a letter of explanation.
- If you **are** eligible, we will calculate the cost and mail your service credit purchase packet to you.

Your Final Decision

When you receive the service credit purchase packet, you need to:

- **Choose the payment option** that is right for you.
- **Complete and sign** the election document.
- **Make a copy** for your records, and mail the original to CalPERS.

ADDITIONAL RETIREMENT SERVICE CREDIT (ARSC)

Active CalPERS members can purchase from one to five years of service credit that can be used toward retirement. This is called Additional Retirement Service Credit (Air Time or Non-Qualified Service). **This credit is not based on actual employment, so it cannot be used to qualify you for retirement, health or dental benefits vesting.**

Who Is Eligible?

You can purchase Additional Retirement Service Credit if you:

- Are in compensated employment with a CalPERS-covered employer (active member)
- Have at least five years of earned CalPERS service credit.

Alternate Retirement Program (ARP) service does not count toward the five years of earned CalPERS service credit unless you elect to transfer your ARP funds to CalPERS during your 47th to 49th month ARP election or elect to purchase the service credit based on a present-value calculation after your election period.

You cannot purchase Additional Retirement Service Credit if you are:

- Retired
- An inactive CalPERS member.

What's Required?

- You must purchase the available one to five years of service credit in whole year increments.
- Only one service credit purchase election can be accepted, even if you choose to elect less than five years.
- Your request form must include a printed copy of a service credit cost estimate from the online Service Credit Cost Estimator on our website.

What's the Cost?

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

ARSC Request Form

This CalPERS publication does not include the form required to request an Additional Retirement Service Credit purchase. You can find the form — as well as more information on this purchase option — on the CalPERS On-Line website at www.calpers.ca.gov.

Your Future Retirement Benefits

We encourage you to use our online Retirement Planning Calculator to compare retirement estimates with and without a purchase of Additional Retirement Service Credit. You can then see how a purchase would impact your future benefits.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

You can use our online Service Credit Cost Estimator to get an estimate of the cost of purchasing this service.

What's Next?

The documents you need to make an Additional Retirement Service Credit purchase are available only on the CalPERS website. You will need to visit the site to get the request form and to complete a cost estimate.

Step 1

Calculate and print a copy of your service credit purchase cost estimate using our online Service Credit Cost Estimator. You'll also need to print a copy of the required *Request for Service Credit Cost Information—Additional Retirement Service Credit* request form, which is available in the online Forms and Publications Center.

Step 2

Complete the request form indicating the number of years of Additional Retirement Service Credit you want to purchase. Mark only one check box in this area. Attach a copy of your ARSC cost estimate that you completed on our website.

Step 3

Make a copy of your request form, along with your online service credit purchase estimate calculation for your records. Mail the originals to CalPERS at the address shown on the form.

ALTERNATE RETIREMENT PROGRAM (ARP) SERVICE

If you are a first-time State miscellaneous or industrial employee hired on or after August 11, 2004, you were automatically enrolled in ARP (administered by the Department of Personnel Administration's Savings Plus Program) during your first two years of employment. During this time, you do not receive service credit toward your future retirement benefit from CalPERS.

You have a one-time opportunity to transfer the funds in your ARP account to CalPERS and convert the actual amount of time you worked during your two years of ARP participation to CalPERS service credit. You make this decision during a three-month election period starting on the first day of the 47th month following your enrollment date in ARP and ending on the last day of the 49th month. For more information on the ARP process, read the CalPERS publication, *A Guide to CalPERS Alternate Retirement Program*.

If you do not elect to convert your ARP time to CalPERS service credit at that time, you may then be eligible to purchase this service credit following the conclusion of your three-month election period.

If you previously separated prior to your three-month election period and received a distribution of your ARP contributions from DPA, you may be eligible to purchase that ARP time as well.

Because the purchase of this service credit may be costly, you should consider it carefully.

If your ARP funds were distributed to a former spouse or domestic partner following a community property settlement agreement while maintained by DPA, you may be eligible to redeposit these funds plus interest into your CalPERS account.

Who Is Eligible?

You can purchase your unconverted ARP service at any time after the conclusion of your three-month ARP election period but prior to your retirement date.

You cannot purchase this service credit if you have already elected to convert your ARP time to CalPERS service credit or if you are retired.

What's Required?

You will need your CalPERS Annual Member Statement to determine how much unconverted ARP time you have. The Annual Member Statement lists your CalPERS service credit earned for each employer. Your eligible ARP time is listed along with your CalPERS service credit.

ARP Service Request Form

This CalPERS publication does not include the form to request a purchase of unconverted Alternate Retirement Program service. You can find the form—and information on this purchase option—on the CalPERS website at www.calpers.ca.gov.

You must purchase all unconverted ARP time for which you are eligible, based on the actual amount of time worked during your two years of ARP participation. You cannot purchase partial service credit or only purchase service credit for a specific employment period.

What's the Cost?

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

You can use our online Service Credit Cost Estimator to get an estimate of the cost of purchasing this service.

What's Next?

The documents you need to make an Alternate Retirement Program Service purchase are available only on the CalPERS website.

Step 1

Complete Section 1 of the Request form:

- Fill in your current mailing information.
- If we have provided cost information to you in the past for this type of service credit purchase, check the "Yes" box and indicate the date your request was submitted.
- If you have submitted a retirement application, check the "Yes" box and indicate your planned retirement date.
- If you are a member of a public retirement system in California other than CalPERS, check the "Yes" box and write in the name of the system.

Complete Section 2 of the Request Form

List all periods of CalPERS-covered employment during your first two years of CalPERS membership.

Complete Section 3 of the Request Form

Sign and date the request form.

Step 2

Submit the completed request form to CalPERS. Be sure to make a copy for your records, and mail the original to the CalPERS address listed on the form.

Note: The *Request for Service Credit Cost Information — Alternate Retirement Program Service* is **not** the form you use to elect to convert your ARP time to CalPERS service credit during your three-month election as defined period in Sections 20908(a) and 20908(c) of the Government Code. The *Alternate Retirement Program Payout Selection* form will be mailed to you prior to the 47th month following your enrollment date in ARP. If you haven't received your form or have any questions, please call the Savings Plus Program at (866) 566-4777 to speak to a Customer Service Representative.

CALIFORNIA NATIONAL GUARD MILITARY SERVICE CREDIT

If you are currently serving in the California National Guard you may be able to purchase this time as CalPERS service.

Who Is Eligible?

You can purchase National Guard military service credit if you:

- Have elected membership in CalPERS as a California National Guard member
- Are currently serving in the California National Guard.

You cannot purchase National Guard military service credit if:

- You have retired from the California National Guard
- The time you served in the California National Guard is with a state other than California.

What's the Cost?

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

What's Next?

Complete Sections 1, 2, and 3 of the *Request for Service Credit Cost Information – California National Guard Military* form. Send your request form to the Military Department for completion of Sections 4, 5, and 6. Obtain from the Military Department copies of your National Guard service documents. Submit the completed request form to CalPERS along with your supporting military documentation (for example, a copy of your DD 214, National Guard Retirement Points History Statement, etc.).

Military Department

9800 Goethe Road
Sacramento, CA 95826-9101



Request for Service Credit Cost Information — California National Guard Military

888 CalPERS (or 888-225-7377) • TTY (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial) Social Security Number or CalPERS ID

Section 1

If we have provided cost information to you in the past for this type of service credit purchase, check the Yes box and indicate the date you submitted your request. If you have submitted a retirement application, check the Yes box and indicate your planned retirement date.

About You

Former Name (if applicable) Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Are you currently in the California National Guard? No Yes

Are you a member of a public retirement system in California other than CalPERS? No Yes

Name of System

Section 2

List your California National Guard service dates (and type of discharge, if applicable).

Attach additional pages as needed.

California National Guard Military Service Dates (attach certification)

From (mm/dd/yyyy)	To (mm/dd/yyyy)	Type of Discharge

Section 3

Sign and date the request form. Make a copy for your records.

Attach a copy of your military documents.

Member Certification

I hereby certify that the above information is true and correct.

Member Signature Date (mm/dd/yyyy)

Section 4

To be completed by the Military Department for service while under Title 10 and/or Title 32.

Attach additional pages as needed.

Title 10 and Title 32 Service

From (mm/dd/yyyy)	To (mm/dd/yyyy)	Type of Discharge

Put your name and Social Security number or CalPERS ID at the top of every page

Your Name	Social Security Number or CalPERS ID
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Section 5

Emergency State Active Duty Service

To be completed by the Military Department for service while under Emergency State Active Duty (ESAD).

From (mm/dd/yyyy)	To (mm/dd/yyyy)	Type of Discharge

Attach additional pages as needed.

Section 6

Statement & Signature of Certifying Officer

To be completed by the Certifying Office with the Military Department.

I hereby certify that the above information is true and correct.

Return this request form and National Guard service documentation to the member. The member will submit the request to CalPERS.

Signature	Title	Date (mm/dd/yyyy)
Printed Name	Daytime Phone () ()	Fax () ()

LAYOFF, PRIOR SERVICE & OPTIONAL MEMBER SERVICE

This section describes service credit options for layoff (time spent away from work as a result of a formal layoff); prior service (time worked for an employer before it contracted with CalPERS or the contract included this option); and optional member service (time spent working in certain exempt, appointed, or elected positions).

Who Is Eligible?

You can purchase service credit for layoff, prior service, or optional member service if:

- You are (or elect to become, if eligible) a CalPERS member.

You cannot purchase service credit if:

- Your agency did not contract for this option
- You are retired.

What's Required?

Layoff

Time spent away from work as a result of a formal layoff action.

- You must be an active or inactive CalPERS member
- You must have been laid off from a CalPERS-covered public agency employer that had this option in their contract
- You must have been a full-time employee prior to being laid off
- The layoff period must have been on or after January 1, 1981
- You must have returned to full-time, CalPERS-covered employment with the layoff employer within 12 months of being laid off
- You must currently be active with the layoff employer
- You must elect to purchase this service within three years of returning to work or within three years of the effective date your employer adds this option to their contract
- You must redeposit any contributions you withdrew during the layoff, plus interest
- You can purchase a maximum of one year for each layoff period.

Prior Service

Time worked for an employer before they contracted with CalPERS (or before the contract included this option).

- You must be an active or inactive CalPERS member
- There is no maximum amount of time for which you can receive credit
- If you worked for a CalPERS-covered employer:
 - The agency must have contracted for this option
 - Limitations or restrictions vary by agency (i.e., some agencies can require you be employed on the effective date of the contract). Check with your Personnel Office.

Service Prior to Membership

If your service occurred after your employer's contract date with CalPERS but prior to your CalPERS membership date, refer to the section "Service Prior to Membership, CETA, and Fellowship Service."

What's An Optional Member?

An optional member can be a State employee who was appointed by the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction and is exempt from civil service.

Some officials elected or appointed to a fixed term of office with a city or county are also optional members, including city attorneys and elected or appointed School and contracting agency officials. Eligibility is generally determined by the term-of-office dates.

An employee of the California State Senate or Assembly who is paid from funds controlled by either body is an optional member.

Optional Member Service

Time spent working in certain exempt, appointed, or elected positions that allow employees the option of joining CalPERS.

- You must be an optional member on the date you request your cost information, and you must elect CalPERS membership at the same time. (If you formerly held an optional position and are now a CalPERS member, you can also purchase your former service. See Service Prior to Membership for more information.)
- There is no limitation on the amount of time that you can purchase.

What's the Cost?

Layoff

You must pay the contributions due for the period during which you were laid off, plus interest, compounded annually to the date you make your purchase. The cost is based on your pay rate and the contribution rate on the date you returned to employment. Interest is calculated from the date you return through the date you make the purchase.

Prior Service

This benefit depends on the specific terms of your employer's contract with CalPERS. Depending on the contract, you could be:

- Credited at no cost with all of the service credit you would have earned
- Credited at no cost with some of the service credit you would have earned, and be given the option to purchase the rest, based on your pay rate and the contribution rate on the date you became a member (after the service was rendered), plus interest, compounded annually to the date you make your purchase
- Given the option to purchase the service credit you would have earned, based on your pay rate and the contribution rate on the date you became a member (after the service was rendered), plus interest, compounded annually to the date you make your purchase.

Optional Member Service

The cost calculation is based on your pay rate and contribution rate on the date you became a member (after the service was rendered), plus interest, compounded annually to the date you make your purchase.

What's Next?

Gather your employment history information for the period during your layoff, prior service, or optional member service.

Step 1

Complete Section 1 of the Request form:

- Fill in your current mailing information.
- If we have provided cost information to you in the past for this type of service credit purchase, check the "Yes" box and indicate the date your request was submitted.
- If you have submitted a retirement application, check the "Yes" box and indicate your planned retirement date.
- If you are a member of a public retirement system in California other than CalPERS, check the "Yes" box and write in the name of the system.

Complete Section 2 of the Request Form

List your employment information.

Complete Section 3 of the Request Form

Sign and date the request form.

Step 2

Give the request form to the agency that employed you at the time of your layoff, prior service, or optional member service to complete the appropriate employer certification. For Layoff only, it is not necessary for the employer to complete Section 5, "Member Detailed Employment History." When the employer returns the form to you, continue to Step 3.

Step 3

Submit the completed request form. Be sure to make a copy for your records, and mail the original to CalPERS using the address shown on the form.



Request for Service Credit Cost Information — Layoff, Prior Service & Optional Member Service

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial)

Social Security Number or CalPERS ID

Section 1

To ensure that you are using the correct form, review the instructions for both this section and the Service Prior to Membership section.

About You

Former Name (if applicable) () Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Are you a member of a public retirement system in California other than CalPERS? No Yes

Name of System

Section 2

List information about the employer you worked for at the time of your layoff, prior service, or optional member service.

Employment Information

Employment From (mm/dd/yyyy) Employment To (mm/dd/yyyy) Employer

Type of Credit Layoff Prior Service Optional Member Service

Employment From (mm/dd/yyyy) Employment To (mm/dd/yyyy) Employer

Type of Credit Layoff Prior Service Optional Member Service

Employment From (mm/dd/yyyy) Employment To (mm/dd/yyyy) Employer

Type of Credit Layoff Prior Service Optional Member Service

Employment From (mm/dd/yyyy) Employment To (mm/dd/yyyy) Employer

Section 3

Give this form to the employer you worked for at the time of your layoff, prior service, or optional member service for completion of Sections 4, 5, and 6 before returning to CalPERS.

Member Certification

I hereby certify that the above information is true and correct.

Member Signature Date (mm/dd/yyyy)

This form continues on page 2.

Put your name and Social Security number or CalPERS ID at the top of every page

Your Name _____ Social Security Number or CalPERS ID _____

Section 4

Employer Certification (To be completed by the employer at the time of the member's Layoff, Prior Service, or Optional Member Service.)

For Layoff, list the dates the member was laid off work.

Member Layoff History

Date From (mm/dd/yyyy) _____ Date To (mm/dd/yyyy) _____

For Prior Service, complete the detailed history for the employment dates and time worked.

For Layoff only, skip Section 5 and go to Section 6.

Note: For the member to be eligible, the employment period must be prior to the employer's CalPERS contract date.

Member Prior Service History

Did your agency have a local retirement system (prior to CalPERS contract)? No Yes

Was this member a participant of the local retirement system? No Yes

Did the member withdraw these funds? No Yes
Service Time _____ Amount Withdrawn _____ Withdrawal Date _____

Plan Type: Defined Benefit Defined Contribution

Optional Member Service

For Optional Member Service, complete the questions on the optional period, as well as the detailed history.

Was this position filled by an election or appointment to a fixed term of office? Election Appointment

Position Title _____

Was compensation paid considered a salary? (Expense reimbursement is not a salary.) No Yes

Section 5

Member Detailed Employment History

Be sure to include employment dates, pay rate, time worked, and earnings for the optional period.

Employment From (mm/dd/yyyy)	Employment To (mm/dd/yyyy)	Time Worked (hour/days)	Earnings
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Section 6

Statement & Signature of Personnel or Payroll Officer

If the member performed service for the State of California or California State University, employer certification is not required.

I hereby certify that the above information is true and correct. I understand that this provides CalPERS with the information it needs to determine and apply all appropriate service credits, and that there is a potential for employer liability if this certification results in a change to the member's employment history record in the CalPERS system.

Employer: Please return the completed form to the member.

Employer Signature _____ Title _____ Date (mm/dd/yyyy) _____
Printed Name _____ Daytime Phone _____ FAX _____

Mail to: CalPERS Customer Account Services Division • P.O. Box 4000, Sacramento, California 95812-4000

LEAVE OF ABSENCE

A leave of absence is time during which your employer authorized you to be absent from some or all of your duties. This may be time you took for a maternity or paternity, temporary disability, educational, service, sabbatical, or serious illness leave. To be eligible to purchase service credit for this time, you must have returned to CalPERS-covered employment after your leave of absence.

By law, some service leaves of absence are not eligible for CalPERS service credit, even if the employer gives prior approval.

Who Is Eligible?

You may be able to purchase service credit for a leave of absence if:

- You are an active or inactive CalPERS member. (With the exception of maternity/paternity, temporary disability leave, and serious illness leave, which are available to all members, eligibility depends on type of leave and employer contract.)

You cannot purchase service credit for a leave of absence if:

- The leave was not approved by your employer
- You retired prior to your request to purchase service credit.

What's Required?

Maternity/Paternity Leave

Time off after the birth or adoption of a child.

- You must return to CalPERS-covered employment at the end of the approved leave, and remain in the CalPERS-covered employment at least the same amount of time
- You can purchase up to 12 months per leave
- You cannot purchase additional service if you have **already** earned a full year of credit (10 full-time months) during that fiscal year (July 1 through June 30).

Temporary Disability Leave

Time off while receiving temporary disability payments because of a job-related injury or illness.

- You must either return to CalPERS-covered employment or immediately retire after your leave of absence (you must request cost information **prior** to retirement).
- There is no limit to the amount of time you can purchase
- You have requested to purchase this service credit prior to retirement.

Educational Leave of Absence

Time off to pursue higher education.

- You must be a State, University of California, or California State University employee both before and on your return from the leave
- You can purchase a maximum of two years' service credit (even if the combined total of your educational leaves exceeds two years).

Service Leave

Time off to serve with a college or university; a local, State, federal, or foreign government agency; or certain nonprofit organizations.

- You must be an active or inactive CalPERS member
- You can purchase a maximum of two years' credit for **each** service leave
- You must return to CalPERS-covered employment with the employer from which the leave was granted, or immediately retire after your leave of absence. If the leave was from a California State University, the employer you return to could include any campus within the CSU system. (You must request cost information **prior** to retirement.)

Sabbatical Leave

A partially compensated leave of absence from CalPERS-covered employment.

- You must be an active or inactive CalPERS member
- There is no maximum time you can purchase
- You must return to CalPERS-covered employment after your leave of absence.

Serious Illness Leave of Absence

Employer-approved uncompensated leave of absence because of a serious illness.

- You must be an active or inactive CalPERS member
- Your employer must certify you were approved for a leave because of your own serious illness
- You must return to active service with a CalPERS-covered employer following the leave
- There is no maximum time you can purchase.

What's the Cost?

CalPERS determines the cost to purchase Maternity/Paternity, Educational, Service, Sabbatical and Serious Illness Leaves using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

You can use our online Service Credit Cost Estimator to get an estimate of the cost of purchasing Maternity/Paternity and Sabbatical Leaves.

Temporary Disability Leave

The cost is based on your pay rate and contribution rate when you return from your leave, or the day prior to your leave if you immediately retire. The CalPERS interest is calculated from this date through the date you make the purchase.

What's Next?

Gather your employment history information for the time prior to your leave. Fill out Page 1 of the form according to the steps for requesting service credit cost information. For temporary disability leaves, the employer will then forward the form to the compensation carrier that provided you temporary disability benefits for completion of Sections 5 and 6.

Step 1

Complete Section 1 of the Request form:

- Fill in your current mailing information.
- If we have provided cost information to you in the past for this type of service credit purchase, check the "Yes" box and indicate the date your request was submitted.
- If you have submitted a retirement application, check the "Yes" box and indicate your planned retirement date.
- If you are a member of a public retirement system in California other than CalPERS, check the "Yes" box and write in the name of the system.

Complete Section 2 of the Request Form

Provide information about the employer that granted you the leave and indicate dates and type of leave.

Complete Section 3 of the Request Form

Sign and date the request form.

If your leave of absence was with the State or with a California State University and was for Maternity/Paternity, Sabbatical, or Temporary Disability, go directly to Step 3. Otherwise, continue to Step 2.

Step 2

Give the form to the employer that granted you the leave to complete Section 4.

(For Temporary Disability, also forward the form to the compensation carrier for completion of Sections 5 and 6.)

Step 3

Submit the completed request form to CalPERS. Be sure to make a copy for your records and mail the original to CalPERS using the address shown on the form.



Request for Service Credit Cost Information — Leave of Absence

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial)

Social Security Number or CalPERS ID

Section 1

About You

Former Name (if applicable) () Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Are you a member of a public retirement system in California other than CalPERS? No Yes

Name of System

Section 2

Employment Information

List the name and address of the employer that granted the leave.

Employer

Address

List the dates and select the type of leave for each period requested.

City State ZIP Code

Type of Leave (Select one that applies to the dates below):

- Maternity/Paternity
- Temporary Disability
- Sabbatical
- Educational
- Serious Illness*
- Service

Dates of Leave From (mm/dd/yyyy) To (mm/dd/yyyy)

If you need more space to enter additional leaves of absence, please attach a separate sheet.

Type of Leave (Select one that applies to the dates below):

- Maternity/Paternity
- Temporary Disability
- Sabbatical
- Educational
- Serious Illness*
- Service

Dates of Leave From (mm/dd/yyyy) To (mm/dd/yyyy)

Type of Leave (Select one that applies to the dates below):

- Maternity/Paternity
- Temporary Disability
- Sabbatical
- Educational
- Serious Illness*
- Service

Dates of Leave From (mm/dd/yyyy) To (mm/dd/yyyy)

* "Serious Illness" is an employer-approved uncompensated leave of absence granted for the member's own serious illness.

Section 3

Member Certification

The above information in Section 2 is true to the best of my knowledge.

Member Signature Date (mm/dd/yyyy)

Next Step: For all types of leave, give the form to the employer that granted the leave to complete Section 4 of this request form. Note: For Temporary Disability leave, the employer must complete Section 4 and also route the form to the member's Workers' Compensation carrier to complete Sections 5 and 6.

Put your name and Social Security number or CalPERS ID at the top of every page

Your Name _____ Social Security Number or CalPERS ID _____

Section 4

Leave of Absence Certification (to be completed by employer)

Dates and type of leave in this section must be completed by the employer independently of what the member reports in Section 2.

Type of Leave (Select one that applies to the dates below):
 Maternity/Paternity Temporary Disability Sabbatical
 Educational Serious Illness* Service

Dates of Leave From (mm/dd/yyyy) _____ To (mm/dd/yyyy) _____

Type of Leave (Select one that applies to the dates below):
 Maternity/Paternity Temporary Disability Sabbatical
 Educational Serious Illness* Service

Dates of Leave From (mm/dd/yyyy) _____ To (mm/dd/yyyy) _____

Type of Leave (Select one that applies to the dates below):
 Maternity/Paternity Temporary Disability Sabbatical
 Educational Serious Illness* Service

Dates of Leave From (mm/dd/yyyy) _____ To (mm/dd/yyyy) _____

* "Serious Illness" is an employer-approved uncompensated leave of absence granted for the member's own serious illness.

Employer: Return the completed form to the member or, for temporary disability leave, forward it to the member's Workers' Compensation carrier (see Section 5).

I hereby certify that the above information is true and correct. I understand this provides CalPERS with the information it needs to determine and apply all appropriate service credits, and that there is a potential for employer liability if CalPERS changes the member's employment history as a result of this certification.

Employer Signature _____ Title _____ Date (mm/dd/yyyy) _____

Printed Name _____ Daytime Phone _____ FAX _____

Section 5

Temporary Disability Leave of Absence Certification

To be completed by the Workers' Compensation carrier that provides temporary disability benefits.

Workers' Compensation Carrier Information

If the member had more than one temporary disability leave period, provide claim numbers and dates for each.

Name of Employer's Disability Carrier _____

Carrier's Address _____ Carrier's Phone Number _____

Employee's Claim Number _____ Beginning Date of Temporary Disability Payments (mm/dd/yyyy) _____ Ending Date of Payments (mm/dd/yyyy) _____

Effective Date of Permanent Disability Rating _____

Was there a settlement by Compromise and Release? No Yes If yes, you must provide a copy to CalPERS.

Section 6

Signature of Authorized Workers' Compensation Carrier Representative

Please return this request form to the member.

I hereby certify that the above information is true and correct.

Carrier Representative Signature _____ Date (mm/dd/yyyy) _____

Printed Name _____ Title _____

Mail to: CalPERS Customer Account Services Division • P.O. Box 4000, Sacramento, California 95812-4000

MILITARY SERVICE CREDIT

If you are a CalPERS member who served in the military you may be able to purchase this time as CalPERS service.

If you are a current or retired CalPERS member through employment with the State, University of California, or California State University, or if you are a current, former, or retired member of a CalPERS-covered school or public agency employer that contracts for this option, you may be eligible to purchase a **maximum** of four years of active duty military service credit. Because purchase of this service credit may be costly, you should consider it carefully. You can use the online Service Credit Cost Estimator on our website to get an estimate of the cost and see how this additional service credit could impact your future retirement benefits. **Please note:** Military service credit cannot be used to qualify you for retirement, health, or dental benefits vesting.

Who Is Eligible?

You can purchase military service credit if you're a current or retired:

- State or school CalPERS member (see exceptions below)
- Public agency member whose employer contracts for this option.

You cannot purchase military service credit if you:

- Receive military retirement pay based on 20 years' active military service
- Are employed as a safety member with the Los Angeles Community College District
- Have received military service credit in any other retirement system.

What's Required?

Current State and school members must have:

- Served in active duty military at least one year
- Been honorably discharged
- Earned a minimum of one year of CalPERS service for each year of active duty military service credit requested (four-year maximum).

Alternate Retirement Program (ARP) service does not count toward the years of earned CalPERS service credit unless you elect to transfer your ARP funds to CalPERS during your 47th to 49th month ARP election period or elect to purchase the service credit based on a present-value calculation after your election period.

Retired State and school members must have:

- Served in active duty military at least one year
- Been honorably discharged
- Retired with at least one year of CalPERS service for each year of active duty military service credit requested
- Retired on or after December 31, 1981
- Retired within 120 days of separation from a qualifying employer.

Your Military Leave of Absence

If you were granted a military leave of absence, entered active military duty within 90 days of leaving your CalPERS-covered employment, and then returned to CalPERS-covered employment (or were placed on a State civil service reemployment list) within six months of your discharge date, service credit may be posted to your account at no cost.

If you returned to employment after the six-month period, you will be required to pay a portion of the cost. There are no limitations on the amount of time that can be credited. However, you do need to request the service credit and provide us with a copy of your Military Service Record.

Note: Do not request your military leave of absence until you have returned to employment.

**Requesting a
Military Service
Credit Purchase
after Retirement**

If you are already retired, the increase in benefits from a service credit purchase will become effective when CalPERS receives your election. It will not be retroactive to your retirement date.

Current members of a public agency whose employer contracts for this option:

- Must have served in active duty military
- May be eligible to purchase up to an **additional** six months of service credit, up to a maximum of four years.

Retired members of a public agency employer that contracts for this option must:

- Have served in active duty military
- Have retired within 120 days of separation from a qualifying employer
- Have retired before the effective date of their employer's contracting for the military benefit for active CalPERS members.

What's the Cost?

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

You can use our online Service Credit Cost Estimator to get an estimate of the cost of purchasing this service.

What's Next?

Gather your military service information. Then complete Sections 1-3 of the request form. In all cases, you must submit supporting documentation (e.g., copy of Military Discharge Documents, DD-214, Certification of Military Service record, etc.) to CalPERS for all active duty periods, along with the request form. You can obtain a copy of your discharge document from:

National Personnel Records Center

Military Personnel Records
9700 Page Avenue
St. Louis, MO 63132-5100
<http://www.archives.gov>

You can also complete and mail in Standard Form 180, available on their website.

..... or

U.S. Marine Corps Services

Commandant Headquarters
U.S. Marine Corps Personnel Management Support Branch (MM SB-10)
2008 Elliot Road
Quantico, VA 22134-5030



Request for Service Credit Cost Information — Military Service

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial) Social Security Number or CalPERS ID

Section 1

If we have provided cost information to you in the past for this service credit, check the Yes box and indicate the date your request was submitted. If you have submitted a retirement application, check the Yes box and indicate your planned retirement date.

If you were employed by a CalPERS-covered employer and were granted a leave of absence to enter the military, check the Yes box and indicate your employer's name.

About You

Former Name (if applicable) Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Were you employed by a CalPERS-covered employer and granted a leave of absence to enter the military? No Yes Employer

Are you a member of a public retirement system in California other than CalPERS? No Yes Name of System

Section 2

List your active duty military service dates from your Military Certification.

Military Active Duty Service Dates (attach certification)

Armed Forces Branch Enlistment Date (mm/dd/yyyy) Discharge Date (mm/dd/yyyy)

Armed Forces Branch Enlistment Date (mm/dd/yyyy) Discharge Date (mm/dd/yyyy)

Armed Forces Branch Enlistment Date (mm/dd/yyyy) Discharge Date (mm/dd/yyyy)

Section 3

Sign and date the request form. Make a copy for your records.

Attach a copy of your military discharge or leave of absence documents.

Member Certification

I hereby certify that the above information is true and correct.

Member Signature Date (mm/dd/yyyy)

Mail to: CalPERS Customer Account Services Division • P.O. Box 4000, Sacramento, California 95812-4000

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PEACE CORPS, AMERICORPS*VISTA, OR AMERICORPS SERVICE CREDIT

If you are an active or inactive CalPERS member, you may be eligible to purchase service credit for up to three years of service in the Peace Corps, AmeriCorps*VISTA (Volunteers In Service To America), or in AmeriCorps.

Who Is Eligible?

You can purchase Peace Corps, AmeriCorps*VISTA, and AmeriCorps service credit if:

- You are a State or school member
- You are a public agency member and your employer contracts to provide this option.

You cannot purchase Peace Corps, AmeriCorps*VISTA, or AmeriCorps service credit if:

- You are retired
- You do not have certification of your dates of service
- Your public agency employer does not include this option in its CalPERS contract.

What's Required?

- You must be able to provide documentation certifying dates of service.

What's the Cost?

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

You can use our online Service Credit Cost Estimator to get an estimate of the cost of purchasing this service.

What's Next?

Step 1

Gather your volunteer service information. You can request a certification letter from:

Peace Corps

Attn: Certifying Officer
Volunteer & Staff Payroll Services Division
1111 20th Street, NW
Washington, DC 20526

*AmeriCorps*VISTA/AmeriCorps*

Attn: CNCS/AmeriCorps*VISTA
Certifying Officer
1201 New York Avenue, N.W.
Washington, DC 20525

Step 2

The documents you need to make a Peace Corps, AmeriCorps*VISTA, or AmeriCorps purchase are available only on the CalPERS website. You will need to visit the site to get the request form and to complete a cost estimate.

Calculate and print a copy of your service credit purchase cost estimate using our online Service Credit Cost Estimator. You'll also need to print a copy of the required Request for Service Credit Cost Information—Peace Corps, AmeriCorps*VISTA, or AmeriCorps request form, which is available in the CalPERS On-Line Forms and Publications Center.

Step 3

Attach to your request form a copy of your cost estimate that you completed on our website.

Step 4

Mail copies of your request form, your online service credit purchase estimate calculation, and a copy of your certification letter from the Peace Corps, AmeriCorps*VISTA or AmeriCorps to CalPERS at the address shown on the form.

REDEPOSIT OF WITHDRAWN CONTRIBUTIONS

If you were previously a CalPERS member, left your CalPERS-covered employer, and took a refund of your contributions and interest, you may be eligible to redeposit these funds and restore those years of service credit.

Who's Eligible?

You can redeposit funds you previously withdrew from CalPERS if:

- You are an active CalPERS member
- You are an inactive CalPERS member with service credit still on account
- You are a member of a reciprocal California public retirement system (see next page)
- You are a member whose ex-spouse or former domestic partner was awarded a portion of your account as part of a community property judgment or settlement **and** received a refund of the contributions.

You cannot redeposit if:

- Your service was with **another** public retirement system (not CalPERS). (You may want to contact that system to find out whether you can purchase service credit with them.)
- You have previously purchased this service credit with CalPERS
- You are now an active or inactive CalPERS member, but the agency you previously worked for does not **currently** contract with CalPERS
- You received credit for this CalPERS time under another public retirement system
- You are retired.

What's Required?

If you withdrew contributions for one or more membership periods in **one withdrawal**, you must redeposit in **one** redeposit election. If you made **separate** withdrawals of your contributions for **one** or more membership periods, you can redeposit in one redeposit election or in **separate** redeposit elections. If you choose to make separate redeposit elections, you must begin with the most recent withdrawal and end with the oldest.

What's the Cost?

CalPERS calculates the amount of the refund, plus interest, compounded annually to the date you make the purchase. You can use the online Service Credit Cost Estimator on the CalPERS website to get an idea of the cost for purchasing this service.

What's Next?

Gather your employment history information for the time (or times) you withdrew your CalPERS contributions. Then complete the request form.

Members of the following California public retirement systems may be eligible to redeposit funds they withdrew from CalPERS:

Non Reciprocal Retirement Systems

State Teachers' Retirement System
Legislators' Retirement System
Judges' Retirement System
Judges' Retirement System II
University of California Retirement System

Reciprocal Public Agencies

City of Concord
Contra Costa Water District
City of Costa Mesa (safety only)
East Bay Municipal Utility District
East Bay Regional Park District (safety only)
City of Fresno
City of Los Angeles
Los Angeles County Metropolitan Transportation Authority
(Non-Contract Employees' Retirement Income Plan)
City of Oakland (non-safety only)
City of Pasadena Fire and Police Retirement System
City of Sacramento
City of San Clemente (non-safety only)
City of San Diego
City & County of San Francisco
City of San Jose
San Luis Obispo County

Reciprocal 1937 Act Counties

Alameda	Sacramento
Contra Costa	San Bernardino
Fresno	San Diego
Imperial	San Joaquin
Kern	San Mateo
Los Angeles	Santa Barbara
Marin	Sonoma
Mendocino	Stanislaus
Merced	Tulare
Orange	Ventura

For more information, refer to the CalPERS publication, *A Guide to CalPERS When You Change Retirement Systems*.

Step 1

Complete Section 1 of the Request form:

- Fill in your current mailing information.
- If we have provided cost information to you in the past for this type of service credit purchase, check the “Yes” box and indicate the date your request was submitted.
- If you have submitted a retirement application, check the “Yes” box and indicate your planned retirement date.
- If you are a member of a public retirement system in California other than CalPERS, check the “Yes” box and write in the name of the system.

Complete Section 2 of the Request Form

List all periods of employment for which you withdrew contributions.

Complete Section 3 of the Request Form

Sign and date the request form.

If you are currently an active or inactive CalPERS member, go directly to Step 3. If you are currently in another retirement system, go to Step 2.

Step 2

Give the form to your current retirement system to complete Sections 4, 5, and 6 (your Personnel Office can give you the address). When the system returns it to you, continue to Step 3.

Step 3

Submit the completed request form to CalPERS. Be sure to make a copy for your records, and mail the original to CalPERS using the address shown on the form.



Request for Service Credit Cost Information — Redeposit of Withdrawn Contributions

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial)

Social Security Number or CalPERS ID

Section 1

Please include your full first and last name, followed by your middle initial.

About You

Former Name (if applicable) () Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Are you a member of a public retirement system in California other than CalPERS? No Yes

Name of System

Section 2

Please include the month, day, and year for all dates as: mm/dd/yyyy. Do not abbreviate your employer's name.

Employment Information

List all periods of employment for which you withdrew contributions.

Employer From (mm/dd/yyyy) To (mm/dd/yyyy)

Employer From (mm/dd/yyyy) To (mm/dd/yyyy)

Employer From (mm/dd/yyyy) To (mm/dd/yyyy)

Employer From (mm/dd/yyyy) To (mm/dd/yyyy)

A portion of my CalPERS funds were transferred due to a community property settlement agreement, and these funds have since been withdrawn by my former spouse or domestic partner.

During the first two years of my employment, a portion of my Alternate Retirement Program funds were awarded to a former spouse or domestic partner due to a community property settlement.

Section 3

If you are currently a CalPERS member, sign the form, make a copy for your records, and mail the original to the address shown on the back of this form.

Member Certification

I hereby certify that the above information is true and correct.

Member Signature Date (mm/dd/yyyy)

Note: If you are a member of another California public retirement system and currently not a CalPERS member, forward this form to your current retirement system for completion of Sections 4, 5 and 6 before returning to CalPERS. For more information, see the publication *A Guide to CalPERS When You Change Retirement Systems*.

Put your name and Social Security number or CalPERS ID at the top of every page

Your Name Social Security Number or CalPERS ID

Section 4

This form is used to obtain the member and employment information required to redeposit withdrawn CalPERS contributions and establish reciprocity with your current retirement system.

Retirement System Certification (To be completed by member's current retirement system.)

Retirement System

Address

City State ZIP Code

Employer

Address

City State ZIP Code

Section 5

Member Employment History

First Appointment Date (mm/dd/yyyy) Effective Date of Membership in Your System (mm/dd/yyyy)

Current Pay Rate & Time Base Total Service Credit in Your System

Is the member retired/retiring? No Yes _____
Date of Retirement (mm/dd/yyyy)

Is the CalPERS service noted in Section 2 already credited in your system? No Yes

Is the employee currently a member of your system? No Yes

Section 6

Please return this request form to the member.

Statement & Signature of Retirement System Representative

I hereby certify that the above information is true and correct.

Your Signature Social Security Number or Tax Identification Number of the Member

Date (mm/dd/yyyy) Printed Name

Title () ()
Daytime Phone FAX

Mail to:

CalPERS Customer Account Services Division • P.O. Box 4000, Sacramento, California 95812-4000

SERVICE PRIOR TO MEMBERSHIP, CETA & FELLOWSHIP SERVICE

Employment with a CalPERS-covered employer before becoming a CalPERS member may be creditable. Service Prior to Membership (SPM) credit may be available for employment which did not qualify for membership, usually because of a limited time base or term of employment. Time spent working for a federal or State employer under the Comprehensive Employment & Training Act (CETA) or time spent in the Assembly, Senate, Executive, or Judicial Administration in a Fellowship program may also be available.

Who's Eligible?

If you are now an active or inactive CalPERS member, you may be able to purchase service time if you worked:

- For a CalPERS-covered employer as a seasonal, temporary, part-time, or intermittent employee, but were not a CalPERS member
- Under CETA for a federal or State-sponsored program from 1973 to 1982, such as the Public Employee Program, Public Service Employment, Disabled Veterans' Outreach Program, Public Service Employment Program, or Cal Esteem
- Under the Assembly, Senate, Executive, or Judicial Administration Fellowship program.

You cannot purchase CalPERS service time if:

- The agency where the service was earned does not currently have a contract with CalPERS
- Your service is excluded by law or by the employer's contract with CalPERS
- You worked at a school in a **certified** position (you may want to contact the State Teachers' Retirement System to find out if you can purchase service with that system)
- You worked at the University of California **after** October 1, 1963 (you may want to contact the University of California Retirement Plan to find out if you can purchase service with that system)
- You work for a contracting agency that does not provide the Fellowship service credit type option
- You are retired.

What's Required?

- You must be an active or inactive CalPERS member and be able to provide CalPERS with documentation certifying your dates of service.

What's the Cost?

SPM

The cost of Service Prior to Membership is based on your pay rate and contribution rate on the date you became a member (after you rendered the service). Interest will be compounded annually to the date you make the purchase.

You can use the Service Credit Cost Estimator on the CalPERS website to get an idea of the cost of purchasing this type of service credit.

CETA

CalPERS determines the cost to purchase this service credit using the "present value" method, which is based on your highest monthly full-time pay rate and an average of any special compensation (for example, uniform allowance, holiday pay, longevity pay, etc.) your employer reports to CalPERS. This present value method provides CalPERS with the best estimate of the potential future final compensation figure that may be used at retirement for calculating your retirement benefit. We look at the projected retirement benefit increase you may receive from this additional service credit at retirement and then convert that to a lump sum cost in today's dollars.

Determining the increase to your future benefits involves a number of actuarial assumptions, including projected age at retirement, life expectancy, salary inflation, and the assumed rate of return on investments. These assumptions are the same assumptions we use to ensure that all our benefits are adequately funded.

CalPERS updates the actuarial tables used in this process as needed due to existing benefit changes, new benefits mandated by law, or changes in assumptions to reflect our current best estimate of future outcomes based on the most recent experience study.

Note that your election to purchase service credit is irrevocable. Once we process your election to purchase service credit, any future changes to the assumptions will not affect the cost of your service credit purchase.

Fellowship

The cost of crediting your Fellowship program service depends on the dates of that service and the program in which you participated in.

- Participants in the Assembly, Senate, and Executive Fellowship Programs have been excluded from membership since October 14, 1991.
- Participants in the Judicial Administration Fellowship Program have been excluded from membership since January 1, 2003.

If you rendered your Fellowship service **before** the applicable exclusion, we will use the costing method that is used for Service Prior to Membership. If after, we will use the costing method that is used for CETA.

What's Next?

Gather your employment history information for the time that you worked for a CalPERS-covered employer before becoming a CalPERS member. Then complete the request form following the steps shown.

Step 1

Complete Section 1 of the Request form:

- Fill in your current mailing information.
- If we have provided cost information to you in the past for this type of service credit purchase, check the "Yes" box and indicate the date your request was submitted.
- If you have submitted a retirement application, check the "Yes" box and indicate your planned retirement date.
- Indicate if you were compensated or paid for this employment.
- If you are a member of a public retirement system in California other than CalPERS, check the "Yes" box and write in the name of the system.

Complete Section 2 of the Request Form

Indicate the employer name where the service was earned and list all periods of employment you are requesting credit for Service Prior to Membership.

Complete Section 3 of the Request Form

Sign and date the request form.

Step 2

Give the form to the employer you worked for when the service was earned so they can complete Sections 4 through 6 on page 2 of the form. When you receive it back, continue to Step 3.

Step 3

Mail the original to CalPERS at the address shown on the form. Be sure to make a copy for your records.

Completing Your Request

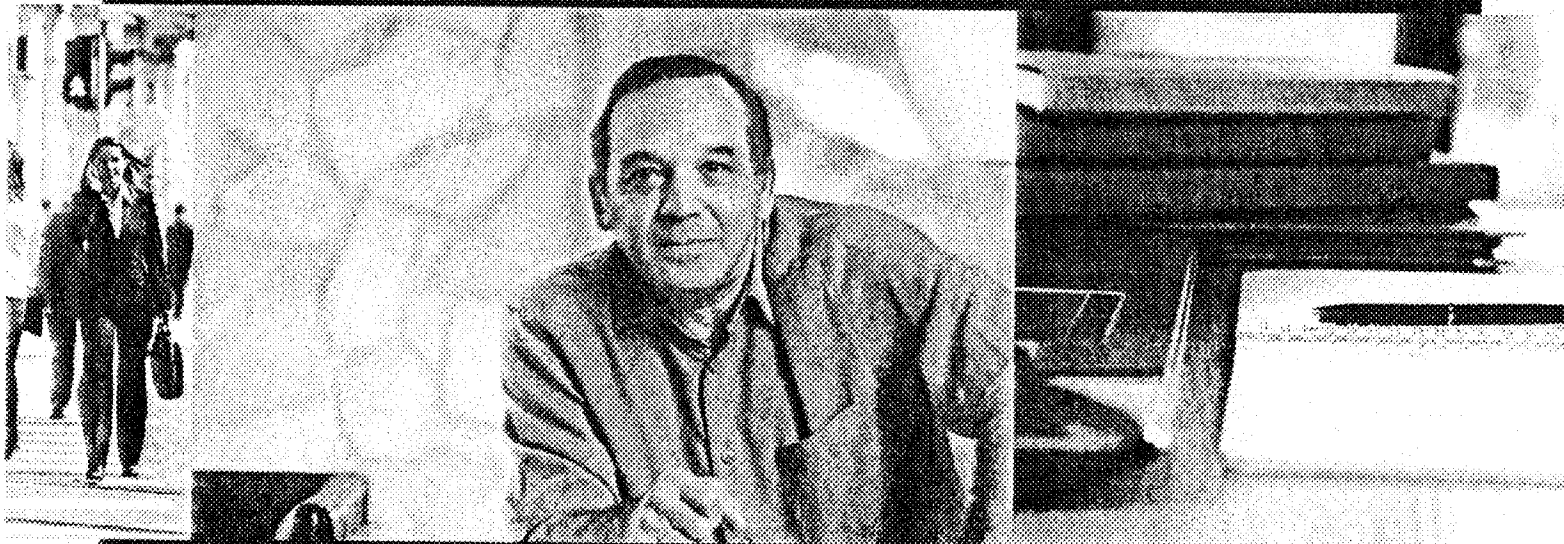
If your Service Prior to Membership was with the State or with a California State University, complete Steps 1 and 3.

For service with the Senate Assembly and Joint Rules Committees, as well as for service with those agricultural associations that don't use the Uniform State Payroll System, complete Steps 1 through 3.

If your Service Prior to Membership was with the University of California (prior to October 1, 1963), a public agency, school, or fellowship service, complete Steps 1 through 3.

In some instances service with the State may still require employer certification. We will notify you if that is needed in your case.

A Guide to CalPERS
Community Property



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CalPERS Model Domestic Relations Orders Publication 38B
 Model Order A – Separation of Account for Members not Retired
 Model Order B – Division of Benefits for Members not Retired
 Model Order C – Division of Benefits for Retired Members Only

INTRODUCTION

In California, upon dissolution of a marriage or registered domestic partnership, or a legal separation, the California Public Employees' Retirement System (CalPERS) may divide a member's benefits in accordance with State law. The purpose of this publication is to provide you with information about CalPERS (also referred to as the System) and to assist you in drafting court orders applicable to CalPERS retirement benefits. You should not consider this publication as a substitute for legal advice, as by law, CalPERS cannot provide such advice.

About this Publication

This publication explains the impacts on CalPERS benefits caused by divorce or legal separation. It describes the methods CalPERS uses to divide community property and the procedures CalPERS uses for processing and implementing domestic relations orders that allocate and award a portion of a member's retirement benefits to a nonmember spouse.

In addition, this publication provides guidance to an attorney who may be assisting either party through the divorce process.

As a courtesy, we include sample court orders (see the accompanying publication 38B titled **CalPERS Model Domestic Relations Orders**) and instructions for completing them. Use these as guidelines only. CalPERS cannot provide legal advice regarding any member's account. You or your nonmember spouse should consult with an attorney for advice pertaining to your individual situation.

While reading this material, keep in mind that CalPERS is governed by the Public Employees' Retirement Law (PERL). The statements in this guide are general. The PERL is complex and subject to change. If there is a conflict between the law and this publication, the law prevails.

How Divorce Affects CalPERS Retirement Benefits

California community property law considers retirement benefits earned during a marriage as an asset of the marriage that may be divided upon legal separation or dissolution of a marriage or registered domestic partnership. If the member divorces before receiving a retirement benefit, CalPERS may divide the account according to the "time rule formula" or "separation of account" method. If the member divorces while receiving a retirement or disability benefit, the court may divide the benefit according to the time rule or by specifying a flat dollar amount or a percentage.

A "nonmember spouse" is a member's spouse or former spouse, registered domestic partner or former registered domestic partner, who is awarded a community property interest in the member's retirement benefits with CalPERS. We use this term even when both spouses or domestic partners are CalPERS members.

CalPERS, as a governmental plan, is not subject to ERISA and will not accept an order that awards a nonmember rights under ERISA.

Plan Information

The plan administered by CalPERS is a “governmental plan” as defined in section 414(d) of the Internal Revenue Code of 1986. It is not subject to the provisions of section 414(p) of the Internal Revenue Code and section 206(d) of the Employee Retirement Security Act (ERISA), both of which govern “qualified domestic relations orders.” The terms of the plan are set forth in the California Public Employees’ Retirement Law (PERL), which you can find at section 20000, et. seq., of the California Government Code.

The administrator of the plan is the CalPERS Board of Administration. The plan is a defined benefit plan in which most members contribute a percentage of their salary to the System. CalPERS separates member contributions into individual member accounts that members may withdraw, along with any accrued interest, upon permanent termination of CalPERS-covered employment. By withdrawing contributions, members give up their entitlement to a monthly retirement allowance. If they do not withdraw their monthly contributions, they may at retirement elect to receive an unmodified monthly allowance paid for the rest of their life. Alternatively, they may elect to reduce their allowance and receive one of the optional settlements. **Members’ contributions, if any, fund the “annuity” portion of any monthly allowance they elect.**

The employer also contributes a percentage of the member’s salary to the System, and may contract with CalPERS to provide other benefits as well, such as certain death benefits. Unlike member contributions, employer contributions are not separated into individual member accounts and they are not subject to withdrawal upon termination of CalPERS-covered employment. **Employer contributions fund the “pension” portion of the member’s monthly retirement allowance.** If a member chooses to withdraw their monthly contributions, they not only give up receiving a monthly retirement allowance, but they also give up the employer’s contributions made on their behalf.

The above description of the plan is a summary of how the plan operates. For a complete description of the plan, we recommend the parties and their counsel review the PERL and the appropriate member publication that relates to the membership category. The member publication summarizes the various benefits available to the member. You may download publications at www.calpers.ca.gov or ask us to mail you one by calling 888 CalPERS (or 888-225-7377).

Health Benefit Information

This section applies to members or retirees only if enrolled in a CalPERS-sponsored health plan under the Public Employees' Medical and Health Care Act (PEMHCA). The former spouse loses eligibility for health benefit coverage under the member's insurance at midnight the last day of the month in which the marriage terminated. A former spouse may, however, pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), elect to continue coverage under the employer's group health plan at their own expense for a period of up to 36 months from the date coverage would otherwise be lost as a result of the divorce.

For more information regarding COBRA rights, please contact the employer if the member is currently employed under a PEMHCA agency. If the member has retired and has CalPERS-covered insurance, please contact:

Benefit Programs, Policy and Planning Division
P.O. Box 942714
Sacramento, CA 94229-2714
888 CalPERS (or 888-225-7377)

It is the member's responsibility to report to their personnel office a dissolution of marriage that results in the loss of insurance coverage for a nonmember spouse. If the member is retired, the member must report the dissolution of the marriage to CalPERS within 60 days of the date that the marriage terminated. Otherwise, the nonmember spouse will not be eligible for COBRA coverage.

If you are in a domestic partnership and need assistance regarding a division of your CalPERS pension due to the dissolution of a domestic partnership, please contact the Community Property Unit at 888 CalPERS (or 888-225-7377).

REGISTERED DOMESTIC PARTNERS

A Registered Domestic Partner is a person who has completed and filed a Declaration of Domestic Partnership with the California Secretary of State in accordance with Family Code section 298.

A Registered Domestic Partnership is created when partners of the same sex, or partners of opposite sexes where one partner is at least 62 years old, complete and file a Declaration of Domestic Partnership with the Secretary of State in accordance with Family Code section 298.5.

CalPERS benefits are considered community property under California law. Upon the dissolution or termination of a registered domestic partnership, the court may divide CalPERS benefits just as they would divide other assets and community property in the dissolution of marriage.

Tax Information for Domestic Partnerships

The federal government does not recognize domestic partners as "spouses" for federal tax purposes. If the nonmember domestic partner does not constitute a dependent under the federal income tax code, amounts awarded to the nonmember domestic partner may not actually be paid until the member experiences a distributable event (e.g., retirement or death), as defined for federal income tax purposes.

In addition, any distribution made to the domestic partner pursuant to a court order will be taxable to the member for federal income tax purposes. Also, a 10 percent excise tax may apply to the member if the nonmember domestic partner does not meet the federal income tax definition of a dependent and the distribution is otherwise considered an early distribution under the federal income tax code. We recommend that you consult with a tax advisor for further questions on tax issues.

NOTIFICATION OF A COMMUNITY PROPERTY CLAIM

When CalPERS receives written notification of a claim against a member's account, we will notify in writing both parties or their representatives.

This claim can be:

- A written claim letter
- Summons (Joinder)
- Proposed or Filed Order awarding a portion of the member's benefits to a former spouse or registered domestic partner

If you are an active or inactive member, CalPERS will release **no benefits**, including health or dental benefits, until we have received an acceptable filed order to resolve the claim.

If you are a retired member, CalPERS will continue to pay **one-half** of your retirement allowance until we have received an acceptable filed court order.

The party who placed the claim may notify CalPERS in writing asking us to continue to pay a retired member's full allowance. However, if full benefits continue, any benefit the court has awarded to the nonmember spouse will be paid on a prospective basis only after CalPERS has received and approved the filed court order.

Removing a Community Property Hold

Once CalPERS receives written notification of a claim against a member's account, we place a Community Property Hold on the member's account. We cannot remove the hold until the Community Property issue is resolved.

If the hold was placed due to a Summons (Joinder), we require an acceptable filed order resolving the community property interest or a filed Request for Dismissal to remove the hold.

If the former spouse or domestic partner submitted a written claim letter, and later wishes to withdraw the claim, we require a notarized letter from the party who submitted the claim to remove the hold.

The legal process to divide CalPERS retirement benefits can be lengthy. We recommend that members resolve any open community property cases prior to submitting retirement applications.

Receipt of a Proposed or Draft Order

If CalPERS determines that the proposed order is acceptable, we will notify in writing all persons in the order and their representatives.

If the requesting party submits an original order requiring the signature of a CalPERS representative, CalPERS staff will sign the order and return it to the requesting party for filing with the court. Please note: Although the model order provided in publication 38B includes a signature block for CalPERS staff, we will sign the order only after both parties have signed.

If CalPERS finds that the order is not acceptable, we will notify all interested parties and include in the notification the reason why the order is not acceptable.

Receipt of a Filed Order

CalPERS will make a determination as to whether or not an order is acceptable within 30 days of receiving the order.

If the order is acceptable, we will follow the terms of the order as soon as possible from an administrative standpoint. We will notify all interested parties in writing that the order is acceptable.

If the order is not acceptable as written, we will notify all interested parties. We will require the parties to take any such action as is necessary to modify the order.

Additional Information

An order is acceptable to CalPERS when the order is written in such a way that it can be effectively administered pursuant to the terms of the PERL.

The order must be acceptable at the time benefit distributions to either party are to begin. The parties must advise CalPERS if the order has been amended after we have made our determination.

CalPERS will send all written communication with the member and nonmember spouse to the addresses provided in the court order or to the address maintained by CalPERS, unless we have received written notice of a change of address.

JOINDER OF CalPERS IN DISSOLUTION CASES OR LEGAL SEPARATIONS

Joinder is a legal term referring to the documents that, when filed with the court, join CalPERS as a party to the dissolution or legal separation.

A nonmember spouse has the right to file a community property claim against a member's CalPERS retirement benefits at any time. However, CalPERS cannot be legally bound to enforce a court order to divide a member's benefits unless we are made a party to the divorce action using the joinder process. If your divorce is filed outside the State of California, or out of the country, CalPERS does not need to be joined.

How to Obtain and File Joinder Documents

You can obtain joinder forms from the Superior Court Clerk's Office in your county or you can download them from the California Courts' website at www.courts.ca.gov. You can file the joinder forms yourself or you may want to hire an attorney or a paralegal service for guidance and advice pertaining to your individual situation. CalPERS cannot provide legal advice.

Effects of a Joinder on a Member's Account

As a result of the joinder, the court may order a community property hold to be placed on the member's CalPERS account, which may affect the member's benefits. If the member is receiving retirement or disability benefits, we will continue to pay one-half the allowance pending our receipt of an acceptable filed court order. A joinder allows CalPERS to provide information about the member's account to the former spouse or domestic partner and the attorneys representing the parties.

How to Remove the Community Property Hold Placed Due to Joinder

Once joined to a dissolution action, CalPERS cannot release the hold on a member's account until after receiving either:

- A filed Request for Dismissal of Joinder
- A filed order that specifically states that a community property interest does not exist
- An acceptable filed order that resolves the community property claim
- A signed and notarized Release of Community Property form.

Effect of a joinder on CalPERS members:

- If active, CalPERS will release no benefits
- If retired, CalPERS will hold one half unless directed by the former spouse

REQUESTING INFORMATION ON A MEMBER'S ACCOUNT

By law, the contents of a member's retirement file are confidential, accessible only to the member or authorized representative. The member's spouse and/or attorney may obtain information if the request includes the member's written authorization or if CalPERS has been joined as a party to the dissolution. Any other person who requests information on a member's account must provide the following:

Subpoena Duces Tecum

Upon receipt of a subpoena duces tecum (an order to produce evidence), CalPERS will photocopy the contents of the member's file and complete the requested calculations. Pursuant to section 1563 of the California Evidence Code, CalPERS charges \$10 an hour in clerical costs, plus \$.10 per page copying costs. This amount represents actual costs we incur in locating and making the records available. CalPERS will accept service of subpoena by mail, if we are joined to the dissolution. If we are not joined, we require personal service of the subpoena at our Legal Office at 400 P Street, 3rd Floor, Sacramento, CA 95814.

Please be sure to include a Proof of Service and Notice to Consumer or your written, signed, and dated authorization to release information.

Include in all correspondence with CalPERS the member's full name, date of birth, or Social Security number or CalPERS ID.

Upon receipt of a written request, CalPERS will provide the following information:

- A statement as to the member's accumulated contributions and interest for a specific period. If you do not request specific dates, CalPERS will provide a current statement. Due to the amount of time it takes employers to comply with payroll reporting requirements, a current statement may reflect contributions two to four months in arrears.
- A statement as to the member's years of service credit. Again, if you do not request a specific period, CalPERS will provide a current statement.
- A statement as to the member's classification (e.g., safety or miscellaneous member, State or local), and the applicable benefit formula.
- If the member is retired, a statement as to the option selected at retirement, the designated beneficiary, the amount of the gross monthly allowance, and the details of any death benefit payable.

Information Not Provided

CalPERS will not provide the following types of information:

- Actuarial valuations of retirement benefits. Although a private actuary may provide a valuation of the pension plan, CalPERS will not accept an order that provides for payments of benefits not authorized by the Government Code.
- Employment data, salary, payroll, and earnings or personnel records. You must contact the employer directly for this information.

HOW TO WAIVE INTEREST IN A MEMBER'S ACCOUNT

There are two ways to waive interest in a member's account:

- Waiver of Community Property
- Court Order Awarding Entire Interest

Waiver of Community Property

If a former spouse or domestic partner who has been awarded an interest in the member's CalPERS benefits later decides to waive forever that interest, they may request a Waiver of Community Property form from the CalPERS Community Property Unit. This form requires a notarized signature.

Upon receipt of the original, properly executed waiver form, CalPERS will send a letter of acknowledgement to both parties, recognizing the account as the member's sole and separate property, and removing the community property hold, if any, from the account.

Court Order Awarding Entire Interest

The second way for a nonmember spouse to waive interest in a member's retirement account is to provide CalPERS with a court order that specifically awards all interest in the member's CalPERS benefits as the member's sole and separate property.

Upon receipt of the certified copy of the court order, CalPERS will send a letter of acknowledgement to both parties, recognizing the account as the member's sole and separate property, and removing the community property hold, if any, from the account.

CALPERS COURT ORDER REQUIREMENTS

You must adhere to the following requirements to prepare an order that is acceptable for CalPERS to administer.

Member and Nonmember Spouse Information

A “nonmember spouse” is the member’s spouse or former spouse, or registered domestic partner or former registered domestic partner, who is awarded a community property interest in a member’s CalPERS retirement benefits. In this publication, we use this term even when both spouses or partners are CalPERS members.

All court orders must include the following information for both the member and the nonmember spouse:

- Date of marriage
- Date of separation
- Current mailing address
- Birth date
- Social Security number

Since filed court orders are public documents, you may provide in a separate document any personal identifying information such as birth date and Social Security number. Be aware, however, that not providing this information may delay processing of the case.

Method of Division

A court order must state how to split the member’s CalPERS retirement benefits, whether time rule or separation of accounts. If the member has retired, the court may order a specific percentage or dollar amount be paid to the nonmember from a CalPERS retirement benefit.

Copy of Court Order

CalPERS accepts only complete, certified copies of court documents that include the filing stamp of the court. Once CalPERS is made aware that a community property interest may exist, we will not process any pending benefit application until we receive the necessary complete copies of all court orders.

Referring to CalPERS

All court orders that require CalPERS to recognize a community property interest or to act in any way must specifically refer to the “California Public Employees’ Retirement System,” “PERS,” or “CalPERS.”

CalPERS member publications are available for download on the CalPERS website at www.calpers.ca.gov.

CalPERS does not provide any type of legal advice to members or nonmember spouses concerning the division of a member's account or the writing of court orders.

Additional Important Information Regarding Court Orders

The parties and their representing attorneys are responsible for determining what benefits a member is entitled to and how each method available for dividing the benefits will affect the benefits. The CalPERS member benefit publications provide a summary description of the benefits pertinent to each employment category. Some benefits described in the member publication may apply only if the member's employer has contracted with CalPERS to provide such benefits.

The parties and their representing attorneys are responsible for determining whether to omit certain language provided in the model orders or to add language to the court order to satisfy their intent. Regardless of the changes, the language cannot be contrary to the PERL.

CalPERS recommends that you submit proposed orders to the Community Property Unit for review prior to filing with the court. If a filed order is not administrable by CalPERS, or is contrary to the PERL, CalPERS will require a further court order that is acceptable.

METHODS OF DIVISION OF COMMUNITY PROPERTY

The PERL provides two methods of division for the community property interest of a CalPERS account:

Separation of account – this method can only be used for those members who are going through a divorce before they begin to receive a retirement benefit.

Time rule formula – this method can be used for those members who are going through a divorce before they begin receiving a retirement or disability benefit, or while receiving a retirement or disability benefit.

In addition to these two methods of division, the court order may state a flat dollar amount or a percentage be paid to the nonmember spouse from the monthly benefit once the member elects to receive a benefit.

Any elective service credit and/or accumulated contributions and interest that are not specifically addressed in the court order shall be deemed the property of the member.

Important Information Regarding Elective Service Credit

“Elective service credit” is any service credit that a member elects to purchase, such as:

- Military service
- Service prior to membership
- Redeposit of previously refunded contributions
- Additional retirement service credit

The court order must specifically address all community property, including any elective service credit. If the member elected and purchased any elective service credit during the marriage, even if earned prior to the marriage, we will consider it community property, unless the order directs us to exclude the purchased service.

If the member elected to purchase the service credit during the marriage, and only partially paid for it during the marriage period, we will pro-rate the purchase accordingly.

If the court order does not address elective service credit, any service purchased or redeposited after the date of marital separation will be treated as the member’s separate property for purposes of calculating the nonmember spouse’s “System Interest.”

Although the court may treat any additional service credit purchased as the member’s separate property, if the parties choose to divide the benefit by the time rule formula, the service credit purchase will usually result in an increased benefit amount, which CalPERS will use when applying the nonmember spouse’s “System Interest.”

The standard **separation of account** divides the service credit and associated contributions and interest earned during the marriage period. The nonmember’s portion is placed into a separate account.

The **time rule formula** is service credit earned during marriage divided by total service credit at the time of retirement, multiplied by 50 percent and then multiplied by the member’s retirement benefit.

MODEL A – SEPARATION OF ACCOUNT

The first method, separation of account, divides the member's contributions, interest, and service credit into two individual accounts based on a court order. Both parties then each have a separate and distinct account.

Once CalPERS has separated the account, the nonmember spouse no longer relies upon the member to determine when benefits become payable. The nonmember spouse may choose to receive a refund of the accumulated contributions while the member continues to work. Should the nonmember elect to refund, they have the right to withdraw, by direct refund or rollover, the contributions and interest credited to their nonmember account, plus interest earned at 6 percent per year through date of payment. The taxable portion of the benefit would be subject to 20 percent federal withholding, unless it is rolled over to an IRA. If the member was not vested on the date of dissolution or dies prior to reaching the minimum retirement age, the nonmember's only right would be to withdraw their contributions by a direct refund or rollover.

Some CalPERS members, such as State Miscellaneous Second Tier, do not contribute to CalPERS. In that case, no contributions are available for refund. A nonmember spouse could receive a monthly allowance, when eligible, but only if the member was vested on the date of the dissolution of marriage and once both parties reach the minimum retirement age. If the member dies prior to reaching the minimum age requirement, no monthly allowance will be payable.

If the member is vested on the date of dissolution, the nonmember spouse has the right to receive a monthly allowance from their own account, independent from the member's account, when both parties reach retirement age. The monthly allowance payable to the nonmember spouse is based on the service credited to their account, their age at the time of retirement, and the salary (final compensation) the member earned prior to the date of dissolution of the marriage.

If the nonmember spouse chooses to withdraw the contributions and interest credited to their account, the member has the right to purchase that service credit and redeposit those contributions, plus interest, to restore the service credit and contributions to the account. The member must make any such election to redeposit the contributions and service prior to retirement. If, however, the nonmember spouse chooses to leave the funds on deposit or if they elect to receive a monthly allowance, the member cannot purchase the contributions and service credit transferred to the nonmember spouse's account.

After a separation of accounts occurs, the benefits payable to the member at retirement or payable upon the member's death prior to retirement are based on the actual service credit and/or contributions remaining in the member's account.

Separation of Accounts Possible Benefit Increase (SAPBI)

Government Code section 21251.15 provides a calculation method for any member whose account was divided in accordance with Government Code section 21290 and who retires on or after January 1, 2004, if the nonmember:

- Qualifies to retire from the nonmember account, and
- Has not received a refund prior to the member's retirement date.

The new calculation provides that a member's retirement allowance shall be equal to the difference between:

- The allowance that would have been payable to the member had the separation of the account not occurred, and
- The unmodified allowance payable to the nonmember, less an actuarial adjustment if the nonmember retired before the member.

For more information, please refer to Government Code 21251.15, or contact the Community Property Unit.

Nonmember Spouse Rights and Benefits

Under the separation of accounts method, the nonmember spouse is entitled only to the rights and benefits explicitly set forth in the PERL in § 21290 et seq. These rights include:

- Either a monthly retirement benefit, or a refund of accumulated contributions
- Designation of a one-time lump sum death benefit beneficiary for payment of accumulated contributions remaining in the account at the time of death of the nonmember spouse
- Right to redeposit nonmember share of contributions previously refunded to member
- Right to purchase nonmember share of service credit eligible for purchase by the member

The nonmember spouse may be eligible for a prorated share of any benefit that may become payable under 21251.15 (Separation of Accounts Possible Benefit Increase, or SAPBI).

Nonmember Retirement

Nonmember eligibility for retirement is governed by Government Code section 21295. Upon written application to the Board, nonmember spouses may retire and begin receiving a monthly allowance based on the service credited to their own account, their age at retirement, and the salary (final compensation) the member earned prior to the dissolution of marriage or domestic partnership if all of the following conditions are met:

- The nonmember has attained the minimum age prescribed by the member's service retirement formula.
- On the date of marriage or legal separation, the member had sufficient credited service to retire for service.
- On the date of the nonmember's application, the member had attained the minimum retirement age to receive a service retirement allowance.

In lieu of a monthly allowance, a nonmember has the right to withdraw, by direct refund or rollover, the contributions and interest credited to their nonmember account, plus interest earned at six percent per year through date of payment. The taxable portion of the benefit would be subject to 20 percent federal withholding, unless it is rolled over to an IRA. If the member was not vested on the date of dissolution, the nonmember's only right would be to withdraw their contributions by a direct refund or rollover. This option is not available for domestic partners or same-sex spouses.

Some CalPERS members, such as State Miscellaneous Second Tier, do not contribute to CalPERS. In that case, no contributions are available for the nonmember to refund. The nonmember could receive a monthly allowance, when eligible, but only if the member was vested on the date of the dissolution of marriage or domestic partnership and once both parties attain minimum retirement age.

Important Information Regarding Domestic Partners and Same-Sex Spouses Only:

There are some restrictions under the separation of accounts method. The nonmember cannot receive a distribution from the nonmember account until the member separates from all CalPERS-covered employment, retires, refunds, or dies. A domestic partner or same-sex spouse cannot roll over funds. In addition, because the federal government does not recognize domestic partners or same-sex spouses as "spouses" for federal tax purposes, any distribution made to a nonmember pursuant to a domestic relations order will be taxable to the member for federal income tax purposes.

Once CalPERS completes the separation of accounts process, the nonmember spouse may retire when eligible by submitting a Nonmember Service Retirement Application to:

CalPERS
P.O. Box 942711
Sacramento, CA 94229-2716

Nonmember Refund

If a nonmember spouse chooses to withdraw the contributions and interest credited to their nonmember account pursuant to Government Code section 21292, the member has the right to purchase that service credit and redeposit those contributions, plus interest, to restore the service credit and contributions to the member's own account. The member must make the election to redeposit the contributions and service prior to retirement. If, however, the nonmember chooses to leave the funds on deposit or if the nonmember elects to receive a monthly allowance, the contributions and service credit transferred to the nonmember account cannot be purchased and redeposited by the member.

After a separation of account occurs, the benefits payable at retirement or payable upon the member's death prior to retirement will be based on the actual service credit and/or contributions remaining in the member's account.

Once CalPERS completes the separation of accounts process, the nonmember spouse may refund their nonmember account by submitting a Nonmember Refund/Rollover Election Application to:

CalPERS
P.O. Box 942711
Sacramento, CA 94229-2716

To obtain a copy of this application form, contact CalPERS at 888 CalPERS (or 888-225-7377).

MODELS B AND C – TIME RULE FORMULA

The time rule formula is commonly used in divorce cases to calculate the portion of the member's retirement benefits that the nonmember spouse is to receive. Members can use this formula before they begin to receive a retirement benefit or while receiving a retirement or disability benefit.

The court must specify the time rule formula in the judgment. The judgment should also contain the dates of marriage and separation of the parties.

The following is an example of the time rule formula.

Retirement Benefits	X	$\frac{\text{Member's creditedservice in theSystem from dateof marriage untildate of Separation}}{\text{Member's totalcredited service inthe System}}$	X 50% =	Nonmember Spouse's System Interest
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The Model Orders section of this publication includes examples of acceptable sample language that might be incorporated into a court order.

Court Order Language Should Be Specific

When using the time rule formula to divide a benefit, it is very important that the language in the court order be specific regarding the following key elements:

- Member Dies Before Former Spouse
- Former Spouse Dies Before Member
- Court-Ordered Election of an Option
- Lump Sum Death Benefit
- Payment By Separate Warrant

Read more about these key elements here. You can also find provisions for these elements in the Model Orders section of this publication.

Member Dies Before Former Spouse

The court order should be specific regarding what happens if the member should die before the nonmember spouse dies. If the member dies before the nonmember spouse, under the time rule formula the nonmember spouse's benefits terminate, unless the member elected an option providing the nonmember spouse a continuing benefit for their lifetime.

A member's reinstatement from retirement will affect a nonmember spouse.

Once a member returns to active employment, there is no longer a benefit payable from CalPERS that we can divide. Parties should be aware that a member may be ordered to pay the former spouse directly while reinstated. Once a reinstated member re-retires, CalPERS will again divide the benefit, although a further order may be required.

Former Spouse Dies Before Member

The court order should be specific regarding what happens if the nonmember spouse dies before the member. If the nonmember dies before the member, but after CalPERS has paid benefits, the nonmember spouse's share will stop and revert to the member, unless the court order specifically provides that the nonmember's share continues to their beneficiaries until the member's death. When this is the case, the former spouse must provide the name of the beneficiary(ies) in writing to CalPERS as soon as possible after the marriage dissolution.

Court-Ordered Election of an Option

The court order should be specific regarding an election of an option to determine whether the nonmember spouse's community property share terminates or continues after the member's death.

An option is an account feature that allows the member to redistribute the retirement benefit over the member's life and the life of one or more option beneficiaries in the event of the member's death.

Both the member and nonmember spouse can share the cost of selecting an option settlement, or the court may require that only one party bear the cost of the selected option. For example, if the unmodified benefit is calculated to be \$500 per month, and the election of Option 4 for the nonmember spouse reduces the benefit to \$475 per month, the cost, \$25, may be applied against the member's portion of the retirement benefit, the nonmember spouse's share of the benefit, or both.

Lump Sum Death Benefit

The court order should be specific regarding any lump sum death benefits payable. The nonmember spouse is entitled to a community property share of any lump sum amount payable upon the member's death. CalPERS calculates this amount using the method stated in the court order.

Payment by Separate Warrant

In the event that the court directs that the community property interest in the retirement benefit must be divided, the court order must specifically state whether CalPERS should pay the nonmember spouse "by separate warrant." Without such language in the court order, the member will be responsible for ensuring that the nonmember spouse receives proper payment.

METHODS OF DIVISION COMPARISON

This section presents a side-by-side comparison of the two different methods for dividing community property interest. This serves as a general overview only. CalPERS cannot recommend a method of division nor can we provide legal advice.

	Separation of Accounts	Time Rule
Availability	The member must be active, inactive, or not yet started to receive a benefit of any kind.	The member can be active, inactive, or retired.
Award calculation	Amount awarded to the former spouse is typically 50 percent of the member's accumulated contributions, interest, and associated service credit earned during marriage period. Once CalPERS separates the account, we create an account for the nonmember spouse, from which the nonmember spouse may refund, or retire, once both parties attain the eligible age to retire. CalPERS calculates the nonmember's monthly benefit using the member's salary on the date of dissolution, the nonmember's age at the date of retirement, and the amount of service credit awarded to the nonmember spouse.	CalPERS calculates the service credit the member earned from the date of marriage to the date of separation and determines what percentage of the monthly benefit is community property and what percentage is payable to the former spouse. CalPERS calculates the benefit amount using the member's final compensation at retirement.

	Separation of Accounts	Time Rule
Availability of nonmember's share of member's account	A nonmember may refund their account as soon as it created, or, if the member was vested on the date of dissolution, may choose to take a monthly payment from the account once both parties reach retirement age.	The nonmember's share of the member's account is unavailable until the member retires, refunds, or dies; the former spouse does not receive a separate account.
Impact of service credit and contributions	CalPERS removes service credit from the member's account. If the nonmember chooses to refund prior to the member retirement, the member may redeposit those contributions and interest and restore the service credit to the account.	CalPERS does not remove service credit from the member's account.
Redeposit of service credit awarded to nonmember	The member may redeposit the contributions and service credit only if the nonmember spouse has refunded and the member elects the redeposit prior to retirement.	Since CalPERS did not remove service credit from the member's account, redeposit is not available with this method.

INSTRUCTIONS FOR PREPARING A DOMESTIC RELATIONS ORDER

A Domestic Relations Order (DRO) or property settlement should address and dispose of all community property assets associated with the member's retirement benefits. CalPERS will review a proposed property settlement or filed DRO to determine whether it complies with the provisions of the PERL and does not violate Family Code sections 2610(b)(1) and (2). CalPERS is not obligated to alert the parties to additional benefits that were not disposed of or resolved by a property settlement or DRO. If an asset is not resolved, it may be necessary for the member and the former spouse or domestic partner, or beneficiaries or estate to litigate that asset at the time it becomes payable. Please review the applicable member publication and consult with the member's employer to determine the benefits to which the member is entitled.

The following section contains step-by-step instructions for completing a DRO as well as model language to be used in preparing a DRO to divide CalPERS retirement benefits. These model orders demonstrate several methods of splitting CalPERS retirement benefits. You may want to obtain legal advice to determine which method is most appropriate for you.

Model Order Language

This section provides the sample language to use to prepare a property settlement or DRO. You can also refer to the sample model domestic relations orders A, B, and C that accompany this publication. Use of the model will expedite the process by which CalPERS determines whether the order is administrable and will ensure that the provisions of the order conform to the PERL.

These model orders are not a substitute for reviewing the terms of the PERL and the member publication applicable to the member's employment category. Our intent is to provide a thorough sample order for both parties and attorneys to use to prepare an order specific to the member's account. The parties may agree to, or a court may order, other language, provided the order is consistent with the terms of the PERL and other applicable law.

The model contains three sample orders that demonstrate how to divide the community property interest in an employee benefit plan.

The parties are responsible for preparing all court documents. CalPERS cannot assist in the preparation of court documents.

Provisions of the model orders reflect California community property law and may need revision to accommodate other state domestic relations laws.

Applies	Model Order	Divides Benefits According To
Only to members who have not yet retired	Order A	Separation of Accounts method (see Government Code section 21290, et seq.)
	Order B	Community share of benefits paid at retirement, refund, or death
Only to members who are retired	Order C	Community share of retirement allowance allocated to nonmember spouse

The methods are mutually exclusive: Use only one of the sample orders, A, B, or C, as part of the final property settlement or DRO.

General Information

The first full paragraph of the property settlement agreement or DRO should state the names of both the Petitioner and Respondent.

Relevant Information Regarding CalPERS:

- **Governing Law:** California Public Employees' Retirement Law, section 20000, et seq., of the California Government Code
- **Administrator:** Board of Administration of the California Public Employees' Retirement System (the System)
- **Address:** California Public Employees' Retirement System
Customer Account Services Division
Attn: Community Property Unit
P.O. Box 2056
Sacramento, CA 95812-2056
TTY: (877) 249-7442
Telephone: 888 CalPERS (or 888-225-7377)
FAX: (916) 795-3389
- **Type of Plan:** Defined Benefit Plan

Typically, a DRO or property settlement has three sections:
Recitals, Stipulation, and Order.

Recitals

Paragraph 1: Indicate the date of marriage or date of registration of domestic partnership, the date of separation and the date the court entered a judgment of dissolution of marriage or domestic partnership (if applicable).

Paragraph 2: State that the court has personal jurisdiction over both the Petitioner and Respondent and the subject matter of the action.

Paragraph 3: State that the System was properly joined as a party to the action pursuant to sections 2060 through 2065 of the California Family Code (if applicable). If the System was not joined, do not include this paragraph.

Stipulation

A stipulation by the Respondent, the Petitioner, and the System that this domestic relations order is acceptable under the terms of the PERL and can be administered by the System. For more information, refer to the PERL and the applicable member publication.

Order

Paragraph 4: Provides that the domestic relations order was entered pursuant to the California Family Code. If this is not the appropriate citation for the order, please cite the applicable domestic relations law pursuant to which the order is to be entered.

The remaining portion of the DRO should describe the assets being divided and the method for the division. It should also provide all relevant information for CalPERS to process the ordered community property division.

Members Who Have Not Yet Retired: Order A or Order B

There are two methods by which the court can divide community property interest in retirement benefits prior to retirement, both of which are described below. It is the sole responsibility of the parties and their respective counsel to determine which method is in the parties' best interests.

Order A – Separation of Account

Division of Member's Accumulated Contributions and Service Credit by Separation of Account

An order made pursuant to sections 2610 (a)(3) of the Family Code and Government Code sections 21290 through 21298 divides the community property interest in a member's pension prior to retirement by separating the service credit and member contributions accrued during the marriage or domestic partnership into two separate and distinct accounts. The accumulated contributions and service credit awarded to the nonmember are removed from the member's account and used to create a new account for the nonmember.

Please review Government Code sections 21290 through 21298 for rules governing nonmember accounts.

Paragraphs 5 through 10 of Order A illustrate this method of dividing the community property interest in a CalPERS pension:

Paragraph 5: States that the parties have a community interest in the member's pension plan and defines that interest as the member's accumulated retirement contributions and service credit attributable to periods of service in the System from the parties' date of marriage or registration of domestic partnership up to the date of separation.

Paragraph 6: States that 50 percent* of the member's accumulated retirement contributions and service credit attributable to the marriage period is to be allocated and awarded to the nonmember as his or her "System Interest." Paragraph 6 also provides that any contributions and service credit not awarded to the nonmember shall be the sole and separate property of the member.

**The order may specify a community property allocation percentage higher or lower than 50 percent, provided that such percentage is acceptable to CalPERS and does not require CalPERS to make payments in any manner that will result in an increase in the amount of benefits provided by the plan.*

CalPERS will not accept an order entered pursuant to Family Code section 2610(a)(3) and in accordance with Government Code sections 21290 through 21298, which provides for either a specific dollar amount or specific years of service credit to be used to establish the nonmember's interest, or which attempts to divide only contributions without service credit.

Elective Service Credit – Model Order A

Elective service credit is service credit a member elects to purchase, such as:

- Redeposit of Withdrawn Contributions
- Military Service
- Service Prior to Membership
- Additional Retirement Service Credit

All community property, including any elective service credit, must be specifically addressed in the court order.

Unless otherwise provided for in the order, any elective service credit and contributions will be divided according to when the service and contributions were credited and paid to the member's account.

For example, if the member earned military service credit prior to his or her marriage, but elected and paid for that service during the marriage or domestic partnership, CalPERS would divide the service and contributions proportionately to both the member and nonmember.

If elective service credit is not addressed in the court order, any service purchased or redeposited after the date of separation will be treated as the member's separate property.

Paragraph 7: In accordance with section 21290 of the Government Code, paragraph 7 provides that CalPERS shall establish separate accounts for the member and the nonmember for the interests awarded to each of them pursuant to paragraph 6 of the order.

Paragraph 8: Following the date that we establish separate accounts for the member and the nonmember, paragraph 8 provides that the nonmember shall be entitled to all rights permitted under section 21290(c) of the California Government Code, as summarized in paragraphs 8.a. through 8.e. We advise the parties and their respective counsel again to review the provisions of the

Government Code affecting the rights of the nonmember spouse with respect to his or her "System Interest."

Paragraph 9: Illustrates how the parties may provide for the beneficiary payment of the nonmember's interest if the nonmember should die prior to receiving his or her "System Interest."

Paragraph 10: Provides, in accordance with section 21292(g) of the Government Code, that the nonmember will receive a refund of the nonmember's accumulated contributions and any interest that has accrued to such contributions, as soon as administratively practicable, following the date we establish the nonmember account if the member did not meet the vesting requirements to retire as of the parties' dissolution or legal separation.

Paragraph 11: **Supplemental Provisions:** Apply to orders A, B, and C. Please refer to page 36 for instructions on paragraphs 11 through 21.

Order B – Time Rule Method – (Active)

Division of Community Property Interest at the Time Benefits Become Payable to the Member

An order made pursuant to Family Code section 2610(a)(4) divides the community property interest in a member's pension prior to retirement by ordering that the nonmember receive his or her community property interest at the time benefits become payable to the member, either upon the member's retirement or termination of membership. Pursuant to Family Code sections 2610(a)(1) and (2), the court may also order the division of any benefits payable upon the death of the member and/or order the member to elect a survivor benefit annuity or other similar election for the benefit of the nonmember.

Under this division method, the nonmember's "System Interest" can only be paid by CalPERS at the time benefits become payable and the member elects to retire. If the nonmember wishes to receive his or her community property interest from CalPERS prior to the time that the member elects to retire, the parties should consider the separation of accounts method as demonstrated through Model Order A. If the member chooses to reinstate after retirement, benefits are no longer payable to either member or former spouse until the member re-retires.

Elective Service Credit – Model Order B

Elective service credit is any service credit a member elects to purchase, such as:

- Redeposit of Withdrawn Contributions
- Military Service
- Service Prior to Membership
- Additional Retirement Service Credit

All community property, including any elective service credit, must be specifically addressed in the court order.

Unless otherwise provided for in the order, any elective service credit and contributions will be divided according to when the service and contributions were credited and paid to the member's account.

For example, if the member earned military service credit prior to his or her marriage, but elected and paid for that service during the marriage or domestic partnership, CalPERS would divide the service and contributions proportionately to both the member and nonmember.

If elective service credit is not addressed in the court order any service purchased or redeposited after the date of separation will be treated as the member's separate property for purposes of calculating the nonmember's "System Interest." Although any additional service credit may be treated as the member's separate property, the purchase of elective service credit will usually result in an increase in the benefit upon which the nonmember's "System Interest" is applied.

Paragraphs 5 through 10 of Order B illustrate this method of dividing a member's benefits:

Paragraph 5: States that the community has an interest in the member's retirement benefits and defines that interest as those retirement benefits attributable to the member's service in the System during the period from the parties' date of marriage or registration of domestic partnership up to the date of separation.

Paragraph 6: Illustrates how the nonmember's share of the member's retirement benefits may be calculated. This is the usual, although not required, language encountered with this method for dividing a member's benefits and commonly is referred to as the "time rule." This benefit allocation formula is

only an example. The parties may provide another method (or percentage) of allocating the member's retirement benefits provided the method is consistent with the terms of the PERL and other applicable law. Paragraph 6 also illustrates how the parties may request that CalPERS divide all benefits payable pursuant to the formula provided in this order.

Benefits, for purposes of this order, include a refund of the member's accumulated retirement contributions, service retirement, disability retirement, industrial disability retirement, and/or any death benefits payable, as provided in paragraph 9a and 9b of the order.

Disability Retirement Benefits

California case law may exempt certain disability retirement benefits from community property considerations; thus, it is the parties' responsibility to determine the appropriate division of any disability or industrial disability pension and modify this order accordingly.

In this model, unless the parties modify the order to the contrary, the community property percentage will be applied to all benefits, including disability or industrial disability retirement allowances.

The parties may agree to provide for the division of only certain benefits or certain types of retirement and modify this paragraph to reflect agreements between the parties or to reflect case law appropriate to an individual case. CalPERS will comply with the provisions of any order to the extent provided in the Government Code. CalPERS cannot pay a benefit not provided for, or which is contrary to the PERL.

Paragraph 7: Requires the member, at retirement, to select optional settlement 4 and name the nonmember as the beneficiary to the extent of the nonmember's community property interest. The community property interest shall be determined by CalPERS at the time the member retires using the method described in paragraph 6. This method ensures the nonmember will receive a lifetime benefit equal to his or her community property interest. The cost for the reduction to the option 4 will be taken from the nonmember's share unless the court order states otherwise.

The selection of option 4 will not jeopardize the member's right to name another lifetime beneficiary for any remaining option portion. The member can make this request at the time of retirement. There are some plan limitations, which may affect the amount available to a second lifetime beneficiary under this option.

The election of an optional settlement can only be made by the member at the time of retirement. It is the member's responsibility to comply with the terms of an order that directs the member to elect a specific option and option beneficiary at the time the member retires.

The parties may agree to elect one of the other optional settlements available to the member at retirement, such as optional settlement 2, 2W, 3, or 3W. If the order specifies the member is to select one of these options at retirement and designate the nonmember, then the nonmember will be the only beneficiary to receive benefits at the member's death with respect to that benefit. The amount available to the nonmember under option 2, 2W, 3, or 3W will be determined based on the combined ages of the member and beneficiary, not on the amount of the nonmember's "System Interest." The parties should carefully consider how this may affect future choices before selecting this method to provide a lifetime benefit to the nonmember. CalPERS cannot divide the benefit payable to a single beneficiary under one of these options after the member's death.

If the member is not required to provide the nonmember with a continuing monthly allowance, paragraph 7 may be deleted. If deleted, the nonmember's "System Interest" would be applied to the member's monthly retirement allowance, while living, and to the death benefits after retirement as provided in paragraph 9b.

Paragraph 7 is not applicable if the member dies prior to retirement as discussed in paragraph 9a or if the member terminates membership and receives a refund of his or her contributions and interest. In addition, paragraph 7 is not applicable if the nonmember predeceases the member prior to retirement.

Paragraph 8: Provides for the nonmember to receive his or her "System Interest" directly by separate warrant at the time the member receives benefits or as soon as administratively practicable following the member's death.

Paragraph 9: Illustrates how the parties may provide for the nonmember to receive a share of any benefits payable at the member's death.

Paragraph 9a: Specifically provides for the nonmember to receive his or her "System Interest" in any death benefit payable upon the death of a member prior to retirement. Unless the order provides otherwise, CalPERS will pay to the nonmember his or her "System Interest" from any benefit otherwise payable at the time of the member's death. This includes any lump sum or monthly allowance which may be payable by designation or by statute. Any choice regarding the type of benefit payable (lump sum or monthly) will belong to the person (or persons) determined to be entitled to those benefits.

The nonmember cannot be designated as a surviving spouse and is not eligible to receive a monthly allowance based on his or her life expectancy (see Govt. Code, § 21624 et seq.).

The parties and their counsel should review the applicable member booklet to determine which of the pre-retirement death benefits are applicable with respect to the member. The pre-retirement death benefits vary for a number of reasons, including the member's employment status, the employer's contract with CalPERS, whether the member is vested, and whether the member is legally married or has minor children at the time of death.

Paragraph 9b: Provides for the nonmember's "System Interest" in any lump sum death benefit payable upon the death of the member after retirement. Paragraph 9b also provides for the nonmember to receive his or her "System Interest" in any monthly allowance payable after the death of the member, unless the nonmember is entitled to receive a monthly benefit for his or her own life based on the member's election and designation of the nonmember as a beneficiary under optional settlement 2, 2W, 3, 3W or 4.

Pursuant to Government Code section 21490(b)(1) and California case law, CalPERS will divide any benefit payable upon the member's death and give the appropriate portion to the nonmember spouse according to the designated community property interest as provided in the DRO, including any monthly allowance, so long as those benefits are payable. Of course, if no benefits are payable after the member's death, there will be no benefits from which to pay the nonmember's "System Interest."

Upon divorce, a nonmember is not a "surviving spouse" for any purpose under the PERL.

The parties and their counsel should review the applicable member publication to determine which of the post-retirement death benefits are applicable to the member. Post-retirement death benefits vary for a number of reasons, including the member's election at retirement, the employer's contract with CalPERS, and whether the member has an eligible "surviving spouse or domestic partner" or minor children.

Paragraph 10: The DRO should address how the parties intend to allocate the nonmember's "System Interest" in the event the nonmember dies before the member. The nonmember may designate a beneficiary to receive the nonmember's "System Interest" in the member's monthly retirement allowance, any refund of contributions payable if the member terminates membership prior to retirement, or any pre-retirement death benefits payable if the member dies prior to retirement. If the parties elect to make such a provision, CalPERS must be provided with the beneficiary's name, current mailing address and Social Security number. If the designated beneficiary predeceases the nonmember, any "System Interest" will be paid to the nonmember's next of kin as provided under Government Code section 21493.

If the parties agree the nonmember's "System Interest" will revert back to the member in the event the nonmember predeceases the member, instead of continuing to the nonmember's beneficiary for the life of the member, paragraph 10 will need to be changed to reflect for this provision.

Paragraph 11: **Supplemental Provisions:** Apply to orders A, B, and C. Please refer to page 36 for instructions on paragraphs 11 through 21.

Order C – Time Rule – (Retired)

Retired Members Only

ORDER C illustrates the standard method for dividing the member's monthly retirement allowance between the member and the nonmember. This order also addresses how any death benefits are to be divided.

Dissolution of marriage or domestic partnership may affect a survivor continuance benefit payable after a member's death. Therefore, the parties should be informed if the survivor continuance is part of the option the member elected at retirement, or part of the death benefit payable at the death of the member. If you are unable to determine whether the survivor continuance benefit is applicable in your specific case, this information may be obtained from CalPERS. Please see page 10, Requesting Information on a Member's Account, for instructions on how to obtain information from CalPERS.

The survivor continuance benefit provides a monthly allowance payable by statute to certain "eligible survivors." An eligible survivor, for purposes of the survivor continuance benefit, is defined under the PERL as a surviving spouse or surviving domestic partner who was married to or in a partnership with the member for a continuous period beginning at least one year prior to the member's effective retirement date and ending on the date of the member's death, or, in the case of a disability retirement, married to the member at the disability retirement date and continuously until the date of their death. If there is no eligible surviving spouse or surviving domestic partner, the benefit can be paid to the member's minor children.

Upon dissolution of marriage or domestic partnership, a nonmember ceases to be the "surviving spouse or partner" for purposes of the survivor continuance benefit and is no longer eligible to receive this benefit upon the member's death. A nonmember cannot be considered a "surviving spouse or partner" for any purpose under the PERL.

Paragraph 5: States that the community has an interest in the member's retirement benefits and defines that interest as those retirement benefits attributable to the service credit accrued by the member during the period from the parties' date of marriage or registration of domestic partnership up to the date of separation, or retirement, whichever is earlier. A member ceases to accrue service credit at retirement.

Paragraph 6: Provides the amount of the monthly benefit currently paid to the member, the option elected, and the member's named beneficiary, if any. This information may be obtained from CalPERS. Please see page 10, Requesting Information on a Member's Account, for instructions on how to obtain information from CalPERS.

If the nonmember was named as a beneficiary under optional settlement 2, 2W, 3, 3W or 4, the member cannot change his or her beneficiary or his or her option unless the entire interest in the pension plan is awarded to the member as his or her sole and separate property.

Paragraph 7: Sets forth how the nonmember's share of the member's retirement benefits is to be calculated. The benefit allocation formula described in the model is only an example. The parties may, of course, provide another method (or percentage) of allocating the member's retirement benefits among the parties provided the method is consistent with the terms of the PERL and other applicable law.

Paragraph 8: Provides that benefit payments will commence to the nonmember by separate check as soon as administratively practicable following the date CalPERS determines that the order is acceptable.

Paragraph 9: The nonmember's "System Interest" in the member's monthly retirement allowance will cease to be payable upon the death of the member. Paragraph 9 provides for the nonmember to receive his or her "System Interest" in any lump sum death benefit payable upon the death of the member after retirement. Paragraph 9 also provides for the nonmember to receive his or her "System Interest" in any monthly allowance payable after the death of the member, unless the nonmember is entitled to receive a monthly benefit for his or her own life based on the member's election and designation of the nonmember spouse as a beneficiary under optional settlement 2, 2W, 3, 3W or 4.

CalPERS will divide any benefit payable after the member's death, including any monthly allowance, but only as long as those benefits are payable. Of course, if no benefits are payable after the member's death, there will be no benefits from which to pay the nonmember's "System Interest."

The parties and their counsel should review the member's election and beneficiary designation, and the applicable member booklet to determine which of the post-retirement death benefits are applicable with respect to the member or whether this paragraph is applicable.

Paragraph 10: The DRO should address how the parties intend to allocate the nonmember's "System Interest" in the event the nonmember predeceases (dies before) the member. The nonmember may designate a beneficiary to receive the nonmember's "System Interest" in the member's monthly retirement allowance. If the parties elect to make such a provision, CalPERS must be provided with the beneficiary's name, current mailing address, and Social Security number. If the designated beneficiary predeceases the nonmember, any "System Interest" shall be paid to the nonmember's next of kin as provided under Government Code section 21493.

If the parties agree, the nonmember's "System Interest" will revert to the member in the event the nonmember predeceases the member, instead of continuing to the nonmember's beneficiary for the life of the member, paragraph 10 will need to be changed to reflect for this provision.

Supplemental Provisions: All Orders

The following provisions are commonly included in orders affecting a member's benefits. The parties and their counsel should review these provisions to determine whether such provisions are consistent with the parties' objectives.

Paragraph 11: Provides that the nonmember's "System Interest" in any monthly allowance will increase with any cost-of-living increase or other similar increases in accordance with the terms of the PERL.

Paragraph 12: Standard language in accordance with the terms of the Internal Revenue Code.

Paragraph 13: Indicate the member's full name, current mailing address, telephone number, Social Security number, date of birth.*

Paragraph 14: Indicate the nonmember's full name, current mailing address, telephone number, Social Security number and date of birth.*

Paragraph 15: Sets forth information about the administration of the System and the manner in which the nonmember is to communicate with the System.

Paragraph 16: Standard language in accordance with the terms of the PERL.

Paragraph 17: Provides that the System may provide the nonmember and/or his or her agents and attorneys with information regarding the member's benefits until such time as the nonmember has received his or her entire interest in the System.

Paragraph 18:
Contains standard language in accordance with the terms of the PERL and other applicable law.

Paragraph 19: Designed to address the situation where alternate payee or participant receives funds to which the other is entitled under the order.

Paragraph 20: Provides for amending the order in the event subsequent changes to applicable law result in the order no longer being acceptable to the System. Paragraph 20 further provides that the nonmember and the member shall be responsible for any of the costs and/or expenses associated with any such amendment.

Paragraph 21: Provides for amending the court's continuing jurisdiction to modify the order in any and all necessary respects. **Important:** In the event such modification proves necessary or advisable, any related fees, taxes and/or penalties will be assessed against the parties who then have an interest payable from the System.

* The member and nonmember's Social Security number, date of birth, and current mailing address must be provided to CalPERS. If this information is not included in the order because of security concerns, please provide it to CalPERS in a separate document at the time the order is submitted to CalPERS.

Signature block: CalPERS model order includes a signature block for the approval of the order by CalPERS staff. CalPERS will sign the order only after it has been signed by both parties. Model orders that have been modified should be sent to CalPERS in draft form with a cover letter explaining which provisions were changed. Not all courts require our signature; however, some do. You should check with the court clerk in the county where the DRO will be filed to determine if our signature is required prior to filing.

FAQS

This section provides answers to some of the most frequently asked questions regarding community property laws and their impact on CalPERS benefits. If after reading these FAQs, you are still not able to find what you are looking for, please contact the Community Property Unit.

Benefits

How do I remove my former spouse as beneficiary? Doesn't this happen automatically when we divorce?

You may not be able to change your beneficiary if you have a Community Property hold on your account or until CalPERS receives legal documents that reveal whether a community property interest exists. Once we have reviewed the documents, we will provide you with a written response regarding the status of your account. If you are retired under Option 2, 2W, 3, or 3W, you may not change your Option beneficiary unless you have been awarded the entire interest in your CalPERS benefits as your sole and separate property.

How do I obtain an accounting of my total contributions and service credit?

We can provide a written statement with the amount of your accumulated contributions and interest, as well as the corresponding amount of service credit in your account. You may request this by telephone or in writing by providing specific dates of marriage and separation. If you do not provide the specific dates, we will send you a copy of your most recent Annual Member Statement.

How do I obtain the actuarial value of my account?

CalPERS does not provide actuarial valuations of individual accounts. A private actuary should be able to provide you with this information.

How much of my benefits is my former spouse entitled to receive?

Your former spouse is entitled to receive one-half of the benefits earned under CalPERS-covered employment during your marriage.

If I am a member and my former spouse is also a member and I receive a portion of my former spouse's account, can I combine the two accounts?

No, a nonmember account cannot be combined with your member account.

What is a Separation of Accounts?

The Separation of Accounts method (model order A) is used in dissolution cases to divide a member's account based on a court order. We create an account for the nonmember spouse and divide the contributions and interest, along with the corresponding service credit in your account. You and your nonmember spouse each have your own separate and distinct accounts. This method is available only to active members.

What is the time rule formula?

The time rule formula (model orders B and C) is used in dissolution cases to calculate the portion of your retirement benefits that your former spouse is to receive. The calculation is based on the service credited during the marriage period and the member's total credited service. This method is also known as the "Brown Division." Upon receipt of a filed acceptable order using this method, a percentage of the member's retirement, whether monthly or lump sum, is paid to the former spouse. This method is available to both active and retired members.

Which method is most advantageous for me?

We cannot recommend either method; however, you may request contribution and service credit information, as well as retirement estimates. If a member has not yet retired, we will only provide time rule estimates once we have received an acceptable filed order.

When can my nonmember spouse begin receiving a share of benefits from my account?

That will depend on the type of order filed. CalPERS must receive a filed order and determine whether it is acceptable. If you have filed an order for a separation of accounts, your former spouse can refund as soon as we have established the nonmember account, or apply for a monthly benefit once both parties have reached the minimum retirement age. If you have filed a time rule order, your former spouse will receive benefits once they become payable.

What happens if either party dies prior to the community property issue being resolved?

The benefits will be held until CalPERS receives an acceptable court order that resolves the community property interest.

Can a court award my former registered domestic partner a portion of my CalPERS retirement benefits upon termination of the partnership?

Yes. CalPERS benefits are subject to division at dissolution of either marriage or registered domestic partnership under California Family Code, and are subject to the same procedures for filing and implementing court orders.

My divorce is final but we haven't filed the DROs yet. I am planning to retire in the next 6 months. What do I need to know?

If a Community Property hold has been placed on your account, CalPERS will not pay any benefits, including health or dental, until the hold is removed. An unresolved Community Property case may delay your first retirement warrant. You may need to pay your health and dental carriers directly in the meantime. The legal process to divide CalPERS retirement benefits can be lengthy. We recommend that members resolve any open community property cases prior to submitting retirement applications.

Contacting CalPERS

What is the best way to contact CalPERS to answer my community property questions?

You may contact the Community Property Unit by telephone at 888 CalPERS (or 888-225-7377). If you would like a response to your questions in writing, you may FAX us at (916) 795-3389, email us at www.calpers.ca.gov, or write to us at:

CalPERS
Customer Account Services Division – Community Property Unit
P.O. Box 2056
Sacramento, CA 95812-2056

Court Orders

Can I send in a copy of my court order?

Yes. However, the copy must be complete, and filed orders should contain a legible filed stamp and the judge's signature.

Can I just send in the pages that have to do with my retirement benefits or do I have to send the whole thing?

You must provide us with the entire court order. We must review the entire order to ensure we make an informed determination regarding the community property interest.

My former spouse and I made a deal, where I get the house, and he gets the entire CalPERS benefit. Since we have worked it out between ourselves, why do we need a court order?

If you and your former spouse have resolved the community property interest, the final judgment of dissolution should award the entire interest in the CalPERS retirement benefits as the sole and separate interest of the party. In some cases, CalPERS cannot accept the award of a member's entire retirement benefit to a nonmember spouse. We must review the entire court order to determine if the order is acceptable under the PERL.

Do I need an attorney to prepare the court order?

Court orders are legal documents. Although it is not a requirement that an attorney prepare the court order, you may want to seek legal advice. CalPERS cannot provide legal advice. The model order language we provide is intended to be used as a guideline only.

Can you review my court order before it has been filed?

Yes. We prefer to review proposed orders to ensure acceptability prior to filing with the court.

GLOSSARY OF TERMS

B

Beneficiary

Any person or entity receiving or entitled to receive a benefit and payment because of the death of a CalPERS member or retired member.

Benefit

An amount payable to a retired member, disabled member, or beneficiary. A benefit can be paid monthly or in a lump sum.

C

Certified Copy

A certified copy is a document that has been filed with the court, signed by a judge, and embossed with the seal of the court.

Court-Ordered Option 4

A court may order a member to elect Option 4 and name a former spouse as a beneficiary of a continuing benefit for the former spouse's lifetime. The member or the former spouse may "pay" for this reduction, or share the cost.

D

Death Benefit

Any benefit payable at the member's death.

Defined Benefit

Retirement benefits are based on a formula using age, service credit, and final compensation.

Disability Retirement

Disability retirement benefits are benefits payable to members who can no longer perform their jobs due to illness or injury. They are based on the employer's contract with CalPERS.

F

Former Spouse

A "former spouse" is a member's spouse or former spouse, or a member's registered domestic partner or former registered domestic partner, who is or has been awarded a community property interest in the member's retirement benefits.

I

Industrial Disability Retirement

Benefits payable to safety members or those members whose employer has contracted for industrial disability benefits, whose job-related injuries or illnesses resulted in a disability, making them unable to continue working.

J

Joinder

A document that when filed with the court, may include CalPERS as a party in the dissolution of a marriage or registered domestic partnership. Once joined, CalPERS is authorized to enforce an order dividing CalPERS benefits.

M

Member

A person who has creditable, qualifying service under CalPERS.

N

Nonmember Spouse

A “nonmember spouse” is a member’s spouse or former spouse, or a member’s registered domestic partner or former registered domestic partner, who is or has been awarded a community property interest in the member’s account and for whom a separate account has been established.

O

Option

An Optional Settlement allows a member to reduce actuarially their allowance in order to provide a lifetime benefit for a beneficiary.

Option Beneficiary

The Option Beneficiary is the person named at retirement to receive a continuing allowance after the member’s death.

P

Petitioner

A Petitioner is the party who files for the dissolution or legal separation.

Post Retirement Survivor’s Allowance (PRSA)

Also known as “survivor continuance,” the PRSA benefit provides a monthly allowance payable to an eligible survivor, defined under the PERL as a surviving spouse or registered domestic partner, or if none, to the member’s minor children or financially dependent parent. Upon dissolution, a former spouse or registered domestic partner is no longer eligible to receive this benefit.

R

Refund

A distribution of all accumulated contributions and interest on a member's or nonmember's account. A refund terminates any future benefits payable from CalPERS.

Registered Domestic Partner

A person who has filed a Declaration of Domestic Partnership with the California Secretary of State in accordance with Family Code section 298.

Registered Domestic Partnership

A Registered Domestic Partnership is created when partners of the same sex, or partners of the opposite sex where one partner is at least 62 years old, complete and file a Declaration of Domestic Partnership with the California Secretary of State in accordance with Family Code section 298.

Respondent

A Respondent is the party responding to the dissolution or legal separation action.

Retirement

A change in status from active or inactive membership to membership as a retired annuitant.

Retirement Benefits

A monthly benefit paid to a member after retirement.

S

Separation of Accounts

The separation of accounts method divides the accumulated contributions and corresponding service credit in a member's account into two individual accounts based upon a court order. The member and the nonmember would then each have their own individual account.

Service Credit

Service credit is the accumulated amount of time in years and partial years during which a member receives creditable compensation for service as a member under CalPERS.

Service Retirement

This term refers to "normal" retirement benefits.

Survivor

A family member defined by law as eligible to receive specific benefits after a member's death.

Subpoena

A legal document that orders CalPERS to provide documents or information for a pending lawsuit.

T

Time Rule Formula

A formula that determines what percentage of the member's benefit shall be paid to the former spouse or domestic partner. The formula is service credits earned during marriage divided by total service credit at the time of retirement, multiplied by 50 percent and then multiplied by the member's retirement benefit.

BECOME A MORE INFORMED MEMBER

CalPERS On-Line

Visit our website at www.calpers.ca.gov for more information on all your benefits and programs.

Reaching Us By Phone

Call us toll free at 888 CalPERS (or 888-225-7377).
Monday through Friday, 8:00 a.m. to 5:00 p.m.
TTY: (877) 249-7442

my|CalPERS

Stay informed and be in control of the information you want and need — with my|CalPERS!

my|CalPERS is the personalized and secure website that provides all your retirement, health, and financial information in one place. Take advantage of the convenience of 24/7 access to learn more about CalPERS programs and services that are right for you in your career stage. With my|CalPERS, you can:

- Get quick and easy access to all your account information.
- Manage and update your contact information and online account profile.
- Access information about your health plan and family members enrolled in your plan.
- See all the information you need to make health plan decisions.
- View, print, and save online statements.
- Go “green” by opting out of receiving future statements by mail.
- Use financial planning tools to calculate your retirement benefit estimate, estimate your service credit cost, and even request a staff-prepared retirement estimate.
- Check statuses of requests to purchase service credit or applications for disability retirement.
- Keep informed with CalPERS news so you don't miss a thing.

CalPERS Education Center

my|CalPERS is your gateway to the CalPERS Education Center. Whether you're in the early stages of your career, starting to plan your retirement, or getting ready to retire, visit the CalPERS Education Center to:

- Take online classes that help you make important decisions about your CalPERS benefits and your future.
- Register for instructor-led classes at a location near you.
- Download class materials and access information about your current and past classes.
- Browse our retirement fair schedule.
- Make a personal appointment with a retirement counselor.

Log in today at my.calpers.ca.gov.

INFORMATION PRACTICES STATEMENT

The Information Practices Act of 1977 and the Federal Privacy Act require the California Public Employees' Retirement System to provide the following information to individuals who are asked to supply information. The information requested is collected pursuant to the Government Code (Sections 20000, et seq.) and will be used for administration of the CalPERS Board's duties under the California Public Employees' Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to supply the information may result in the System being unable to perform its function regarding your status and eligibility for benefits. Portions of this information may be transferred to State and public agency employers, State Attorney General, Office of the State Controller, Teale Data Center, Franchise Tax Board, Internal Revenue Service, Workers' Compensation Appeals Board, State Compensation Insurance Fund, County District Attorneys, Social Security Administration, beneficiaries of deceased members, physicians, insurance carriers, and various vendors who prepare the microfiche or microfilm for CalPERS. Disclosure to the aforementioned entities is done in strict accordance with current statutes regarding confidentiality.

You have the right to review your membership file maintained by the System. For questions concerning your rights under the Information Practices Act of 1977, please contact the Information Practices Act Coordinator, CalPERS, 400 Q Street, P.O. Box 942702, Sacramento, CA 94229-2702.



Request for Service Credit Cost Information — Service Prior to Membership, CETA & Fellowship

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Name of Member (Last Name, First Name, Middle Initial)

Social Security Number or CalPERS ID

Section 1

If we have provided cost information to you in the past for this service credit, check the **Yes** box and indicate the date you submitted your request. If you have submitted a retirement application, check the **Yes** box and indicate your planned retirement date.

About You

Former Name (if applicable) () Daytime Phone

Mailing Address

City State ZIP Code Current Employer

Have you requested this cost information before? No Yes Requested Date (mm/dd/yyyy)

Have you submitted a retirement application? No Yes Retirement Date (mm/dd/yyyy)

Were you compensated for this employment? No Yes

Are you a member of a reciprocal agency? No Yes If yes, what agency?

Section 2

List the name and address of the employer where the service was earned. If this was a certificated position, contact the State Teachers' Retirement System.

Prior Employment Information

Employer

Address

City State ZIP Code

Was this service rendered under the Comprehensive Employment & Training Act from 1973 to 1982? No Yes

Was this service rendered under a fellowship program? No Yes Name of Program

Was service rendered as a 10-month employee? No Yes

List the dates and hours of employment for which you are requesting credit. List each position separately and indicate if service was full time or part time. If the service was part time, show service as a fraction or list the hours (e.g., 20 hours per month or half time).

Employment From (mm/dd/yyyy) To (mm/dd/yyyy) Location

Position Title Hours Worked Per Month OR Time Base/Fraction of Full Time

Employment From (mm/dd/yyyy) To (mm/dd/yyyy) Location

Position Title Hours Worked Per Month OR Time Base/Fraction of Full Time

Employment From (mm/dd/yyyy) To (mm/dd/yyyy) Location

Position Title Hours Worked Per Month OR Time Base/Fraction of Full Time

Section 3

Member Certification

I hereby certify that the above information is true and correct.

Signature Date (mm/dd/yyyy)

- If the service was performed for the State of California or a California State University, stop. Sign this form on the line above and mail it to CalPERS.
- If the service was performed for the University of California, a CalPERS-covered public agency, or a school, forward this request form to the appropriate employer for completion of Page 2 before returning to CalPERS.

Put your name and Social Security number or CalPERS ID at the top of every page

Your Name _____ Social Security Number or CalPERS ID _____

Section 4

Employer Certification

If the service was performed for the State of California or California State University, employer certification is not required.

Do you agree that the member-provided information in Section 2 is true, correct, and provides CalPERS with all the necessary information to apply any exclusions to CalPERS membership? No Yes

If yes, continue to Section 6 to complete employer certification. If no, provide the following information:

Position Type Seasonal Limited Term On-call Intermittent Permanent

Position Title _____ Employment From (mm/dd/yyyy) _____ To (mm/dd/yyyy) _____

Time Base Full time Part time Hourly Fraction of full time

Average Number of Days or Hours Per Month _____ Days Hours

Average Percentage or Fraction of Time Worked Per Month _____

For Teachers Assistants in a credential program only:

Was this person employed pursuant to Section 44926 of the Education Code? No Yes

If applicable, complete Section 5, or else continue to Section 6 to complete employer certification.

Section 5

Member Employment History (Fill in below or attach separate sheet)

Complete Section 5 only if the employee was full time, worked more than 1,000 hours in a fiscal year (July 1 through June 30), or did not work a consistent time base and could not be listed above.

Employment From (mm/dd/yyyy)	Employment To (mm/dd/yyyy)	Position Title
Pay Rate (Hourly/Daily/Monthly)	Time Worked (Hours Per Day)	Time Worked (Earnings)
Employment From (mm/dd/yyyy)	Employment To (mm/dd/yyyy)	Position Title
Pay Rate (Hourly/Daily/Monthly)	Time Worked (Hours Per Day)	Time Worked (Earnings)
Employment From (mm/dd/yyyy)	Employment To (mm/dd/yyyy)	Position Title
Pay Rate (Hourly/Daily/Monthly)	Time Worked (Hours Per Day)	Time Worked (Earnings)
Employment From (mm/dd/yyyy)	Employment To (mm/dd/yyyy)	Position Title
Pay Rate (Hourly/Daily/Monthly)	Time Worked (Hours Per Day)	Time Worked (Earnings)

Continue to Section 6.

Section 6

Statement & Signature of Personnel or Payroll Officer

Please return this form to the member.

I hereby certify that the above information is true and correct. I understand this provides CalPERS with the information it needs to determine and apply all appropriate service credits, and that there is a potential for employer liability if this certification results in a change in employment history relied upon by CalPERS.

Signature _____ Title _____ Date (mm/dd/yyyy) _____
Printed Name _____ Daytime Phone _____ FAX _____

Mail to: CalPERS Customer Account Services Division • P.O. Box 4000, Sacramento, California 95812-4000

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Monday to Friday, 8:00 a.m. to 5:00 p.m.

Fresno Regional Office

10 River Park Place East, Suite 230
Fresno, CA 93720

Glendale Regional Office

Glendale Plaza
655 North Central Avenue, Suite 1400
Glendale, CA 91203

Orange Regional Office

500 North State College Boulevard, Suite 750
Orange, CA 92868

Sacramento Regional Office

Lincoln Plaza East
400 Q Street, Room E1820
Sacramento, CA 95811

San Bernardino Regional Office

650 East Hospitality Lane, Suite 330
San Bernardino, CA 92408

San Diego Regional Office

7676 Hazard Center Drive, Suite 350
San Diego, CA 92108

San Jose Regional Office

181 Metro Drive, Suite 520
San Jose, CA 95110

Walnut Creek Regional Office

1340 Treat Blvd., Suite 200
Walnut Creek, CA 94597

INFORMATION PRACTICES STATEMENT

The Information Practices Act of 1977 and the Federal Privacy Act require the California Public Employees' Retirement System to provide the following information to individuals who are asked to supply information. The information requested is collected pursuant to the Government Code (Sections 20000, et seq.) and will be used for administration of the CalPERS Board's duties under the California Public Employees' Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to supply the information may result in the System being unable to perform its function regarding your status and eligibility for benefits. Portions of this information may be transferred to State and public agency employers, State Attorney General, Office of the State Controller, Teale Data Center, Franchise Tax Board, Internal Revenue Service, Workers' Compensation Appeals Board, State Compensation Insurance Fund, County District Attorneys, Social Security Administration, beneficiaries of deceased members, physicians, insurance carriers, and various vendors who prepare the microfiche or microfilm for CalPERS. Disclosure to the aforementioned entities is done in strict accordance with current statutes regarding confidentiality.

You have the right to review your membership file maintained by the System. For questions concerning your rights under the Information Practices Act of 1977, please contact the Information Practices Act Coordinator, CalPERS, 400 Q Street, P.O. Box 942702, Sacramento, CA 94229-2702.

While reading this material, remember that we are governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to CalPERS.

NOTES

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California Public Employees' Retirement System

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