

PENSION PLAN GUIDE

GOVERNING PENSION LAW

In 1937 an Act of the 45th Texas State Legislature founded a statewide network for firefighter pension plans under Article 6243e, Vernon's Texas Civil Statutes. The Austin firefighters joined this group in 1942 which officially established the Austin Fire Fighters Relief and Retirement Fund. In 1975 a pension bill was passed during the 64th Texas State Legislature which created the current governing statute that pertains only to the Austin firefighters' pension plan under Article 6243e.1, Vernon's Texas Civil Statutes. The pension plan currently provides retirement, disability, death, and survivor benefits to over 1,800 active and retired participants and their beneficiaries.

ADMINISTRATION

The fund is administered by a Board of Trustees consisting of five (5) members. Per the pension plan's governing statute, the Mayor serves as the pension board Chairman and the City Treasurer serves as the Treasurer of the Board. Members of the fund, both active and retired, elect three (3) fellow members to serve on the Board. The Board elects a Vice-Chairman annually from among their number.

An administrative pension office and staff have been established to better serve the firefighters, retirees, and their beneficiaries. Administrative costs and expenses for professional services rendered are paid by the fund.

INVESTMENT OF FUNDS

The Board is required by law to keep separate from all other city funds all money for the use and benefit of the Firefighters Relief and Retirement Fund. The purpose of the fund is to accumulate adequate financial reserves to provide for the retirement benefits set forth in the plan's governing statute.

The fund hired an investment consultant to advise and assist the Board in setting the fund's investment policy and guidelines. The investment consultant is instrumental in the selection of the fund's investment managers.

The fund's holdings include a variety of investments to achieve its performance objective over the long term. The fund's holdings include domestic, international and emerging market equities, fixed income and private equity as well.

The fund has an investment custody account agreement with State Street designating their bank as the master trust custodian for the fund. State Street's home office is in Boston, Massachusetts and has branch offices in Kansas City, Missouri and Jacksonville, Florida which provide various services to our fund.

ELIGIBILITY

All commissioned civil service and Texas state-certified firefighters with at least six (6) months of service who are employed by the fire department pursuant to the Firemen's and Policemen's Civil Service Statute.

CONTRIBUTIONS

The Austin firefighters contribute 18.70% of their salary (compensation) into their pension fund. The City of Austin contributes 22.05% of the firefighters' salary on behalf of the firefighters. According to the firefighters' governing statute and for purposes of this section, compensation means a firefighter's salary including base pay and longevity. It excludes overtime pay, any temporary pay while in higher classifications, bilingual pay, educational incentive pay, assignment pay, Christmas Day bonus pay, and pay for automobile and clothing allowance if applicable.

SERVICE CONSIDERED

The time served in the fire department for which a member is required to make and does make prescribed pension contributions. Military service, only which interrupts fire department service, may also be considered under certain circumstances.

COMPENSATION CONSIDERED IN DETERMINING AVERAGE SALARY

The Austin firefighters and the City of Austin contribute a percentage of the firefighters' salary (compensation) which includes base pay and longevity pay. Overtime, any temporary pay in a higher classification, bilingual pay, educational incentive pay, and lump sum payments for accrued sick leave or vacation are not considered. Also excluded is any assignment pay, Christmas Day bonus pay, and any pay for automobile and clothing allowance, if applicable.

NORMAL RETIREMENT BENEFIT

A firefighter is eligible for a standard Normal Retirement Benefit (Joint and Survivor 75% Annuity) once they either attain age fifty (50) or accrue twenty-five (25) years of service, regardless of age. The monthly annuity, payable for life, is 3.30% of the highest three years' average salary (compensation) multiplied by years of service considered. Average salary is the monthly average of the firefighter's salary (compensation) for the highest thirty-six (36) months of service, excluding overtime pay, any temporary pay in higher classifications, bilingual pay, educational incentive pay, Christmas Day bonus pay, and any automobile and clothing allowances, if applicable.

SINGLE LIFE ANNUITY

Instead of the standard Normal Retirement Benefit a firefighter upon retirement may elect to choose a life annuity with no survivor benefits, or (Single Life Annuity). A Single Life Annuity will provide the retiree a monthly pension (annuity) benefit that is *payable only during the retiree's lifetime*. Since the Single Life Annuity does not provide for any spousal or survivor benefits, the amount of the monthly annuity under the Single Life Annuity form of benefit will be greater than the standard Normal Retirement Benefit. The Single Life Annuity will be actuarially calculated; individually based on the retiree's age. By electing the Single Life Annuity, the retiree is waiving their right to any survivor benefits available under the standard Normal Retirement Benefit. A married retiree must obtain their spouse's consent to elect a Single Life Annuity.

EARLY RETIREMENT BENEFIT

A firefighter is eligible for an Early Retirement Benefit at age forty-five (45), with at least (10) years of service, or twenty (20) years of service regardless of age. The early retirement benefit does not include a reduction in the factor. However, firefighters who retire early or who participate in a deferred retirement option plan (DROP), do not become eligible for cost-of-living adjustments (COLA's) until reaching what would have been normal service retirement eligibility (age fifty (50) with at least ten (10) years of service, or twenty-five (25) years of service credit regardless of age; whichever occurs first.)

DEFERRED RETIREMENT OPTION PLAN

Under this program a member eligible for service retirement may elect to continue in active service as a firefighter but have the fund begin crediting "payments" to a deferred retirement option plan (DROP) account in the member's name as of their eligible retirement (DROP) date. The monthly "payments" would be an amount equal to what the member's monthly annuity would have been if the member had retired as of that eligible DROP date. Any eligible cost-of-living adjustments (COLAS) would be applied to the monthly annuity during this DROP period. In addition, during the DROP period, the member would have all their appropriate pension contributions and applicable annual interest of 5% compounded monthly credited to their account during the DROP period as well. When the member retires, by terminating their active service in the fire department, an accumulated lump sum balance may be available to be distributed (all or part) to the member from the DROP account if the retiree is eligible for such direct distribution by meeting age requirements according to pension Board policy. Certain penalties could apply for "early distributions," so the pension Board encourages seeking tax advisement when in doubt. A second option is that the DROP account lump sum (all or part) may be "rolled over" into a qualified Individual Retirement Account (IRA). A third option is for the DROP account lump sum (all or part) to remain in the fund in the member's name continuing to draw 5% interest compounded monthly until the retiree is ready to have the funds moved elsewhere. At the time of termination for retirement, the member will then begin receiving their ongoing monthly pension benefit payments from the fund as well.

DEFERRED RETIREMENT OPTION PLAN (Continued)

A member who has remained in active service after becoming eligible for service retirement can retroactively establish such a DROP account. That is, in lieu of electing to participate in the DROP before actual retirement, a member who is eligible for normal service retirement may elect to terminate active service as a firefighter and establish the DROP account at termination. This is commonly referred to as a "RETRO or BACK DROP," whereby the firefighter's DROP account reflects the accrual from the actual termination date back to a date on or after the date which they become eligible for normal service retirement. The maximum period under which a firefighter can participate in a DROP is 7 years. A firefighter may elect to establish a DROP account after reaching normal or early service retirement eligibility.

Currently there are a total of 8 draws allowed while the retiree's DROP account balance remains in the pension plan. The number of draws can be set by pension board policy as determined feasible. The draws can either be in the form of a distribution to the retiree (provided the retiree reached age fifty (50) before retiring), or a rollover into a qualified IRA. The entire DROP balance must be withdrawn from the fund by April 1 of the calendar year following the year the retiree reaches age 70 ½. This can simply be done by rolling the funds over into an IRA which would not be a taxable event. Any firefighter eligible for a DROP who dies before retirement, and who is survived by a spouse, shall have such DROP options extended to their surviving spouse.

DISABILITY BENEFIT

A firefighter is eligible for a disability retirement benefit during the first thirty (30) months of their disability if they are unable to perform their duties as a firefighter. After this initial thirty (30) month period, a disability retirement benefit may be continued, reduced, or discontinued according to criteria as established by the American Medical Association and as adopted by the pension Board. The annuity is equal to the firefighter's accrued unreduced pension based on the greater of (1) their years of service at time of disability, or (2) twenty (20) years of service.

It is the policy of the Board that no disability retirement benefit shall commence retroactively more than ninety (90) days prior to the date on which the application is filed with the fund.

DEATH BENEFIT

If a firefighter dies either before or after retirement, the firefighter's surviving spouse shall receive seventy-five (75) percent of the member's accrued unreduced pension based on the greater of (1) the member's years of service at time of death, or (2) twenty (20) years of service. If the member's employment is terminated by death before retirement and they leave no surviving beneficiary entitled to pension benefits, then the member's estate shall receive their contributions with interest. Any lump sum payments to the member's estate will include 5% interest based on a method of application approved by the Board.

VESTED BENEFIT

If the member has at least ten (10) years of service and has terminated their employment with the fire department before reaching early or normal retirement eligibility with the pension plan, the member may elect to leave their accumulated deposits (pension contributions and interest) in the fund to be eligible for a future pension benefit. The member will then be entitled to receive a vested pension benefit upon reaching what would have been normal retirement eligibility (age fifty (50) with at least ten (10) years of service, or twenty-five (25) years of service regardless of age, whichever occurs first.

SEVERANCE

The severance benefit of a firefighter who subsequently terminates their employment before being eligible for retirement shall be an amount equal to the total of their pension contributions, with interest, which were made while a participating member of the fund. Severance benefits for such terminating members will include their pension contributions along with 5% interest and will be based on a method of application approved by the Board.

COST-OF-LIVING ADJUSTMENTS

Eligible pension recipients are entitled to annual cost-of-living adjustments (COLA's) when deemed affordable. COLA's are to be based on the annual percentage increase in the Consumer Price Index (CPI-U) which measures inflation.

COLA's are approved only when the fund's actuary has advised the Board that the adjustment would not impair the financial stability of the fund. To offset the effects of inflation on the retirees' pension benefits, providing COLA's, when affordable, remains a top priority of the Board.

BEFORE-TAX CONTRIBUTIONS

Funds available to pay benefits come from three (3) sources....

- Your contributions
- City of Austin contributions, and
- Investment earnings

Firefighters contribute 18.70% of their salary (compensation) into the pension fund. The City of Austin contributes 22.05% of salary (compensation) for each plan participant. For example, if your annual pay is \$50,000.00, you will contribute \$9,350.00 (18.70%) a year and the City of Austin will contribute \$11,025.00 (22.05%). Since January 1, 1986, all firefighter contributions into the plan are being made before taxes are figured. This reduces your taxable income, so you pay less federal income tax and your take-home pay is greater. An example follows:

	<u>BEFORE TAX</u>	<u>AFTER TAX</u>
Assume your pay is	\$50,000.00	\$50,000.00
Pre-Tax Contributions	-9,350.00	-0.00
Federal Taxes (Assume 15% taxes)	<u>-6,097.50</u>	<u>-7,500.00</u>
	\$34,552.50	\$42,500.00
After-Tax Contributions	<u>- .00</u>	<u>-9,350.00</u>
Take Home Pay	\$34,552.50	\$33,150.00

RETIREMENT BENEFIT EXAMPLE

Your retirement benefit is based upon three (3) components...

- Years of credited service in plan, multiplied by
- Retirement factor of 3.30%, multiplied by
- Your highest thirty-six (36) months average salary as of date of retirement

Assume you are a retiring firefighter who is fifty-five (55) years old with twenty-seven (27) years of credited service, and whose highest thirty-six (36) months average salary is \$5,000.00. Your pension would be calculated as follows:

- Years	27
- Factor	3.30%
- Salary	<u>\$5,000.00</u>
- Monthly Benefit	\$4,455.00

EARLY RETIREMENT BENEFIT EXAMPLE

A firefighter is eligible for an early retirement benefit at age forty-five (45), with at least ten (10) years of service, or twenty (20) years of credited service regardless of age. The early retirement benefit does not include a reduction in the factor. However, firefighters who retire early or who participate in a deferred retirement option plan (DROP) do not become eligible for cost-of-living adjustments (COLA's) until reaching normal service retirement eligibility (age fifty (50) with at least (10) years of service, or twenty-five (25) years of service regardless of age; whichever occurs first).

Assume you joined the fire department and pension plan at age twenty-five (25). At age forty-five (45), with twenty (20) years of service, you elect to terminate service to begin receiving an early retirement benefit. Also assume your highest thirty-six (36) months average salary is \$5,000.00. The benefit is then calculated as follows:

- Years	20
- Factor	3.30%
- Salary	<u>\$5,000.00</u>
- Monthly Retirement Benefit	\$3,300.00

DISABILITY RETIREMENT EXAMPLE

If a firefighter is eligible for disability benefits but has less than twenty (20) years of credited service, then twenty (20) years is used in the calculation. A disability benefit is calculated the same way a regular retirement benefit is, using the same three (3) components as follows:

- Years (assume 20 if less)	20
- Factor	3.30%
- Salary (assumed)	<u>\$4,000.00</u>
- Monthly Disability	<u>\$2,640.00</u>

SURVIVORS BENEFIT

Benefits are available to eligible dependents of all plan participants should such participant die before or after retirement. Eligible dependents include...

- Spouse, if married to you at time of retirement.
- Spouse, if married to you after retirement and you remained married for at least 24 consecutive months prior to your death.
- Spouse, if married to you at time of your death; and you die before retirement.
- All unmarried children under age twenty-two (22), unless the Board determines to the contrary.
- Dependent parent, if no surviving spouse or children are eligible.
- Designated surviving beneficiaries other than a spouse, child, or dependent parent as explained below.

Spousal benefits are paid for life even after remarriage. Spousal benefits eligibility will apply to those who become married to the retiree after such retiree's retirement and remain married to such retiree at least 24 consecutive months prior to the retiree's death. After all payments cease, any remaining balance of the member's total contributions including interest at the date of the member's death, which exceeds any retirement and death benefits paid, shall go to the member's estate.

Active members who are married and/or have dependent children may not designate anyone other than their spouse and/or dependent children for survivor benefits. Active members, who are unmarried with no dependent children, may designate or change beneficiaries under Section 7.09 of the statute as often as they wish. The amount of the survivor benefit for the designated beneficiary is based on the age difference between the retiree and such designated beneficiary.

After January 1, 2017, retired members who are unmarried with no dependent children, or who married after

retirement and the term of the marriage is less than 24 months; may designate or change their beneficiary no more than twice for the remainder of their retirement. The retiree who makes such designation or change must agree to a reduction in their pension benefit for the designation or change to take effect. The amount of the reduction will be actuarially calculated, based on the ages of the retiree and the designated beneficiary.

SURVIVORS BENEFIT EXAMPLE

Assume you are retired drawing \$4,455.00 per month and pass away, leaving a spouse who is eligible for benefits and have no children. Your spouse will receive seventy-five (75) percent of your benefit as follows:

- Your monthly benefit	\$4,455.00
	<u>75.00%</u>
- Your spouse's monthly benefit	\$3,341.25

Assume you pass away before retirement and you are survived by an eligible spouse and child. Suppose your average salary for the highest thirty-six (36) months averaged \$5,000.00, and you had eight (8) years of service at the time of death.

You first calculate the benefit you would have been entitled to at the date of death and then determine the appropriate amount to be paid to your spouse and child.

Your benefit would have been...

- Years (assume 20 if less)	20
- Factor	3.30%
- Salary	<u>\$5,000.00</u>
- Monthly benefit	\$3,300.00

Your spouse's benefit is...

- Firefighter base benefit	\$3,300.00
- Factor	<u>75.00%</u>
- Spousal monthly benefit	\$2,475.00

Your child's benefit is...

- Years (assume 20 if less)	20
- Child's benefit factor	.495%
- Average salary	<u>\$5,000.00</u>
- Child's monthly benefit	\$495.00

In 1994 the minimum monthly pension was increased from \$1,000 to \$1,200 for all eligible retirees and spouses. In 2012 the minimum monthly pension was increased to \$2,000.00 for those that were on the rolls in 1994 when the last adjustment was approved. This minimum benefit applied only to those eligible per above and does not necessarily apply to benefits paid according to court orders, divorce decrees, qualified domestic relations orders, and for disability and early or vested terminated annuitants, in some instances.

The retirement factor for the child is actuarially designed to be fifteen (15) percent of the regular retirement factor (3.30%), which is .495 percent. The child receives .495 percent (.00495) of the fire fighter's average salary, multiplied by the number of years of service, assuming twenty (20) years if less. The eligible children, collectively, will be entitled to a total amount of seventy-five (75) percent of the fire fighter's accrued benefit at the time of death, if there is no surviving spouse.

PERSONNEL RECORDS

A personnel record (Form 500) is to be completed by all active firefighters. This information furnishes the pension office necessary data regarding age, years of service, beneficiaries, birth dates, social security numbers and marital status. There are other forms available for designating and changing beneficiaries for both active and retired firefighters for various purposes. You can visit our website at **AFRS.ORG** for all the forms available at the pension office.

RETIREMENT PROCESS

When a firefighter is ready to retire, there are forms available at the pension office to be completed. There will probably be other information to be furnished to the AFD administrative office as well. Upon retirement, the firefighter will receive a monthly annuity. Deductions can be made for withholding tax, as well as any health, dental, and vision insurance available through the City of Austin which the firefighter chooses. Direct deposit is also available. Please contact the pension office with any questions you have regarding your retirement. You can visit our web site at **AFRS.ORG** for more information about your retirement.