



TRUST FUND NEWS

Wisconsin Supreme Court: Pension and Benefits Law is Constitutional

The Wisconsin Supreme Court reached a decision on *Wisconsin Professional Police Association, Inc. et. al., v. George Lightbourn et. al.*, the lawsuit surrounding 1999 Wisconsin Act 11. In a 5-2 vote, the justices ruled that the provisions of the pension and benefit improvement law were legal and could be implemented. The Court's order barring implementation of the law was simultaneously removed.

The law, which became effective nearly two years ago but was immediately challenged in court, brings some of the most significant benefit improvements in Wisconsin Retirement System (WRS) history. "We have carefully examined each claim presented and conclude that

none of the challenged portions of Act 11 is unconstitutional beyond a reasonable doubt," wrote Justice David Prosser in his 122-page majority opinion.

The Department has moved quickly to implement the law and ensure that adjustments to benefits are made as quickly as possible. In addition, Department administrators and legal advisors continue to review the Court decision and future implications. Subsequent *Trust Fund News* editions will contain more information and comments from the Secretary on the long-term effect on the WRS.

For comprehensive coverage of 1999 Wisconsin Act 11, including a summary of provisions and its effect on WRS members, review

the Department's special Act 11 issue of *Trust Fund News*. The special eight-page issue was recently mailed to WRS annuitants and inactive members, and distributed to actively employed members through their employers. You may also view it on the Department's Internet site, badger.state.wi.us/agencies/etf.

ETF Begins Production of Annual Statements

The delay in the Supreme Court decision on 1999 Wisconsin Act 11 forced the Department to postpone the annual spring distribution of the *Statement of Benefits* to active and inactive members. We appreciate your patience during this period and apologize for the delay.

Review the Act 11 edition of *Trust Fund News* for detailed information on how Act 11 affects the retirement benefits of all Wisconsin Retirement System members.

2002 Wisconsin Retirement System Contribution Rates Stay the Same for Most WRS Employees

At its June 2001 meeting, the Employee Trust Funds Board acted on the recommendation of the consulting actuary and approved the 2002 contribution rates for the Wisconsin Retirement System (WRS). The rates are based on pre-Act 11 WRS benefit levels and new actuarial assumptions established by the Board.

As a result, the contribution rates for general employees — including teachers — will not change in 2002. General employees make up more than 90% of the 260,000 WRS participants who are actively employed by a WRS employer.

The new contribution rates are effective January 1, 2002 and will remain in effect for the calendar year.

Contribution rate changes by WRS employment category are summarized in the accompanying chart.

The contribution rates listed do not include contributions paid by the employer for unfunded liability (which varies by employer) or the contribution paid by State of Wisconsin employers for the accumulated sick leave conversion credit program. Further, these contribution rates do not take into account the benefit and

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accounting changes created in Wisconsin Act 11 because the Court decision on the litigation was not issued until after the actuary to the Employee Trust Funds Board had completed work on the 2002 contribution rate recommendation.

I am a WRS retiree and I'm wondering about employee and employer contribution rates. Do they have anything to do with me or my WRS pension?

No, as a retiree you are no longer making contributions into the retirement system, and your pension is unaffected by contribution rates. By law, the WRS receives funding from

- **General Employees (including Teachers) will remain unchanged** (3.8% employer required; 5% employee required; .2% benefit adjustment contribution)
- **Executive and Elected will decrease 1.6%** (8.6% employer required; 3.1% employee required)
- **Protective with Social Security will increase by 0.4%** (7.19% employer required; 4% employee required)
- **Protective without Social Security will decrease 0.6%** (10.4% employer required; 3% employee required)

three separate sources: employee contributions, employer contributions, and investment earnings. Together, these must be sufficient to meet all of both the present and future benefit

commitments of the system. The Board determines on an annual basis the rate at which employers and actively working employees contribute to the WRS for the following year.



New Federal Legislation Brings Changes to Distribution Rules

The method of distributing account balances that have accumulated in the Wisconsin Deferred Compensation (WDC) program will become more attractive in 2002. Thanks to the recent tax bill signed by President Bush (the Economic Growth and Tax Relief Reconciliation Act of 2001), Section 457 has become more flexible for establishing a payment schedule with a participant's WDC assets. Currently, participants must elect the date they will begin a distribution of WDC assets within 60 days from termination of employment or retirement. Effective January 2002, this no

longer will be a requirement.

In addition, the **type** of payment that is elected for distribution of account balances can be changed beginning in 2002. Under the old rules, once the payment method and amount were elected, they could never be altered. These enhancements, and other changes brought by recently-enacted federal legislation (see *President Bush Signs Historic Federal Legislation* on page 3), will greatly enhance your ability to save for retirement through the WDC.

Current WDC participants receive statements to detail the activity in the account. Additionally, accounts can be accessed through the Internet at www.wdc457.org or by calling the

automated voice response telephone system toll free at 1-800-758-4457. Customer service representatives are also available in Madison and periodically at each employer location.

The Department of Employee Trust Funds (ETF) and the Deferred Compensation Board have oversight for this program and contract with Nationwide Retirement Solutions to provide administrative and customer services. For information about the WDC, please contact: Wisconsin Deferred Compensation Program, 19 N. Carroll Street Suite 209, Madison, WI 53703; (608) 256-6200; 1-800-257-4457; TTY 800/995-4457.

Making Voluntary Additional Contributions Pays Off at Retirement

If you are a participant in the WRS and are working for a WRS employer, you can make voluntary additional contributions to your WRS account. You can use these contributions in the following ways:

- Increase your monthly retirement benefit.
- Take a lump sum withdrawal after you terminate all covered WRS employment.
- Buy any WRS creditable service that you are eligible to purchase.

- If eligible, you may also be able eligible to take an "annuity certain" from your additional contributions. This is an annuity that is paid only for a specified number of months. You select any number of months between 24 to 180 monthly payments.

If you take a separation benefit or die before beginning a retirement benefit, your additional contributions would be included in the separation or death benefit paid from your account.

All voluntary additional contributions earn the full effective rate of

interest. However, it is important to note that **your additional contributions do not begin to earn interest until January 1 of the year after we receive them.** Consequently, you may wish to make any additional contributions late in a calendar year.

Federal tax law limits the amount of additional contributions you can make to your account each year; a worksheet is available to help you calculate your maximum additional contributions. You can make additional contributions either through your employer or by submitting a check

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President Bush Signs Historic Federal Legislation Affecting Government Pension Plans

Last June President Bush signed new legislation that will bring some of the most significant changes to state and local government pension plans and its members in recent history. The Economic Growth and Tax Relief Reconciliation Act of 2001 greatly expands pension portability for state and local government employees, opens new opportunities for retirement savings, and modernizes the treatment of Section 457 deferred compensation plans.

Many of the provisions that benefit participants take effect January 1, 2002. These include:

1. The annual maximum benefit payment amount from a defined benefit plan (WRS formula benefit) is increased to \$160,000 (from \$140,000) and will be periodically increased for inflation in \$5,000 increments.
2. The annual income that can be used to calculate a defined benefit (earnings amount reported to WRS for benefit calculations) is increased to \$200,000 (from \$170,000) and will periodically increase for inflation in \$5,000 increments.
3. The maximum annual contribution to a defined contribution plan (employee and employer contributions to the WRS) is increased to \$40,000 (from \$35,000) for 2002, with periodic increases for inflation in \$1,000 increments. The previous 25% of compensation limit has been increased to 100% of compensation.
4. Elective deferral limits for 401(k), 403(b) and 457 plans are increased to \$11,000 in 2002, then will increase by \$1,000 increments until 2006, and will periodically increase for inflation in \$500 increments thereafter. The 25% of compensation limit has also been increased to 100% of compensation.
5. The requirement to coordinate contributions between plan types has been removed. This will allow an individual to contribute (defer) the maximum annual amount to multiple plans (such as \$11,000 to a Section 457 plan and \$11,000 to a Section 403(b) plan in 2002).
6. New catch-up contribution deferrals for individuals participating in qualified pension plans and tax deferred savings plans who are age 50 and older. These contributions, which are in addition to the annual maximum deferral, will be \$1,000 in 2002, then increased by \$1,000 increments until 2006 and then periodically increased for inflation in \$500 increments thereafter.

Tax Credit on first \$2000 deferral	Income Levels / based on filing status		
	Joint	Head of Household	Single/all others
50%	\$0 to \$30,000	\$0 to \$22,500	\$0 to \$15,000
20%	\$30,001 to \$32,500	\$22,500 to \$24,375	\$15,001 to \$16,250
10%	\$32,501 to \$50,000	\$24,375 to \$37,500	\$16,251 to \$25,000
NONE	Over \$50,000	Over \$37,500	Over \$25,000

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Do You Need to Save for Retirement? Remember the WDC Program

The Wisconsin Retirement System (WRS) provides employees with excellent retirement benefits. But will your benefit be enough to ensure financial stability throughout your retirement years? Post-retirement health care costs alone can greatly impact your future income needs. In addition a more active retirement can often translate into a more costly lifestyle.

Some financial planning experts say that you will need between 60% and 80% of career earnings for a comfortable retirement. But many say that this may not be enough. Some predict that the increased cost of living in retirement years means that you will need almost 100% (or for some, even

more) of replacement income for a financially healthy future.

For public employees in Wisconsin, one of the most attractive vehicles that may be available to help supplement retirement income is the



Wisconsin Deferred Compensation (WDC) Program. This plan is regulated by Section 457 of the Internal Revenue Code. All state and University of Wisconsin employees are eligible to participate in the WDC

program, as are as employees of local governments and school districts that have elected participation in this benefit plan.

More than 560 Wisconsin local government and school district employers have elected to offer the WDC to their employees. Currently, there are more than 37,000 participants in the plan with assets totaling over \$1.15 billion.

Employees can set aside up to \$8,500 annually (in 2001) of pre-tax earnings for retirement. This maximum limit increases to \$11,000 for 2002. The WDC offers three separate tiers of investment options for your supplemental retirement savings account. They are as follows:

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TIER ONE - five passively managed, indexed investment options

- Includes choices in six different asset classes
- Manager attempts to correlate to or match with a specific index

TIER TWO - eleven actively managed investment options

- Includes one or more choices in six different asset classes
- Manager attempts to beat a specific index or benchmark

TIER THREE - self-directed brokerage option

- Additional 2000 plus mutual fund choices from all asset classes, including sector funds
- Available for the more experienced investor

The WDC program's core investment options, Tier One and Tier Two, are selected and monitored by the WRS Deferred Compensation Board. Each year the Board evaluates these

options against performance benchmarks to ensure they remain suitable long-term investment choices. The Board removes funds that it determines are no longer acceptable, and adds investment options that can better meet participants needs.

For an update on how federal laws governing Section 457 deferred compensation plans have changed, please see related articles on pages two and three.

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7. Distribution restrictions in section 457 deferred compensation plans of state and local governments have been removed to provide more flexibility in establishing a benefit payment schedule.

Another important provision is a new federal income tax credit that will be available to low and moderate income employees who save for retirement during tax years 2002 through 2006. Certain employees contributing to an individual retirement account (IRA) or other type of retirement savings vehicle (such as the Wisconsin Deferred Compensation Program (see *Do You Need to Save for Retirement?* on page 3) may be eligible to take advantage of this tax credit.

The credit will apply to the first \$2,000 that an individual saves in certain retirement savings vehicles and the credit can be as much as 50% (or \$1,000) of this amount. The amount of the credit depends on the income level of the taxpayer (see table on page three).

These new provisions are as follows:

1. The ability to transfer retirement assets when distributed (rollovers) between all plan types, including section 457 plans, Individual Retirement Accounts (IRA), 403(b) plans and other qualified plans, such as 401(k) plans.
2. The ability to use account balances in section 403(b) and 457 plans to purchase permissive service credits or for the repayment of refunds (forfeited service purchase).

It is also important to note that the provisions of the Act contain a sunset date and many of the changes will revert back to what is currently in place (in 2001) after December 31, 2010 unless Congress takes additional action by this date. There currently is an effort in Congress to remove the sunset clause from Act.

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directly to this Department. If you send your payment directly us, be sure to provide your Social Security number and specify that you are making voluntary additional contributions to your WRS account. If you participate in the variable program, 50% of your additional contribution will be placed in the Variable Trust and 50% in the Fixed Trust. If you have not elected variable participation, your entire additional contribution will be placed in the Fixed Trust.

If you are an employee of an educational institution **and** your employer enrolled in the WRS tax-deferred additional program before May of 1982, you may also be eligible to make additional contributions from pre-tax dollars under Section 403(b) of the IRS code. These tax-deferred additional contributions must be made through a salary reduction agreement with your employer; you cannot submit them directly. Check with your employer on your ability to participate.

For more detailed information about making additional contributions to your WRS account, review our *Additional Contributions* booklet (ET-2123). You'll find it on our Internet site at badger.state.wi.us/agencies/etf. Go to "Publications" and "WRS Forms and Brochures." You may also request a paper copy by calling the Department's toll-free Self Service line at 1-877-383-1888 or 266-2323 (local Madison).

Impact on the WRS and Implementation

Certain provisions of the new law first require an Employee Trust Funds (ETF) review in order to determine the Wisconsin statute or internal programming changes needed for implementation. The effective

date of these provisions will depend on how quickly state law changes can be accomplished. The Department will notify members if and when these options become available.

How Divorce Can Affect Your WRS Account

If your marriage is legally terminated through a divorce, annulment or a legal separation, the court has the option of awarding up to 50% of your WRS account or annuity to your former spouse. To do this the court issues a Qualified Domestic Relations Order (QDRO), a court order that directs the Department to transfer a percentage of your account or annuity to a separate account or annuity established for the alternate payee (your former spouse).

The percentage of the account or annuity that the QDRO awards to your former spouse is applied to the value of your account or annuity as of the divorce decree date. The contributions you make and service you earn after the decree date cannot be awarded to your former spouse. The percentage specified by the QDRO is applied to all portions of your account, including employee and employer contributions, years of creditable service, and any voluntary additional contributions in your account on the decree date. Once your account or annuity is divided you have no further rights to the alternate payee's portion, and your future benefits are reduced by the value of the annuity or account awarded to the alternate payee.

Marriage terminated after April 27, 1990: If you are not receiving a monthly annuity when the divorce occurs, your Wisconsin Retirement System (WRS) account is divided as of the decree date and a separate account is established for the alternate payee. Your former spouse can then apply for a benefit from his/her account at any time.

If you are receiving a monthly annuity when your divorce occurs, your annuity would be divided as of the decree date and a separate annuity established for your former spouse. The annuity division is retroactive to the decree date. Each of you would receive your own annuity for life; whether a death benefit is payable upon either of your deaths would depend on the annuity option that you originally selected.

Marriage Terminated Between January 1, 1982 and April 27, 1990: Since May 2, 1998, WRS law has permitted the Department to honor QDROs for divorces that occurred between January 1, 1982 and April 27, 1990. If you have not yet begun an annuity when the Department receives the QDRO, your account is retroactively divided as of the decree date. Your account balance

is then brought up-to-date with contributions and interest, and the alternate payee's account is brought up-to-date with interest.

If you are receiving a monthly annuity when the Department receives the QDRO, your annuity is divided as of the first payment issued after the Department receives the QDRO. If you continued to work under the WRS after the decree date, the percentage of the annuity awarded to the alternate payee will be based only on your service and contributions earned up to the decree date. 100% of the portion of your annuity that is based on your service and contributions earned after the decree date remains payable to you.

For more detailed information on the effects of a QDRO on your WRS account and the benefit options available to alternate payees, review our booklet, *How Divorce Can Affect Your WRS Benefits* (ET-4925). You'll find it on our Internet site at badger.state.wi.us/agencies/etf. Go to "Publications" and "WRS Forms and Brochures". You may also request a paper copy by calling the Department's toll-free Self-Service line at 1-877-383-1888 or 266-2323 (local Madison).

Board Corner

Nominations Sought for Two Seats on Teachers Retirement Board

Nomination packets will be available after October 1, 2001 for public school teachers outside of the Milwaukee School District who are interested in running for seats on the Teachers Retirement Board (TR Board). Two positions are up for election, as the terms of current Board members Laurie Bickel and Dorothy Vogel expire in 2002. Voting among elementary and secondary teachers outside of Milwaukee will take place in February and March. The two winners will serve five-year terms beginning May 2002.

Completed nomination packets must be received by the Department of Employee Trust Funds by 4:30 p.m. on Tuesday, November 27, 2001. To request a packet, contact the Board Election Coordinator, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7937. Phone (608) 267-2862. To send an e-mail to the Board Election Coordinator, visit "Contact Us" on our Internet site, badger.state.wi.us/agencies/etf.

Dual-Choice Enrollment Period Set for October 8-26

The Dual-Choice health insurance enrollment period for 2002 has been set for October 8-26, 2001. Dual-Choice is for currently insured active employees and retirees who take part in the State of Wisconsin Group Health Insurance program. It gives participants the opportunity to change from one health plan to another or switch from single to family coverage without a waiting period for pre-existing medical conditions. Changes become effective January 1, 2002.

Even if you are satisfied with your current plan, you should take the time to review any changes to the plan's premium, service area and health care providers. If you want to remain with your current plan, you do not need to file a health application if your plan is still offered in 2002.

Active employees: If you want to switch plans or change your level of coverage for 2002, you must submit a completed health application to your payroll representative by 4:30 p.m. on October 26, 2001. **Retirees:** You must submit completed applications to the Department of Employee Trust Funds (ETF) by 4:30 p.m. on October 26, 2001.

Significant health plan changes will be listed on the first page of the 2002 *It's Your Choice* booklet. You will receive the booklet prior to the beginning of the Dual-Choice Enrollment period. **It is especially important that you take the time to assure that your plan and/or plan service area will be offered in 2002.** Failure to switch plans if the plan or service area will no longer be offered can result in delayed claims payments or even loss of coverage.

Notable Changes to Uniform Benefits for 2002

The Group Insurance Board approved the following changes to Uniform Benefits, effective January 1, 2002.

1. Prescription Drug Out-of-Pocket Maximum

The annual prescription drug out-of-pocket maximum will be \$270 for an individual and \$540 for a family.

This increase is necessary to maintain the relative value of the out-of-pocket maximum in light of the continuing escalation of prescription drug costs.

2. Extraction of Replacement of Natural Teeth Due to an Accident

Treatment must commence within 18 months of the accident.

3. Emergency Room Copayment

The emergency room copayment will increase from \$25 to \$40 per occurrence and will continue to be waived if the participant is admitted directly to the hospital.

4. Hearing Aids

One hearing aid per ear will be covered at 80% every three years, up to a maximum of \$1000 per hearing aid. If you are an actively working WRS participant, remember that you can enroll in the Employee Reimbursement Accounts program.

Employee Reimbursement Accounts

Active employees should consider enrolling in the Employee Reimbursement Accounts (ERA) program to reduce out-of-pocket costs for medical expenses. A medical expense reimbursement account allows employees to set aside a portion of their pay before taxes are withheld. Employees may then be reimbursed for eligible medical expenses from their medical account. The result is a substantial tax savings on eligible medical expenses such as co-payments and deductibles. Open enrollment for ERA program participation in 2002 will be October 8 through November 9, 2001.

For a complete copy of the Uniform Benefits for 2002, go to the Department's Internet site at badger.state.wi.us/agencies/etf. Click on "Benefit Programs," then "Insurance Plans." Additional information about Dual-Choice will be available on the site in early September.

Changes to Standard Plans

For information on any changes to the Standard Plan, Standard Plan II, SMP or Medicare Plus \$100,000 for 2002, see *It's Your Choice* or refer to infor-

mation provided by Blue Cross Blue Shield United of Wisconsin, administrator of these plans. Changes must be approved by the Group Insurance Board and were not finalized at *Trust Fund News* printing deadlines.

Information Sessions Scheduled

Health fairs provide excellent opportunities to ask questions of health plan representatives. For information on dates and times, check the 2002 *It's Your Choice* booklet, call our Telephone Message Center toll-free at 1-800-991-5540 or 264-6633 (local Madison) or check out Internet site.

Educational Teleconference Set

The Wisconsin Coalition of Annuitants is sponsoring an educational teleconference through the University of Wisconsin-Extension Educational Television Network (ETN) from 9 a.m. to 10:20 a.m. on Thursday, October 18. Bill Kox, ETF Director of Health Benefits & Insurance Plans, is the featured speaker. To locate the ETN site nearest you, contact the UW-Extension Instructional Communication Service at (608) 262-1598, your county courthouse, or the Department of Employee Trust Funds.



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ETF Sets Schedule for Fall Public Benefit Presentations

The Department of Employee Trust Funds (ETF) has scheduled free, public presentations for Wisconsin Retirement System (WRS) participants, especially those considering or planning retirement in the near future. ETF specialists will discuss pension and benefit changes brought by Wisconsin Act 11, in addition to WRS retirement, disability, death, and separation benefits and health and life insurance. The presentations run from 7 to 9 p.m. All locations are handicapped accessible with adequate free parking. Reservations are required for the Interactive Television Presentations, but not for the other general group session locations.

Retirement Workshop Schedule

(Reservations are not needed for these presentations. If weather should become severe, please listen to local radio stations for possible cancellations).

City/Area	Date	Location
La Crosse	September 26	Logan High School-Auditorium 1500 Ranger Drive, La Crosse
Little Chute	September 26	Little Chute School District-Auditorium 325 Meulemans St., Little Chute
Kenosha	October 1	Tremper High School-Auditorium 560 26th Ave., Kenosha
West Bend	October 3	West Bend High School-Auditorium 1305 E. Decorah Road, West Bend
Fond du Lac (hosted by AFSCME Council 40)	October 8	UW Fond du Lac-Prairie Theatre 400 University Drive, Fond Du Lac
Superior	October 16	Superior High School-Performing Arts Center 2600 Catlin Ave., Superior
Chippewa Falls	October 17	Chippewa Falls Senior High School-Cafeteria 735 Terrill, Chippewa Falls
Stoughton	October 17	Stoughton Senior High School-Auditorium 600 Lincoln Ave., Stoughton
Stevens Point	October 29	Ben Franklin Jr. High-Auditorium, 2000 Polk Street, Stevens Point
Eagle River	November 7	Northland Pines High School-Auditorium 1800 Pleasure Island Road, Eagle River

Interactive Television Public Presentations

(Reservations needed for the following sites)

Hosted by SRTNC Network

September 20 — Fennimore (CESA III), Darlington, and Platteville High Schools. Call Clark Jillson or Faith Freymiller at (608) 822-3276 to make a reservation at one of these sites.

Hosted by Erving Network

October 9 — Clintonville, Bonduel, and Wittenberg
Call Debbie Bernard at (715) 823-7172 to make a reservation at one of these sites.

Hosted by Northern Lights Network

September 24 — Cumberland, Frederic, and St. Croix Central in Hammond
September 26 — Boyceville, Turtle Lake, and Webster
Call Connie Manske at (715) 986-2020 to make a reservation at one of these two sites.

Wisconsin Retired Educators' Association Seeks Members

The Wisconsin Retired Educators' Association (WREA) is an issue-oriented, non-partisan organization committed to monitoring and improving the pension benefits for retired educators and other members of the Wisconsin Retirement System (WRS). It has been promoting the interests of retired educators and public education since 1951.

WREA strives to be the voice and choice of retired educators by offering a broad range of member services including pension protection, long-term care and health insurance discounts, free financial issues seminars, travel discounts, a statewide legislative alert network, and numerous member publications.

WREA is an independent, grassroots organization with over 11,500 members and 73 local units. It is affiliated with the National Retired Teachers Association (NRTA), a division of AARP.

Annual dues of \$40 for regular members (retired teachers, administrators and other school personnel) and \$20 for associate members (other annuitants in the Wisconsin Retirement System, friends of education and active educators) are payable to WREA and can be sent to WREA, 2564 Branch Street, Middleton, Wis. 53562. Phone: (608)831-5115; Fax: (608)831-1694; Internet site is www.wrea.net; E-mail address is wrea@wrea.net.

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or 266-3285 (local Madison)
Have your Social Security Number available.
TTY: (608) 267-0676

For an appointment in Madison
(608) 266-5717

For an appointment in Milwaukee
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Self-Service Line: 1-877-383-1888
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Request ETF forms and brochures;
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to change mailing addresses should contact
Payment Services at the address above. Include
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Fax Us: (608) 267-4549

Send us an e-mail via our Internet site:
badger.state.wi.us/agencies/etf

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