

# SEPARATION BENEFITS

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## Before You Apply for a Separation Benefit

Please read this brochure carefully. It provides important information about your benefit rights.

A separation benefit is a one-time lump-sum payment consisting only of employee contributions, additional contributions (if applicable), and accumulated interest.

The decision to take a separation benefit now, instead of waiting to take a retirement benefit, has significant financial, insurance, and tax consequences. If you take a separation benefit:

- Your WRS account will be closed in full with no future benefit payable.
- You will lose your employer contributions and interest (**approximately half the value of your WRS account**).
- You will lose your creditable service earned prior to the separation benefit and the benefit rights associated with that period of service.
- You will lose eligibility for future health insurance coverage. Contact your most recent WRS employer to determine if you have any other health or life insurance options that may be available to you.
- Tax penalties may significantly reduce the amount of your payment.

If you are vested and wait to take a benefit until you reach minimum retirement age (age 55 or age 50 for members with protective category service), you are entitled to a retirement benefit based on the *total* value of your WRS account. This includes the employee *and* employer contributions, additional contributions (if applicable), and accumulated interest.

## Vesting Requirements

You may have to meet one of two vesting laws depending on when you first began WRS employment:

- If you first began WRS employment after 1989 and terminated employment before April 24, 1998, you must have some WRS-creditable service in five calendar years.
- If you first began WRS employment on or after July 1, 2011, you must have five years of WRS-creditable service.

If neither vesting law applies, you were vested when you first began WRS employment. If you are vested, you may receive a retirement benefit at age 55 (age 50 for members with protective category service) once you terminate all WRS employment. If you are not vested, you are only eligible to receive a separation benefit.

## Special Circumstances

**If you are an alternate payee** who received a portion of your former spouse's or domestic partner's WRS account through a Qualified Domestic Relations Order (divorce, legal separation, or annulment) and are considering a separation benefit, please refer to the "Alternate Payees" section of this brochure.

**If you terminate WRS employment to enter active military service** and return to work with the same WRS employer upon discharge from the military, you are eligible for a military service credit for your period of active military service. However, if you take a separation benefit before returning to work with your WRS employer, you forfeit your right to continuous military service credit. Additional information is available in the [Military Service Credit \(ET-4122\)](#) brochure, available online at [etf.wi.gov](http://etf.wi.gov) or by contacting ETF.

**If you terminate WRS employment due to a disability**, you should contact ETF about eligibility for disability benefits *before* you apply for a separation benefit. Once you have closed your account by taking a separation benefit, you are no longer eligible for disability benefits from the WRS.

## Benefit Eligibility

You are eligible for a separation benefit if you are *terminated* (i.e. your employer has reported a termination date to ETF) from *all* WRS-covered employment with *all* WRS-participating employers and you are:

- Under age 55 (age 50 for members with protective category service), *or*
- Age 55 or older (age 50 for members with protective category service) *and* you are not vested.

Covered employment includes qualifying employment with any employer that participates in the WRS, including all Wisconsin state agencies and most local governmental and school district employers. Non-teaching employment with the City and County of Milwaukee is not covered under the WRS.

## Applying for a Benefit

You must request an application from ETF to apply for a separation benefit.

ETF must receive your completed separation benefit application before you turn age 55 (age 50 if you have protective category service). After you turn age 55 (age 50), you are eligible for a retirement benefit instead of a separation benefit, unless you are not vested.

ETF will direct deposit your benefit payment approximately 60 to 120 days after receiving your application. Processing time varies, depending on the volume of applications and when we receive the report of termination and final earnings from your employer. You may check with your last employer to determine the status of the final earnings report.

If you are thinking about applying for a separation benefit near the end of the year and you want annual interest included in your benefit, you must wait to apply until after December.

## Benefit Amount

A separation benefit includes:

- All employee-required contributions, whether deducted from earnings or paid by the employer as a fringe benefit.
- Any additional contributions made to your WRS account.
- Accumulated interest on the employee contributions to the January 1 preceding the date that your separation benefit is approved. If you last terminated WRS employment prior to May 16, 1989, your benefit will also include prorated 5% annual interest from January 1 of the current year to the end of the month prior to the month in which your separation benefit is approved.

There is no provision for a partial separation. You cannot withdraw a portion of your required or additional contributions. However, if you have additional contributions, you may withdraw only the additional contributions and leave the required contributions until a later date.

Between January 1, 1986 and June 29, 2011, a benefit adjustment contribution may have been made to the WRS based on your earnings. These contributions are not included in your separation benefit, nor any other benefit based on your account balance. They are used to fund formula retirement benefits.

Annual interest on Core Trust Fund contributions and net gains or losses on Variable Trust Fund contributions are credited on monies that have been in the system for a full year. Variable Fund employees and all additional contributions have interest credited at the actual effective rates, based on the investment experience of the fund.

## Benefit Amount, continued

Depending on the years you were employed under the WRS, the amount of interest credited to your Core Fund employee contributions may vary.

- All employees who were active as of December 31, 1999 and later, will receive interest on Core Fund employee contributions at the effective rate.
- All contributions of members employed prior to 1982 have interest credited at the effective rates.
- As of January 1, 1985, employees who were first employed after 1981 and who terminated prior to January 1, 1990, receive 5% annual interest on Core Fund employee contributions. However, if these members return to WRS-covered employment, annual interest on their Core Fund employee contributions will be credited at the effective rate on the December 31, 1999 balances going forward.
- As of January 1, 1990, employees who were first employed after 1981 and who terminated prior to December 31, 1999 receive 3% annual interest on Core Fund employee contributions for separation benefit purposes. However, if these members return to WRS-covered employment:
  - The interest credited to their Core Fund employee contributions since January 1, 1990 will be increased from 3% to 5%.
  - The annual interest on their Core Fund employee contributions will be credited at the annual effective rate beginning on December 31 of the year they return to WRS-covered employment.



## Availability of Additional Contributions After Termination

If you made additional contributions to your WRS account, these contributions can be paid:

- As a lump sum at any age.
- As an annuity certain at any age.
- As a life annuity after age 55 (age 50 for members with protective category service). You may select a life annuity if your *For Annuitant's Life Only* monthly annuity option is at least \$211 in 2020 (this amount is adjusted annually).

An annuity certain is a specific dollar amount paid monthly for a specified period of time from 24 to 180 months.

You may roll over your lump-sum payment or annuity certain of fewer than 120 months. Please see the "Tax Liability" section of this brochure for information on taxation and rollover of additional contributions. For more information, see the [Additional Contributions \(ET-2123\)](#) brochure, available online at [etf.wi.gov](http://etf.wi.gov) or by contacting ETF.

## Tax Liability

Most contributions to a WRS account are made on a pre-tax basis and are subject to state and federal income taxes when the member receives a benefit payment. Additionally, members who are younger than age 59½ when they take a separation benefit may also be subject to additional income tax penalties on early distributions from the WRS.

If your separation payment is \$200 or more, you can avoid immediate tax withholding if you choose to roll over your payment to:

- a traditional IRA [408(a)],
- a Roth IRA [408(b)], or
- An eligible qualified employer plan [including plans under IRC sections 401(a), 401(k), Roth 401(k), 403(a), 403(b), Roth 403(b), 457(b), and Roth 457(b)].

If you have questions about whether or not your WRS funds are eligible to be rolled over into another qualified plan, you must contact that plan administrator directly.

When your separation payment is taxed will depend on what you do with it when you receive it from ETF.

- Any funds converted to a Roth plan are included in your taxable income for that year. If you roll over your separation payment from ETF to a Roth IRA within 60 days, you will pay taxes on any amount that you have not already paid taxes on. All funds you withdraw from your Roth IRA as a qualified distribution in the future, including accumulated interest, are tax-free if you have held the account for at least five years and are at least age 59½. For exceptions to this rule, see IRS Publication 590.
- If you are younger than age 59½, you may be subject to a federal 10% additional income tax penalty on early distributions from the WRS (including the amounts withheld for income tax) that you do not roll over. This tax is in addition

## Tax Liability, continued

to the regular income tax on the payment not rolled over. For exceptions to this rule, see IRS Publication 590.

- When there is a federal additional tax, you may also owe an additional state tax, depending on the state you live in. In Wisconsin, the additional penalty is 33% of the federal penalty or 3.3% of the taxable gross benefit.
- If you roll over your payment to a traditional IRA or an eligible employer plan, you will not pay any taxes now but when you withdraw the funds as a qualified distribution in the future, you will pay taxes on any amount that you have not already paid taxes on.
- If you do not immediately roll over the payment from ETF, you may still do so within 60 days. It is your responsibility to find a financial institution that is willing to accept your rollover. Typically, if you roll it over within 60 days, it will not be taxable in the year it was issued. However, ETF will have already withheld the required 20% for the federal withholding; that amount is not refundable from ETF. You can report the 20% withholding on your income tax return.

To roll over your payment, you must submit an *Authorization for Direct Rollover* (ET-7355) with your separation application. You are responsible for ensuring that the receiving institution is eligible and willing to receive this rollover.

The check(s) for your rollover payment(s) is made payable to the receiving financial institution but mailed directly to you. You are responsible for transmitting the check(s) to the receiving institution.

If you are older than age 70½, the amount you can roll over may be limited. Consult your tax advisor for additional information.

## 1099-R Statement

Whether you take your separation benefit as a lump-sum payment, or roll over your separation benefit, ETF will send you a 1099-R statement showing the amount of income tax withheld, the total amount of your benefit and the taxable portion of your benefit. You will receive the 1099-R the following January. You will need this statement when you file your income tax return.

For more information, see the *Federal Withholding Requirements & Rollover Options (ET-7289)* document, which is included in your separation benefit packet.

For more information on taxation of rollovers, consult a tax advisor or see *IRS Publication 590*. For information on taxation of lump-sum payments, see *IRS Publication 575*.

## Required Minimum Distribution

If you are no longer working under the WRS and are not yet receiving a WRS retirement benefit, you must receive a disbursement known as a required minimum distribution (RMD) each year beginning in the year you reach age 70½.

Following are some things to keep in mind:

- In the year you turn age 69½, ETF will notify you of your options to apply for your benefits, roll over your benefits to another qualified plan or defer your benefits until March 1 of the calendar year you reach 71½.
- If you do not respond by December 31 of the year you reach age 69½, ETF must make an automatic distribution of the entire account balance on or after the next January 1. This may result in a tax consequence, an effective date or type of payment that you do not want.
- If you do not take your RMD by April 1 in the year you turn age 71½, or by December 31 of the year you end employment (if you continued working under the WRS after you reached age 70½), you may be required to pay a federal tax of 50% of the RMD amount that you should have received during that tax year.

It is important for you to contact ETF before an automatic distribution is required. Once an automatic distribution is paid, your WRS account is closed and you **cannot** return your payment or choose another payment option.

If your WRS-covered employment will end when you are 70½ or older, you should request your WRS annuity estimate up to one year in advance and begin your benefit during that year.

Contact the IRS or your tax advisor for more information about the RMD.

## Death Benefits

If you die before applying for your WRS benefit, a death benefit is payable to your beneficiary(ies). Death benefits are always paid according to the most recent, valid beneficiary designation on file with ETF prior to your death.

If a beneficiary designation is not on file, death benefits will be paid according to statutory standard sequence. *Your beneficiary information does not automatically change when a life event occurs, such as a marriage or a divorce.*

Beneficiary designations may be changed or updated at any time by submitting a completed *Beneficiary Designation (ET-2320)* form to ETF. This form is available online at [etf.wi.gov](http://etf.wi.gov).

## Canceling Your Application

You may cancel your separation application by submitting a signed, written request to ETF no later than the close of business on the day before the date of your payment.

Cancellation requests received on or after the date of payment cannot be honored; your separation benefit will stand as paid and your WRS account will be closed in full.

If you die before your separation benefit payment is issued, your application is automatically canceled and death benefits will be paid based on the most recent valid beneficiary designation form on file with ETF. If you have not filed a valid designation form, payment is made according to statutory standard sequence.

## Re-employment After Payment of a Separation Benefit

*This does not apply to alternate payees.*

In most instances, to be eligible for your lump-sum benefit, you must meet the 75-day break-in-service requirement. Your application will be canceled if you are re-employed or reinstated at your previous employer or employed as a WRS-participating employee at a different employer within 75 days after your original WRS-covered employment termination date. If you have already been paid, you must repay your benefit in full.

### **For example:**

Kathy wants to take a lump-sum benefit. She terminates from her employer, the Village of Snow, and takes her lump-sum benefit. In order to be eligible for the benefit, Kathy must remain terminated from the Village of Snow for at least 75 calendar days.

Kathy decides to go to work for the Town of Flake. Since her position at the Town of Flake does not meet WRS eligibility requirements and it is a different employer, she can start work without waiting 75 days and she would still be eligible for the benefit.

Upon re-employment after payment of a separation benefit, your WRS account is treated as if you are a new employee for all programs, such as life insurance, health insurance, and income continuation insurance. If you return to WRS-covered employment on or after July 1, 2011, you must earn five years of WRS-creditable service to be vested. When you return to WRS employment, benefits are paid according to standard sequence, unless a new beneficiary form has been accepted by ETF.

If you are reinstated to your former position after a contested dismissal, you may be required to repay the separation benefit plus interest depending on the court order, arbitration award, or compromise settlement.

## Purchasing Forfeited Service

*This does not apply to alternate payees.*

If you return to WRS-covered employment and meet the service purchase requirements in effect at that time, you may be eligible to purchase the creditable service that was forfeited when you took a separation benefit.

For additional information, see the *Buying Creditable Service (ET-4121)* brochure available online at [etf.wi.gov](http://etf.wi.gov).



## Deferring Your Benefit Application

Contributions left in the WRS will continue to earn annual interest. Once you reach age 55 (age 50 for members with protective category service) and are vested, you will be eligible for retirement benefits.

If you are not vested and are only eligible for a separation benefit, you can leave your contributions in the WRS and return to work at a later time. How you become vested after returning to WRS-covered employment depends on which of the following vesting categories you belong to:

- If you were first employed after 1989 and terminated employment before April 24, 1998, have service in less than five calendar years, and return to WRS-covered employment, you will be immediately vested and eligible for a retirement annuity upon reaching your minimum retirement age.
- If you began your first employment with a WRS employer on or after July 1, 2011 and you left WRS employment with fewer than five years of creditable service, you may satisfy the five-year requirement after returning to WRS-covered employment by combining the creditable service you earned before leaving with the new creditable service you earn after returning. Once you satisfy the five-year requirement, you will be vested and eligible for a retirement annuity upon reaching your minimum retirement age.

Please notify ETF of any change in your name or address. You can update this information by completing an [Address/Name Change \(ET-2815\)](#) form, sending a secure email at [etf.wi.gov](mailto:etf.wi.gov), or calling ETF at 1-877-533-5020. You will receive an annual *Statement of Benefits* if you keep ETF informed of your current mailing address.

## Retirement Benefits

If you wait until you are age 55 (age 50 for members with protective category service) and are vested, you may apply for a retirement annuity.

WRS retirement benefits are calculated using two methods:

- The formula method.
- The money purchase method.

ETF calculates your benefit using both methods and automatically pays you the higher amount. Under both methods, any gain or loss from Variable Trust Fund participation and any additional contributions you made are reflected in the calculations.

If your *For Annuitant's Life Only* monthly annuity option is \$211 or less in 2020, you will receive a lump-sum payment representing the present value of this option.

If your *For Annuitant's Life Only* monthly annuity option is more than \$211 but less than \$433 in 2020, you may choose either a lump-sum payment (present value) or a monthly annuity.

If your *For Annuitant's Life Only* monthly annuity option is \$433 or more in 2020, you must receive a monthly annuity payment. You are not eligible for a lump-sum payment.

*Note:* These amounts are subject to change annually.

## Out-of-State Credits

If you are planning to use Wisconsin service for credit in a retirement program in another state, please check with that state's system before applying for a benefit under the WRS. In some states, you must waive part or all of your Wisconsin benefit in order to receive credit for your Wisconsin service.

## Alternate Payees

An alternate payee is the former spouse or domestic partner of a WRS member that received a percentage of the member's account or annuity when the marriage or domestic partnership was terminated through divorce, annulment, or legal separation.

An alternate payee may apply for a benefit at any time, regardless of his or her own age or employment status. Even if the member is still employed under the WRS, benefits are payable to the alternate payee. However, the type of benefit available is dependent on the member's age, not the alternate payee's age.

- If the member is younger than age 55 (age 50 for members with protective category service), the alternate payee can apply for a separation benefit at any time until the member reaches age 55 (age 50 for members with protective category service). A separation benefit is a one-time lump-sum payment consisting only of employee contributions, additional contributions (if applicable), and accumulated interest.

**Employer contributions and accumulated interest (approximately half of the value of your WRS account) and all associated service are forfeited.**

The alternate payee should carefully consider the consequences of taking a separation benefit.

- If the member is age 55 or older (age 50 for members with protective category service), the alternate payee can apply for a retirement benefit as long as the member is vested. Retirement benefits include all employee and employer contributions, additional contributions (if any), plus accrued interest. WRS retirement benefits are calculated using both the formula and the money purchase methods. The alternate payee automatically receives the higher benefit amount.

## Alternate Payees, continued

If you have an account based on your own employment under the WRS and are also an alternate payee of another WRS member, your benefit eligibility will be different for the two accounts. Each account remains separate; the accounts cannot be combined. You can apply for a separation benefit from your alternate payee account regardless of whether you are still employed under the WRS. Taking a separation benefit from your alternate payee account will have no effect on your own WRS account.

If you take a separation benefit as a member and also as an alternate payee, you will forfeit the creditable service from each account. If you return to WRS-covered employment and meet the service purchase requirements in effect at that time, you will be eligible to purchase the creditable service forfeited from your own WRS account. You cannot purchase the service you forfeited from your alternate payee account.

ETF's brochure, *[How Divorce Can Affect Your WRS Benefits \(ET-4925\)](#)*, is available online at [etf.wi.gov](http://etf.wi.gov) and explains in detail the benefit options for which an alternate payee is eligible.

ETF has made every effort to ensure that this brochure is current and accurate. However, changes in the law or processes since the last revision to this brochure may mean that some details are not current. Visit [etf.wi.gov](http://etf.wi.gov) to view the most current version of this document. Please contact ETF if you have any questions about a particular topic in this brochure.

ETF complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex in the provision of programs, services or employment. For more information please view ETF's [Nondiscrimination and Language Access \(ET-8108\)](#) available at [etf.wi.gov](http://etf.wi.gov). To request this information in another format, call 1-877-533-5020 (toll free). We will try to find another way to get the information to you in a usable form.


*Cover photo courtesy of the Wisconsin Department of Tourism.*

# Contact ETF

## **etf.wi.gov**



Find ETF-administered benefits information, forms, brochures, benefit calculators, educational offerings and other online resources. Stay connected with:

 ETF E-Mail Updates

 @wi\_etf

## **1-877-533-5020**



7:00 a.m. to 5:00 p.m. (CST), Monday-Friday  
Benefit specialists are available to answer questions.  
Wisconsin Relay: 711



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Write ETF or return forms.

