

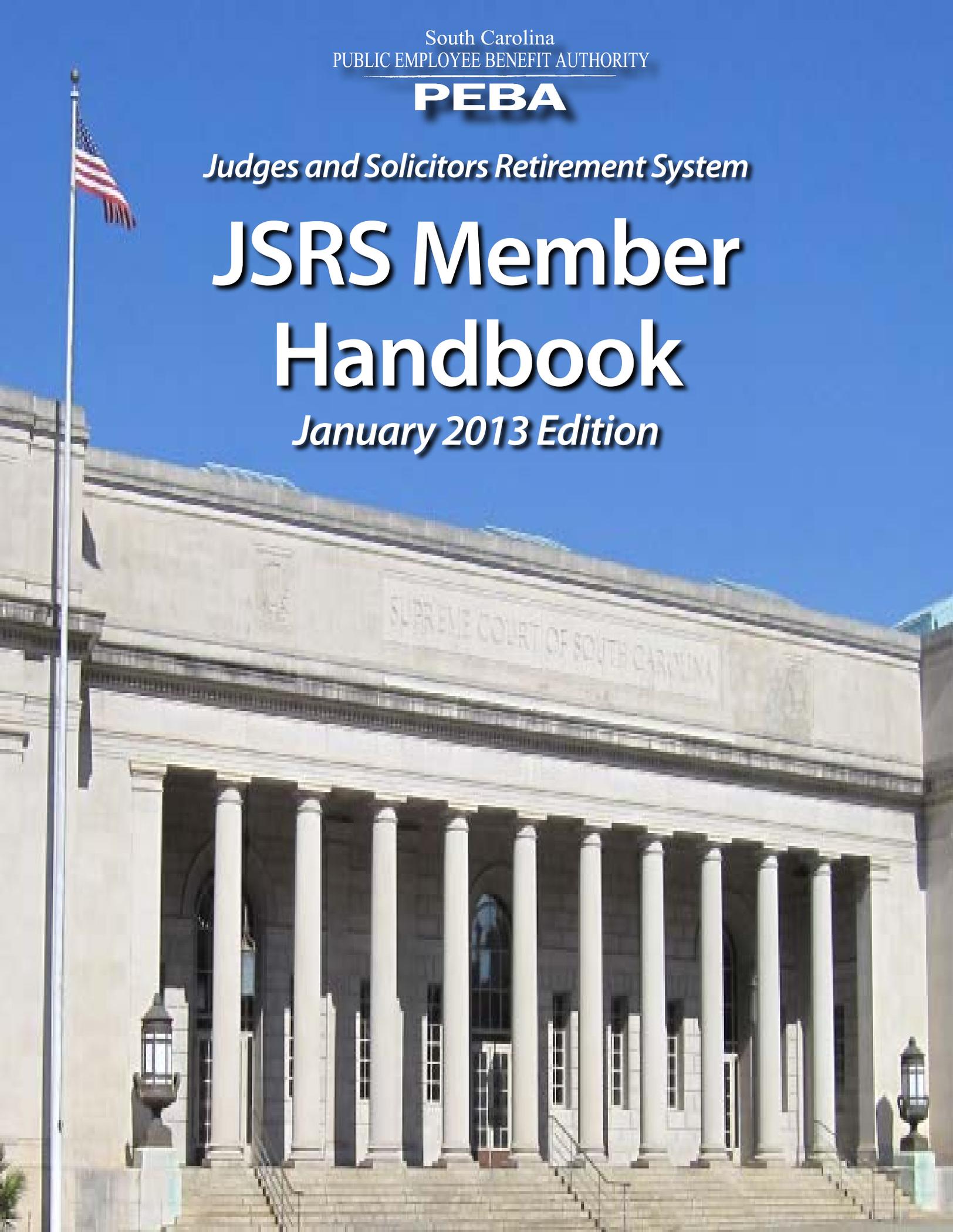
South Carolina
PUBLIC EMPLOYEE BENEFIT AUTHORITY

PEBA

Judges and Solicitors Retirement System

JSRS Member Handbook

January 2013 Edition



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Employers covered by the South Carolina Public Employee Benefit Authority are not agents of the South Carolina Public Employee Benefit Authority.

The information in this handbook is meant to serve as a guide, but does not constitute a binding representation of the South Carolina Public Employee Benefit Authority. The statutes governing the retirement benefits administered and managed by the South Carolina Public Employee Benefit Authority are found in Title 9 of the South Carolina Code of Laws, and should there be any conflict between this handbook and the statutes or the South Carolina Public Employee Benefit Authority's policies, the statutes and policies will prevail. Statutes are subject to change by the General Assembly, please contact us for the most current information.

Contacting the S.C. Public Employee Benefit Authority

Office Hours

8:30 a.m. - 5:00 p.m.

Phone

803-737-6800

800-868-9002 (within S.C. only)

Mailing Address

P.O. Box 11960

Columbia, SC 29211-1960

www.retirement.sc.gov

Locating the S.C. Public Employee Benefit Authority

Location Address

202 Arbor Lake Drive

Columbia, SC 29223

Directions from Downtown Columbia

The South Carolina Public Employee Benefit Authority's office is located at 202 Arbor Lake Drive, approximately five miles north of Columbia. To reach our office from downtown Columbia, head north on the Bull Street Extension, which becomes SC-277, and exit right on Fontaine Road. Then turn right on Fontaine Road and make another right into the Fontaine Business Center (Arbor Lake Drive). You will see signs directing you to the South Carolina Public Employee Benefit Authority building and visitors' parking area.

Directions from the Interstate From I-20 (Augusta or Florence)

Take Exit 73-A to SC-277 toward Columbia and exit

at Fontaine Road. Then turn right on Fontaine Road and make another right into the Fontaine Business Center (Arbor Lake Drive). You will see signs directing you to the South Carolina Public Employee Benefit Authority's building and visitors' parking area.

From I-26 East (Spartanburg)

Take I-20 East toward Florence and take Exit 73-A to SC-277 toward Columbia and exit at Fontaine Road. Then turn right on Fontaine Road and make another right into the Fontaine Business Center (Arbor Lake Drive). You will see signs directing you to the South Carolina Public Employee Benefit Authority's building and visitors' parking area.

From I-26 West (Charleston)

Take Exit 116 (I-77 North) toward Charlotte and exit to I-20 toward Augusta (Exit 16). Take Exit 73-A to SC-277 toward Columbia and exit at Fontaine Road. Then turn right on Fontaine Road, and make another right into the Fontaine Business Center (Arbor Lake Drive). You will see signs directing you to the South Carolina Public Employee Benefit Authority's building and visitors' parking area.

From I-77 South (Charlotte)

Take Exit 18 to SC-277 toward Columbia and exit at Fontaine Road. Then turn right on Fontaine Road and make another right into the Fontaine Business Center (Arbor Lake Drive). You will see signs directing you to the South Carolina Public Employee Benefit Authority's building and visitors' parking area.

THIS HANDBOOK CONTAINS AN ABBREVIATED DESCRIPTION OF THE RETIREMENT BENEFITS OFFERED BY THE JUDGES AND SOLICITORS RETIREMENT SYSTEM. THE INFORMATION IN THIS HANDBOOK IS MEANT TO SERVE AS A GUIDE FOR OUR MEMBERS AND DOES NOT CONSTITUTE A BINDING REPRESENTATION OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY. TITLE 9 OF THE SOUTH CAROLINA CODE OF LAWS CONTAINS A COMPLETE DESCRIPTION OF THE RETIREMENT BENEFITS, THEIR TERMS AND CONDITIONS, AND GOVERNS ALL RETIREMENT BENEFITS OFFERED BY THE STATE. STATE STATUTES ARE SUBJECT TO CHANGE BY THE GENERAL ASSEMBLY. PLEASE CONTACT THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY FOR THE MOST CURRENT INFORMATION.

THE LANGUAGE USED IN THIS HANDBOOK DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS AND DOES NOT CREATE A CONTRACT BETWEEN THE MEMBER AND THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY. THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS HANDBOOK.

General Information

9-8-20

The Judges and Solicitors Retirement System (JSRS) was created July 1, 1979, to provide a defined benefit retirement plan for South Carolina's public judges and solicitors. Circuit public defenders were included in the membership of JSRS effective June 27, 2007, and may receive the same JSRS benefits as solicitors, where applicable. This handbook provides an overview of your benefits along with the respective citations from Title 9, Chapter 8, of the South Carolina Code of Laws.

Membership

9-8-40

Membership is mandatory upon taking office as Chief Justice of the South Carolina Supreme Court, Associate Justice of the South Carolina Supreme Court, Court of Appeals Judge, Circuit Court Judge, Family Court Judge, Solicitor, or Circuit Public Defender, prior to age 72.

Definitions

9-8-10(16)

"Judge" means a justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court, or Family Court of the state of South Carolina.

9-8-10(17)

"Solicitor" means the person holding office as described under Section 1-7-310 of the 1976 South Carolina Code of Laws.

9-8-10

"Circuit Public Defender" means a person holding office defined in Section 17-3-5 as the head of a public defender office providing indigent defense representation within a given judicial circuit of this state.

Member Contribution Rate

9-8-130(1), 9-8-130(4) and 9-8-240

If you are an active JSRS member, you contribute a tax-deferred 10 percent of gross pay into your JSRS retirement account. If you have not retired or become inactive, your account earns 4 percent interest compounded annually on your account balance as of the previous June 30.

Employer Contribution Rate

9-8-140

The employer contribution rate is set by the S.C. Public Employee Benefit Authority (PEBA) Board based on annual actuarial valuations of JSRS.

Active Membership Benefits

Earned Service

9-8-10(18)

Earned service is defined as paid employment as a justice, judge, solicitor, or circuit public defender, from which regular JSRS contributions were deducted.

Service Purchases

9-8-50(A)(B), 9-1-1140

While you are an active contributing JSRS member, you may establish service credit for various types of previous employment, leaves of absence, and up to five years of non-qualified service as allowed pursuant to Section 9-1-1140. You may purchase service credit by a lump-sum payment, an installment service purchase (pre- or post-tax, plus interest), or a tax-deferred rollover from an Individual Retirement Account (IRA), a 401(k) plan, a 401(a) eligible plan, a 403(b) plan, or a 457 plan. You also have the option to purchase service through a pre-tax installment purchase program which should reduce the overall cost of your purchase by eliminating taxes on your payment. However, under a pre-tax installment service purchase, you may neither make additional principal payments nor payoff the installment early unless termination occurs or you are retiring. You may purchase each type of service credit once within a fiscal year.

If you are purchasing service to meet retirement eligibility, please contact Customer Services at 803-737-6800 or 800-868-9002 (within S.C. only) for more information. Payment for service purchases must be remitted in full prior to your retirement date or date of termination from your employer's payroll.

Some types of purchased service may not be used in determining insurance eligibility. If you are covered by state health insurance, contact PEBA Insurance Benefits, at 803-734-0678 or 888-260-9430 for eligibility information.

16-Year Service Purchase Maximum

9-8-50(A)

Section 9-8-50(A) provides that a justice or judge may not purchase more than 16 years of service credit in JSRS. Additionally, the purchase of service credit under this section may not result in a justice or judge exceeding 25 years total service credit in JSRS.

For example, if a judge has 10 years of service in JSRS, he may purchase up to 15 years of additional service credit, not to exceed 25 years of total service credit at the time of the service purchase.

Under Section 9-8-50(A), solicitors and circuit public defenders may not purchase more than 16 years of service credit in JSRS and the purchase of service credit under this section may not result in the solicitor or circuit public defender exceeding 24 years of total service credit at the time of the service purchase. For example, if a solicitor has 10 years of service credit in JSRS, he may purchase up to 14 years of additional service credit, not to exceed 24 years of total service credit at the time of the service purchase.

In determining your service purchase options, please keep in mind any applicable JSRS earned service requirements for a deferred annuity (Page 5) or JSRS service retirement annuity (Page 5).

Types of Service Purchases

9-8-50, 9-1-1140

Transfer from SCRS, PORs, or GARS

9-8-50(B)

If you are a former member of the South Carolina Retirement System, the Police Officers Retirement System (PORS), or the General Assembly Retirement System (GARS), you may transfer your non-concurrent service to your JSRS account by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service transferred, prorated for periods of less than a year. The amount of contributions and interest in the account from which you are transferring service for the applicable period of service being established in JSRS will be transferred directly to your JSRS account to offset the total payment required. Generally contributions and interest associ-

ated with service credit not transferred to JSRS will remain on deposit in SCRS, PORS, or GARS, unless you file for a refund.

Public Service

As an active member, you may establish JSRS service credit for any period of paid public service as an employee of the government of the United States, a state, or political subdivision of the United States by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. You may not purchase service for a period of public service for which you may receive a retirement annuity from another defined benefit retirement plan or which would violate Section 415 or any other provision of the Internal Revenue Code.

Educational Service

As an active member, you may establish service credit for any period of paid classroom teaching consisting of grades kindergarten through 12 in a public, private, or sectarian school by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. You may not purchase service for a period of educational service for which you may receive a retirement annuity from another defined benefit retirement plan or which would violate Section 415 or any other provision of the Internal Revenue Code.

Military Service

As an active member, you may establish up to six years of service credit for any period of military service for which you do not already have service credit by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. This includes service in the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Select Reserves, and

Army or Air National Guard. Your discharge from service must be under conditions other than dishonorable. Under guidelines set forth by the Uniformed Services Employment and Reemployment Rights Act (USERRA), you may also arrange in advance with your employer to continue contributing to your account while on active duty military leave, or you may make contributions for your period of military service after you return from active duty for a period three times longer than your military service but not longer than five years.

Leave of Absence

If you return to covered employment as an active member within four years of an employer-approved leave of absence, you may purchase service credit for the employer-approved leave period for which you do not already have service credit, up to a maximum of two years per leave of absence by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. The leave of absence must be with an employer covered by one of the retirement systems administered by PEBA.

Workers' Compensation

As an active member, you may establish service credit for a period while on leave of absence and receiving workers' compensation benefits. The cost is based on contributions plus interest using your earnable compensation at the time of injury. You may also arrange in advance with your employer to continue contributing to your account while you are receiving workers' compensation benefits.

Previously Withdrawn Service

If you left employment and received a refund of your contributions plus interest from PEBA, you may re-establish this service upon returning to active membership. You must repay the amount you withdrew plus interest to the date your request is received. Previously withdrawn

JSRS earned service that is re-established in JSRS through the service purchase process is considered earned service for the determination of the JSRS minimum service requirement for benefit eligibility.

Non-Qualified Service

After you have reached five or more years of earned service credit as an active, contributing member, you may then establish up to five years of non-qualified service by making an actuarially neutral payment to PEBA. The cost calculation is based in part on your current age and service credit, as well as your career highest fiscal year earnable compensation at the time PEBA receives your service purchase request. The cost, which is determined by PEBA's independent actuary, will not be less than 35 percent of your career highest fiscal year earnable compensation for each year purchased.

State ORP Participation

Active contributing members may purchase service credit for their years of participation in the State Optional Retirement Program (State ORP) administered by PEBA. A member may establish service credit for State ORP participation by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. You may not purchase service for a period of State ORP participation for which you may receive a retirement annuity from another defined benefit retirement plan or which would violate Section 415 or any other provision of the Internal Revenue Code.

Active JSRS Member Applying for a GARS Annuity at Age 62

9-8-125

An active JSRS member who is at least 62 years of age and eligible to receive benefits from GARS, may elect to receive his GARS retirement annuity while still employed with a

JSRS-covered employer by submitting an application up to six months prior to his effective GARS retirement date.

Active JSRS Member Applying for a PORS or an SCRS Annuity

9-1-650, 9-11-40(9)

An active JSRS member may file an application up to six months prior to reaching retirement eligibility in either SCRS or PORS and receive the SCRS or PORS annuity while actively employed with a JSRS-covered employer.

Leaving JSRS-Covered Employment

Upon termination of JSRS-covered employment, you may elect to receive a refund of your contributions and interest or leave your contributions and interest on deposit and earn 4 percent interest until your account becomes inactive. Your JSRS account is considered inactive when no contributions have been made to the account in the preceding 12 months. If you leave your contributions and interest on deposit, you may, at a later date:

- **Return to employment as a justice, judge, solicitor, or circuit public defender, and once again become an active contributing member of JSRS;**
- **Receive a refund of your contributions and interest;**
- **Receive a deferred annuity if and when you are eligible;**
- **Become an active SCRS, PORS, or GARS member and transfer your non-concurrent JSRS service credit by withdrawing your JSRS contributions and interest and purchasing the non-concurrent JSRS service as public service in your active SCRS, PORS, or GARS account; or**
- **If you do not qualify for a deferred annuity, you may elect to transfer your JSRS service**

credit and contributions to SCRS pursuant to Section 9-8-50(D)(3).

Deferred JSRS Annuity

9-8-50(E)(1)(2)(3)

A justice or judge who has 10 years of earned JSRS service as a justice or judge; a solicitor who has eight years of JSRS earned service as a solicitor; or a circuit public defender who has eight years of JSRS earned service as a circuit public defender may apply for a deferred annuity upon reaching:

- age 55 if he began service as a justice, judge or a solicitor prior to July 1, 2004; or
- age 65 if he began service as a justice, judge, solicitor, or circuit public defender after June 30, 2004.

Deferred Annuity Calculation

A multi-step formula is used to calculate a member's deferred monthly annuity for the standard (maximum) plan.

- Step 1:** Multiply the current active salary for the respective position of justice, judge, solicitor, or circuit public defender by 71.3 percent (.713). Divide the total by 12 to obtain the monthly annuity amount.
- Step 2:** Determine the percentage of the deferred annuity that is payable by creating a fraction in which the retiring member's credited service in JSRS is the numerator and the denominator is 24 years.
- Step 3:** Multiply the annuity amount from Step 1 by the percentage from Step 2 to obtain the monthly amount of a member's deferred annuity.

A JSRS member's total deferred annuity may not exceed the regular service retirement benefit calculated for the member under Section 9-8-60 or 9-8-70.

Deferred Annuity Standard Annuity Payment Plan Example

JSRS years of service = 14.5 years

JSRS TYPE/SALARY:

Family Court Judge= \$130,689

Step 1: $\$130,689 \times 71.3 \text{ percent} = \$93,181.26$

Step 2: $14.5 \text{ years} \div 24 \text{ years requirement} = 60.4166 \text{ percent}$

Step 3: $\$93,181.26 \times 60.4166 \text{ percent} = \$56,296.95 \text{ or } \$4,691.41 \text{ per month}$

Step 4: If the retiree selects the Optional Survivor Annuity Payment Plan (see Page 7), multiply the deferred annuity amount from Step 3 by the applicable actuarial reduction factor based on the retiring member's age at time of retirement and the ages of the member's designated beneficiary. Since survivor reduction factors vary, please contact Customer Services at 803-737-6800, 800-868-9002 (within S.C. only), or by clicking the "Contact Us" link on our website, www.retirement.sc.gov for a deferred annuity estimate.

Service Retirement Annuity

You must retire no later than the end of the calendar year in which you reach age 72 and file an application no more than six months prior or more than 90 days subsequent to your desired effective date of retirement.

Retirement Annuity Eligibility

9-8-60(1)

To qualify for a service retirement annuity, a JSRS member (1) must no longer be in the service of the state, except for service as a member of the South Carolina General Assembly; (2) must have at least 10 years of earned service as a judge, have at least eight years of earned service as a solicitor or public defender, or have been in service as a judge or solicitor on July 1, 1984; and (3) must meet one of the following age and service requirements:

- 25 years of service credit as a justice or judge;
- 24 years of service credit as a solicitor or circuit public defender;
- Reached age 65 with at least 20 years of service credit in JSRS; or
- Reached age 70 with at least 15 years of service credit in JSRS.

Please see *Returning to Covered Employment* on Page 9, for information pertaining to the option to begin receiving your retirement annuity and continue employment.

Documents Needed at Retirement

To retire, you must complete an *Application for Service Retirement Benefits* (Form [6101J](#)), a *Withholding Certificate for Monthly Benefit Payments* (Form [7202](#)), and *Direct Deposit Authorization* (Form [7204](#)).

Regardless of the payment plan you select, you must include copies of your birth certificate and your current driver's license or state-issued identification card. Original documents will not be returned unless you request that PEBA Retirement Benefits do so. If you select the Optional Survivor Annuity Payment Plan, you must also include with your application a copy of proof of birth for each of your designated beneficiaries.

Payment Plans

Type I: Standard Annuity Payment Plan

9-8-60(2)(5), 9-8-110(2)

The Standard Annuity Payment Plan benefit is equal to 71.3 percent of the current active salary for your respective position plus an additional 2.67 percent of salary for each year of service earned in JSRS after attaining 25 years of service credit for judges or 24 years of service credit for solicitors and circuit public defenders. The total annuity may not exceed 90 percent of the current active salary for your respective position.

Should a married retiree who elected the Standard Annuity Payment Plan die, one-third of the retiree's annuity will be paid automatically to his surviving spouse for life unless the retiree designated a beneficiary other than his spouse or his estate to receive a refund of any remaining contributions.

Should an unmarried retiree who elected the Standard Annuity Payment Plan die, his designated beneficiary or estate will receive a refund of any remaining contributions.

Standard Annuity Payment Plan Calculation

The formula below is used to calculate a member's standard annuity payment plan benefit.

Step 1: Multiply the current active salary for the respective position of judge, solicitor or circuit public defender by 71.3 percent (.713).

Step 2: Calculate the additional benefit by multiplying the respective salary by 2.67 percent (.0267) for each year of earned service over 25 for a judge or over 24 for a solicitor or circuit public defender.

Step 3: Add the results from Steps 1 and 2.

Step 4: Divide the result from Step 3 by 12 for the gross monthly annuity amount.

The total annual annuity of the Standard Annuity Payment Plan cannot exceed 90 percent of the current active salary for your respective position. See Page 8 for more information.

Standard Annuity Payment Plan Example

JSRS years of service = 27 years

JSRS TYPE/SALARY:

Family Court Judge=\$130,689

Step 1: $\$130,689 \times .713 = \$93,181.26$

Step 2: $\$130,689 \times .0267 = 3,489.40$
 $\$3,489.40 \times 2$ (years in excess of 25) =
 $\$6,978.79$

Step 3: $\$93,181.26 + \$6,978.79 = \$100,160.05$

Step 4: $\$100,160.05 \div 12 = \$8,346.67$ per month

Type II: Optional Survivor Annuity Payment Plan

9-8-70

With this payment plan, a member may provide a survivor annuity to a non-spousal beneficiary or multiple beneficiaries that may or may not include a spouse. The retiree's annuity is permanently reduced from the Standard Annuity Payment Plan by an actuarial factor based on the age of the member and the age of the member's beneficiary, or the average age of the member's multiple beneficiaries. At the member's death, a benefit of one-third of the member's annuity continues to the member's beneficiary.

The reduction factor is derived from actuarial group annuity mortality tables and is based on your age and the ages of your designated beneficiaries as of your date of retirement. Since survivor reduction factors vary, please contact Customer Services at 803-737-6800, 800-868-9002 (within S.C. only), or through the "Contact Us" link on our website www.retirement.sc.gov for an estimate.

Additional Benefit Payout Request

9-8-60(6)

A JSRS member whose annuity as calculated at retirement exceeds the 90 percent maximum annuity may complete the JSRS *Additional Benefit Payout Request* (Form 4103) to request an additional lump sum benefit at retirement. If you are under age 60 and are retiring and continuing to work, see additional information on Page 9. The additional benefit is equal to the member's contributions and interest paid in to the system after the member attained sufficient service credit to be eligible to receive the maximum annuity of 90 percent of the current active salary. The 90 percent maximum annuity amount is generally reached when the following JSRS service credit is obtained: 32 years for justices and judges; and 31 years for solicitors and circuit public defenders. This refund is not payable until after retirement, as either a taxable, single-sum refund or a roll-over to a qualified retirement plan or IRA.

Additional Payout for Members Under Age 60 Who Retire and Continue To Work

If receipt of the retirement annuity is deferred under a JSRS Deferred Retirement Option Program (DROP), the member will not receive a refund until he reaches age 60 [9-8-60(7)(c)]. This refund is not automatic. When the member reaches age 60 he must complete and submit Form 4103 to PEBA Retirement Benefits to receive this additional benefit payout.

Disability Retirement Eligibility

9-8-60(3)

To be eligible for disability retirement, a member must:

1. Have a minimum of five years of earned JSRS service;
2. Be totally and permanently disabled, either physically or mentally, or both;
3. Be unable to render useful and efficient service in the position of judge, solicitor, or circuit public defender; and
4. Have his claim approved by the South Carolina Supreme Court.

If a member's claim is approved, his benefit would be calculated using the Standard Annuity Payment Plan formula on Page 6 unless an optional payment plan is selected.

Death Benefits

In-Service Survivor Allowance

9-8-110(1)(2)(3)

Upon the death of an in-service, active, married member, the spouse is eligible to receive one-third of the annuity that would have been payable to the member if the member was eligible and retired on the date of death.

If a JSRS member who named his spouse as beneficiary for his active JSRS account dies in service prior to retiring, the earned service requirement may be waived if all other retirement eligibility requirements are met for any JSRS (regular or deferred) annuity. The surviving spousal beneficiary may select the one-third annuity in-service death payment option in lieu of a refund of the deceased member's JSRS contributions and interest.

If a JSRS member designated a non-spousal beneficiary or multiple beneficiaries (which may include a spouse) in lieu of the lump-sum refund of the member's contributions and

interest, the beneficiary may elect to receive one-third of the annuity that would have been payable under the Optional Survivor Annuity Payment Plan if the JSRS active member was eligible to retire on the date of death. Multiple beneficiaries receive equal shares of one-third of the annuity. If a beneficiary dies, the deceased beneficiary's share ends and the remaining beneficiaries continue to receive their normal monthly annuity. A monthly annuity cannot be paid to an estate.

If, at the time of death, an active JSRS member met retirement eligibility but had not filed a retirement application, the JSRS member's beneficiary may elect a monthly survivor annuity of one-third of the annuity that would have been payable to the deceased active JSRS member under the Optional Survivor Annuity Payment Plan. Upon notification of the death of an in-service active JSRS member, the active member's designated beneficiary will be notified as to the available payment options.

Non-Retired Incidental Death Benefit

9-8-110(5)

If an active contributing member dies in service with at least one year of service credit, a payment equal to the member's annual compensation may be paid to the member's designated beneficiary. If the member's death results from a job-related injury, the one-year requirement is waived.

Post-Retirement Information

Monthly Annuity Payments

Monthly annuity payments are directly deposited into your bank account on the last business day of each month. We strongly encourage all payees to participate in direct deposit; however, if you do not have a bank account into which benefits may be automatically deposited you may receive a paper check each month. If you do not receive your check within five business days, please contact PEBA

Retirement Benefits. It is also very important to notify PEBA Retirement Benefits in writing of any change to your home mailing address.

Returning to Covered Employment

Retiring and Continuing to Work

9-8-60(7)

A JSRS member who is more than 60 years old, but less than 72 years of age, and eligible to retire and receive the 90 percent maximum JSRS annuity, may retire and receive a retirement benefit while continuing to serve as a judge, solicitor, or circuit defender.

A JSRS member who has not reached age 60, but is eligible to retire and receive the 90 percent maximum JSRS annuity may retire under the Deferred Retirement Option Program (DROP) and continue to serve as a judge, solicitor, or circuit defender. However, the annuity will be deferred, without interest, until the member reaches age 60. Payout of the deferred annuity is not automatic.

If your annuity is deferred, please contact PEBA Retirement Benefits prior to turning age 60 for your payout options and any applicable tax liability information. You may also wish to consult with your tax advisor or financial planner prior to entering the JSRS DROP, or prior to receiving a payout from a DROP.

The employee and employer contributions must continue to be paid while participating in the JSRS DROP, but no additional service is earned. The maximum continuous employment period is until the end of the calendar year after you reach age 72 and is contingent upon re-appointment or re-election.

Election within 30 Days of Retirement

9-8-120(3)(4)

Within 30 days of a member's retirement, a justice or judge must notify the Chief Justice and the South Carolina Supreme Court of his election to either engage in the practice of law or be eligible for appointment by the Chief Justice as a justice or a judge in the courts of South Carolina. An election to practice law is irrevocable.

Engaging in the Practice of Law

9-8-120(4)

A justice or judge who is receiving a JSRS annuity and is engaged in the practice of law may not serve as a justice or judge in any court in the state of South Carolina. If, within 30 days of retirement, a member elects to be eligible for appointment by the Chief Justice to serve as a justice or judge in the courts of this state and to not practice law, the member may irrevocably change his election at any time if the member decides to engage in the practice of law.

Return to State Service as a Justice or a Judge

9-8-120(3)

Subject to the limitations contained in Section 14-1-215, a retired justice or judge may be called upon and appointed by the Chief Justice of the Supreme Court to perform judicial duties in the Supreme Court, Court of Appeals, circuit courts, and family courts. A retired justice or judge serving as an acting associate justice or as a judge shall serve without pay except for his actual expenses while serving. If

a retired justice or judge has performed full judicial duties as an acting associate justice or as a judge for a period of three or more consecutive months, his retirement pay for each full month during this period must be increased by an amount equal to the difference between the member's retirement payment and current active pay for the respective position. This difference is not paid by PEBA. Upon certification by the Chief Justice of the number of full months of the service, the State Treasurer shall make payment accordingly.

Return to State Service as a Solicitor or Circuit Public Defender

9-8-120(1)

If a JSRS member returns to state service as a solicitor or circuit public defender, the member's retirement annuity ceases, he shall again be a contributing member of JSRS, and the member shall be credited with all service credit as of his date of retirement. The retirement allowance payable upon the member's subsequent retirement shall be based on the total service rendered before and after his return to service.

Member of General Assembly

9-8-60(1)

In certain circumstances, a retired JSRS member who is elected to the General Assembly may continue to receive his JSRS retirement annuity while serving in the General Assembly. Please contact PEBA Retirement Benefits for more information.

Return to State Service in a Position other than as a Solicitor or Circuit Public Defender

9-8-120(2)

If a JSRS member returns to state service in a position other than as a solicitor or circuit public defender, the member's retirement annuity ceases. Upon cessation of service in the position, the member is entitled to apply for a retirement annuity at the same rate to which he was previously entitled, disregarding any reduction resulting from a previous payment plan election. A JSRS retiree may not receive his retirement annuity while an active member of PORS or SCRS (unless the member is employed as an SCRS non-member under 9-8-65). Upon termination, the member may once again apply for retirement.

Employed by Public Institution of Education (Retired Justice or Judge Only)

9-8-65

Notwithstanding any other provision of law, a retired justice or judge may still receive his JSRS annuity while employed by a public institution of education (grades kindergarten through 12, college or university, technical college, or Department of Juvenile Justice school) provided he elects non-membership while employed in the position. The retired justice or judge may not contribute to nor receive service credit in SCRS while so employed.

Benefit Adjustments

9-8-90

Standard Annuity Payment Plan

A member who elects the Standard Annuity Payment Plan or the member's surviving spousal beneficiary will receive a benefit adjustment when the current salary for the member's respective active position increases.

Optional Survivor Annuity Payment Plan

A member who elects the Optional Survivor Annuity Payment Plan receives a benefit adjustment when the current salary for the respective active position increases. Benefit adjustments for a non-spousal beneficiary or for a spouse designated as one of multiple beneficiaries under the Optional Survivor Annuity Payment Plan are based on the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers as published by the United States Department of Labor.

Retiree Incidental Death Benefit

9-8-110(7)

As a retiree, at your death a benefit based on your service credit will be paid to your beneficiaries as follows:

10 to 19 years of service credit = \$1,000
20 to 29 years of service credit = \$2,000
30 or more years of service credit = \$3,000

Beneficiary and Option Changes

Payment Plans and Beneficiaries Retiree Incidental Death Benefit

9-8-110(7)

In certain circumstances, you may be eligible to change the payment plan and/or beneficiary for your retirement benefits after your retirement. Please contact PEBA Retirement Benefits for more information.

Taxes

Your monthly annuity is subject to federal and state income taxes, but there is a South Carolina state income tax deduction for retirement income based on your age. If you do not have taxes withheld from your retirement check, you may need to file estimated taxes each quarter. Check with an accountant or a tax advisor regarding your tax liability. You may also visit the South Carolina Department of Revenue's website at www.sctax.org and/or the Internal Revenue Service's website at www.irs.gov.

For more information, contact PEBA Retirement Benefits at 803-737-6800, 800-868-9002 (within S.C. only), or through our website at www.retirement.sc.gov.

SUPREME COURT OF SOUTH CAROLINA

JSRS Member Handbook

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South Carolina Public Employee

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South Carolina Public Employee Benefit Authority