

# EXCISE, GAMING & CONSERVATION OFFICERS' RETIREMENT FUND

## MEMBER HANDBOOK

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## 1.1 Administration of System and Funds

Indiana Public Retirement System (INPRS) administers 11 pension trust funds consisting of eight defined benefit and three defined contribution retirement funds, one other postemployment benefit fund, and one custodial fund. In accordance with Indiana Code (IC) 5-10.5, INPRS is governed by a nine-member Board of Trustees, appointed by the Governor.

Legislation approving the merging of the administration of funds for the Public Employees' Retirement Fund (PERF), which managed the following:

- Public Employees' Retirement Fund (PERF)
- Prosecuting Attorneys' Retirement Fund (PARF)
- 1977 Police Officers' and Firefighters' Retirement Fund ('77 Fund)
- Legislators' Retirement System (LRS)
- Judges' Retirement System (JRS)
- Excise, Gaming and Conservation Officers' Retirement Plan (EG&C)

and the Teachers' Retirement Fund (TRF) was adopted by the General Assembly and signed by the Governor in April 2011. The creation of the Indiana Public Retirement System (INPRS) became effective July 1, 2011. Combined membership totals equal nearly 500,000 members.

Each retirement fund will continue as a separate fund under the oversight of a combined INPRS nine-member Board of Trustees. Individual funded status for each plan will continue to be calculated separately.

INPRS also oversees three non-retirement funds:

- Special Death Benefit Fund (SDBF) - Effective July 1, 2017, the State Employees' Death Benefit Fund, Public Safety Officers' Benefit Fund, and the lump sum distributions for the line of duty deaths from the Local Public Safety Pension Relief Fund were merged together to form the Special Death Benefit Fund. The lump sum distributions from the SDBF is \$150,000 for public safety officers or other eligible officers (as defined by IC 5-10-10-4.5) who die in the line of duty before July 1, 2020. For public safety officers who die in the line of duty on July 1, 2020 or later, the amount of the special death benefit is \$225,000.
- Local Public Safety Pension Relief Fund (LPSPR) - LPSPR is a fiduciary fund and is generally administered in accordance with IC 5-10.3 and IC 36-8. The purpose is to provide financial relief to pension funds maintained by units of local government for their police officers' and firefighters' retirement plan benefits.
- Retirement Medical Benefits Account (RMBA) – RMBA is a health reimbursement account available to certain qualifying state retirees.

For additional information about each fund visit the [Annual Reports](#) page of the INPRS website.

## 1.2 Vision

Engaged members able to realize their retirement dreams

## 1.3 Mission

As fiduciaries, educate stakeholders, collect necessary contributions, and prudently manage member assets to deliver promised DB and DC benefits and services.

## 1.4 Principles

- **Integrity:** We hold ourselves accountable to the highest standards of ethical and professional behavior.
- **Stewardship:** We manage assets held in trust for current and future retirees. We are value oriented. We rigorously identify, measure, and manage risks.
- **Service:** We exist to serve our stakeholders with attentiveness to high quality, respectful customer service.
- **Trust:** We are our stakeholders' trusted source of reliable information.
- **Collaboration:** We seek out stakeholder input when establishing goals and setting priorities.

## 1.5 Board of Trustees

The Governor appoints the following Board members for INPRS pursuant to the following criteria:

- One trustee with experience in economics, finance, or investments.
- One trustee with experience in executive management or benefits administration.
- One trustee who is an active or retired member of the '77 Fund.
- Two trustees who are TRF members with at least 10 years of creditable service:
- One trustee who is a PERF member with at least 10 years of creditable service.
- Director of the State Budget Agency, or designee.
- Auditor of State, or nominee.
- Treasurer of State, or nominee

The executive director carries out the policies set by the Board and administers the Fund on a daily basis ([Indiana Code \(IC\) 5-10.5](#)).

## 1.6 Indiana Code Governing EG&C Plan

The laws and regulations governing the Indiana EG&C Plan may be found in Title [IC 5-10-5.5](#) of the Indiana Code (IC) and [Title 35 Article 4](#) of the Indiana Administrative Code (IAC). The content of this member handbook does not constitute legal advice, and nothing herein should be considered a legal opinion. In the event of a discrepancy between information in this member handbook and the laws of the state of Indiana, the applicable law shall apply.





State employees are eligible for membership in the Excise, Gaming and Conservation Officers' Retirement Plan (EG&C) based on specific criteria ([IC 5-10-5.5-5](#)).

## 2.1 Eligibility

The covered positions within the EG&C Plan include state excise police, gaming agents, gaming control officers, and conservation enforcement officers.

If you were a state excise police or conservation enforcement officer on September 2, 1971, joining this plan was optional. You were allowed 20 days prior to September 2, 1971, to file a written notice with the Public Employees' Retirement Fund (PERF) if you elected not to join. Your decision not to join the plan was final. All state excise police and conservation enforcement officers hired after September 2, 1971, must join the plan, as membership in the plan is a condition of employment. In 1972, the Indiana Legislature established what is now known as the Excise, Gaming and Conservation Officers' Retirement Plan (EG&C). The purpose of this plan is to provide retirement, disability, and survivor benefits for employees who engage solely in law enforcement duties for the following agencies:

- Department of Natural Resources,
- Alcohol and Tobacco Commission, and
- Indiana Gaming Commission.

Gaming agents became covered by the EG&C Plan on July 1, 2005, and gaming control officers became covered on July 1, 2007.

## 2.2 Ineligibility

Membership requirements for the EG&C Plan are very specific and are listed in [IC 5-10-5.5-5](#). Anyone who does not meet these requirements is not eligible for membership in the EG&C Plan.

## 2.3 Personal Information

Your name and address on file in INPRS' records are the primary contact information maintained by INPRS.

You can report any change in demographic information by contacting the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. Customer Service Representatives (CSRs) are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET, or by logging into your account at [myINPRSmembership.org](http://myINPRSmembership.org).

Your employer can report your name changes when reporting wage and contribution information; however, it does not update the other INPRS records. In order to update/change your name with INPRS, you must submit your request in writing with supporting documentation to INPRS.

You can update your beneficiary information by submitting the [Change Your Beneficiary](#) form to the address provided on the form. For forms applicable to the EG&C Plan, visit the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website.



**NOTE:** As long as you have assets with the Plan, it is critical that you keep INPRS informed of any changes to name, addresses, or beneficiaries. You can update your address by accessing your account at [myINPRSretirement.org](https://myINPRSretirement.org).



The EG&C Plan covers positions of the state of Indiana as required by action of the Indiana General Assembly. These covered positions are in the Department of Natural Resources, State Excise Police, and Indiana Gaming Commission.

### 3.1 Employer Contributions

Employer contributions are dedicated to benefit obligations for the Plan. These contributions do not fund individual member accounts.

#### 3.1.1 Contribution Rate

For members in the EG&C Plan, the State of Indiana contributes at an actuarially determined rate which is evaluated annually and approved by the INPRS Board. This flat rate is charged to fund the benefit obligations for members in the EG&C Plan. The amount is expressed as a percentage of payroll. The employer contribution rate is separate and distinct from the 4 percent mandatory member contributions.

#### 3.1.2 Changes in Employer Contribution Rate

The employer contribution rate may change from year to year depending on the current benefit obligations of the EG&C Plan. Factors that may cause a change in rates may include, but are not limited to, investment returns, turnover, mortality experience, an increase in membership or wages, recent retirements, members reaching vesting status, and certification of prior creditable service for current or former members.

#### 3.1.3 Employer Coverage of Additional Positions

The coverage of additional positions in the EG&C Plan would require action by the Indiana General Assembly.

### 3.2 Member Contributions

As a member you are required to contribute 4 percent of your annual salary. The contribution is made through payroll deduction and is deposited in your account. The employer may pay all or a part of the contributions for you as a member.

### 3.3 Vested Status

You are vested in the EG&C Plan with 15 years of creditable service, unless you enrolled in the EG&C Plan after the age of 50. If you enrolled or re-enrolled after the age of 50, you vest with only 10 years of creditable service.

The EG&C Plan has a mandatory retirement age of 65 unless you become an officer after turning 50 years of age. In that case, the mandatory retirement date is the earlier of the following:

- The first day of the month following your 65th birthday.
- The first day of the month following the completion of 15 years of service.



The most common form of service credit is service earned in a position covered by the EG&C Plan. Still, there are other methods used to obtain service credit, some without cost and some with costs associated.

### 4.1 Member Service Credit

Service credit refers to the period of time you accumulate through employment in an EG&C Plan-covered position as outlined in this section. Service credit is important in determining your qualification for retirement benefits.

#### 4.1.1 Service Credit – Partial Months

You receive service credit for each period of continuous employment in an EG&C Plan-covered position from the date of hire to the last day in pay. At the time of retirement, only full years of service are used in the benefit calculation.

### 4.2 Types of Service Credit

As a member of the EG&C Plan you may be able to add various types of service credit in order to enhance your Defined Benefit Retirement Benefit. You must have 10 years of completed service in the EG&C Plan before the additional service can be used in your retirement benefit.

For forms applicable to the EG&C Plan, visit the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website.

#### 4.2.1 Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Eligibility

If you have military service, you may be eligible for service credit if the provisions of [Uniformed Services Employment and Re-employment Rights Act of 1994 \(USERRA\)](#) cover your military service. Conditions for USERRA eligibility are that all of the following criteria must have been met. You have:

- applied for or currently hold a civilian job,
- given written or verbal notice to the civilian employer prior to leaving the job for military training or service except when precluded by military necessity,
- not exceeded the five-year limit on periods of service, subject to certain exceptions,
- been released from service under honorable conditions,
- reported back to the civilian job in a timely manner or submitted a timely application for re-employment.

All you and your employer's contributions must be paid upon return to EG&C Plan-covered service. USERRA service can be used towards the 15 years required for vesting; this can also be used towards the 10 years required for you to join EG&C after the age of 50. Ultimately, INPRS relies on the assertions and verifications made by the plan's participating employer. Military service credit guidelines are governed by [IC 5-10.3-7-5](#) and [35 IAC 1.2-3-10](#) in conjunction with federal USERRA laws.

## 4.2.2 Family and Medical Leave Act (FMLA)

You may also receive credit for up to 12 weeks of leave taken during a 12-month period under [Family and Medical Leave Act \(FMLA\) \(29 USC 2601, et seq.\)](#). This service is used only for vesting and is not included in the Defined Benefit calculation.

## 4.3 Purchase Service Credit

Purchased service may not be used in the Defined Benefit calculation until you have 10 years of earned service in the EG&C Plan.

### 4.3.1 Purchase Military Service Credit

If you have served in the United States Armed Services, you may purchase up to two years of military service credit. You must meet all of the following conditions:

- You have at least one year of service in the Plan.
- You served on active duty for at least six months.
- You received an honorable discharge.
- You make payments as required by [35 IAC 4-2-4](#).
- Your service was not eligible under USERRA or [IC 5-10.3-7-5](#), leave of absence for military service.

Payment may be made in a lump sum or annual installments for a period not to exceed 5 years.

**NOTE:** The purchase of service for time spent in the military is limited to a maximum of 2 years.

### 4.3.2 Purchase Additional Service Credit

As a member of the EG&C Fund you may purchase, at full actuarial cost, prior service in other public retirement funds including PERF Hybrid, TRF Hybrid, the State Police Trust, and the '77 Fund.

In order to purchase this service in the EG&C Fund, you must have at least 1 year of active service in the EG&C Fund, may not be vested in the other public retirement fund, and make payment(s) as indicated in [IC 5-10-5.5-7.5](#).

As an EG&C Fund member, you are able to purchase military service and buyback in addition to prior service.

### 4.3.3 Cost of Purchased Service Credit

The cost of purchased service credit is the product of:

- Your salary at the time you actually make a contribution for the service credit.
- A rate (determined by the actuary) based on your age when the contribution was made and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

- The number of years of service that you intend to purchase.
- Any accrued interest (at a rate determined by the actuary) for the period from your initial membership in the Plan to the date payment is made by you.

#### 4.4 Transfer of Service Credit from this Plan

If you terminate service before accumulating 15 years of service and become a member of PERF, you may transfer service to PERF Hybrid as long as you have not taken a refund of your contributions and interest from the EG&C Plan.

#### 4.5 Reinstatement of Service

If you are a member of the EG&C Plan, who has previously taken a refund of your contributions, and you return to service in a position covered by the EG&C Plan, you may buy back the previously withdrawn service by paying to the Plan all amounts previously withdrawn ([35 IAC 4-2-1](#)).



## Investment Options

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There are currently no investment options for members of the EG&C Plan. The credited interest rate for EG&C Plan member accounts is set annually by the INPRS Board.



This section addresses distribution of your EG&C Plan prior to retirement, death, or disability. See the [Retirement Benefits](#) section for details about retirement.

### 6.1 Withdrawals

If you separate from service in a EG&C Plan-covered position for a reason other than death or disability **after** completing 15 years of active service (or 10 years of service if you enrolled after age 50), you may apply for your retirement benefit upon reaching age eligibility. You will not be eligible for distribution of your contributions because they will help fund your retirement benefit. See the [Retirement Benefits](#) section of this member handbook for details.

If you separate from service in a EG&C Plan-covered position for a reason other than death or disability **prior** to completing 15 years of active service (or 10 years of service if you enrolled after age 50), you may apply for a distribution of your contributions plus interest at a rate specified by rule by the INPRS Board. See the [Distributions](#) section of this member handbook for details.

You also have the option to leave your contributions invested with the EG&C Plan. They can be withdrawn at any time. See the [Distributions](#) section of this member handbook for details and the [Income Tax Considerations](#) section for details about taxes that may be levied on distributions.

### 6.2 Distributions

You do **not** qualify for retirement benefits if you:

- have less than 15 years of service when you end employment, or
- became a member of the retirement plan after age 50 and have less than 10 years of service.

Your interest rate is set at least yearly and as an active member you are credited at least yearly based on the prior fiscal year end balance.

The amount credited to your account equals the value of your portion plus interest valued the day before you apply for a distribution, or the date of your death plus contributions received after that date. You must:

- have ended service,
- have died before vesting, or
- be the survivor of a deceased member.

You may handle your account in one of three ways (Choice A, B or C) if you do not qualify for retirement benefits. See the [Payment Options](#) section for explanations of Choice A, B, or C. To receive a distribution you can access your account at [myINPRSretirement.org](http://myINPRSretirement.org). You may also contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET. You may also e-mail your questions to [questions@inprs.in.gov](mailto:questions@inprs.in.gov).

## 6.2.1 Payment Options

You must choose how to receive distributions.

### *Choice A*

If you end service before you earn 15 years of service and then become a member of PERF Hybrid, you may transfer your creditable service to that fund. If you transfer your account and service credit to PERF Hybrid, you qualify for PERF Hybrid retirement benefits under the eligibility rules for the PERF Hybrid retirement fund. See the [PERF Hybrid Fund Member Handbook](#) for details.

You are not eligible to transfer service credit to PERF Hybrid if you are vested or if you withdraw your contribution account. If you transfer this service, your decision is final. Service credit is not available for PERF My Choice: Retirement Savings Plan.

### *Choice B*

You may leave your account balance with the plan. If you leave your balance with the plan, you will receive the interest rate as set each fiscal year by the INPRS Board.

### *Choice C*

You may choose to receive a distribution of your account (See the [Distribution of Member Contributions](#) section below).

You are entitled to a lump sum distribution of all your contributions and earned interest if you:

- end employment before you earn 15 years of creditable service and you are not age 45, or
- became a member of the retirement plan after age 50 and have less than 10 years of service.

IRS regulations state that you may not receive a distribution from your account if you transfer to another position with the State of Indiana. You will only receive a distribution of your account (your contributions and earned interest) when you have ended employment with the State of Indiana.

Your account will receive eligible interest credit when you elect a distribution. The credit amount is set by the laws in effect at the time of the distribution.

When you are vested, your account is used to fund your retirement benefit. You are not able to elect a distribution if you:

- are vested with at least 15 years of service, or
- became a member after age 50 and you have at least 10 years of service.

If you die before you have earned 15 years of creditable service and you have not named a beneficiary, your contributions and earned interest are paid to your estate.

You will not receive the employer contributions under any circumstances. The employer contributions fund your benefits once you qualify for retirement or disability.

If you end employment after you earn 15 years of creditable service (or 10 years of service if you enrolled after age 50), but you do not qualify for retirement benefits, you will not receive your contributions and interest. You qualify once you:



- reach age 45 (early retirement benefits), or
- reach age 60 (regular retirement benefits), or
- meet the requirements of [IC 5-10-5.5-11](#):
  - if your age is at least 55 and your age plus service equals at least 85 (Rule of 85)
  - if your age is at least 50 and you have at least 25 years of service

### 6.2.2 Distribution of Member Contributions

You may withdraw your member contributions and earned interest if you qualify for a distribution under the plan. Your distribution options are:

- Direct rollover
- Distribution paid directly to you

#### *Direct Rollover*

A direct rollover is a direct payment of some or all of the amount of the distribution of 4 percent member contributions to an eligible IRA or an eligible employer plan (such as a 403[b] tax-sheltered annuity, a 457 deferred compensation plan), or a 401(a) qualified plan that will accept it. You can choose a direct rollover of all or any portion of the payment that is an eligible rollover distribution. You are not taxed on any taxable portion of a payment for which you choose a direct rollover until later when you take them out of the program into which they were rolled. In addition, there is no income tax withholding on the amount rolled over.

For more information, contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET. Email questions to [questions@inprs.in.gov](mailto:questions@inprs.in.gov).

#### *Paid Directly to You*

If you elect to withdraw contributions and do not elect a direct rollover of the distribution, it is subject to a mandatory 20 percent federal income tax withholding on the taxable portion (state tax withholding may also apply). The payment is taxed in the year you receive it unless, within 60 days you roll it over to an eligible IRA or an eligible employer plan that accepts rollovers.

If you receive a distribution of your 4 percent contribution before reaching age 55 and do not roll it over, you may have to pay an early distribution tax penalty equal to 10 percent of the taxable portion of the payment in addition to the regular income tax.

## 6.3 Loans

Loans from the EG&C Plan are not permitted at this time.



## Beneficiaries (Survivors)



*Beneficiary* refers to the person or institution designated to receive all or part of your retirement benefits upon your death.

A survivor refers to the person who receives a survivor retirement benefit upon your death.

You may choose a beneficiary and a contingent beneficiary by accessing [Change Your Beneficiary](#) on the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page on the INPRS website.

You must fill out this form if you want to change your beneficiary. See [IC 5-10-5.5-15](#) for the list of eligible beneficiaries or refer to the [Designating Beneficiaries \(Survivors\)](#) section.

### 7.1 Designating Beneficiaries (Survivors)

Eligible beneficiaries for this plan are set by statute, but you must nominate beneficiary(ies) for survivor benefits. Eligible beneficiaries are your spouse, unmarried child/children under the age of 18, or parent. If you did not declare a surviving spouse, child/children, or mother or father, any payment due at time of death would be payable to your estate.

You may designate any one of the following individuals as your beneficiary:

- Your spouse
- Your unmarried child/children under the age of 18
- Your mother or father

To access forms applicable to the EG&C Plan, visit the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website.

**NOTE:** As long as you have assets with the Plan, it is critical that you keep INPRS informed of any changes to your name, addresses, or beneficiaries. You can update your address by logging into your account at [myINPRSretirement.org](http://myINPRSretirement.org).



Retirement application for the EG&C Plan is submitted online and can be accessed by logging into your account on [myINPRSretirement.org](https://myINPRSretirement.org). For assistance contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

**NOTE:** As long as you have assets with the Plan, it is critical that you keep INPRS informed of any changes to your names, addresses, or beneficiaries. You can update your address by logging into your account at [myINPRSretirement.org](https://myINPRSretirement.org).

## 8.1 Retirement Eligibility

You qualify for retirement benefits if you:

- have at least 15 years of service when you end employment, or
- became a member of the retirement plan after age 50 and have at least 10 years of service.

The mandatory retirement age for the EG&C Plan is 65.

All benefits from the EG&C Plan are calculated as a Joint and 50 percent Survivor defined benefit.

## 8.2 Retirement Ineligibility

You do **not** qualify for retirement benefits if you:

- have less than 15 years of service when you end employment, or
- became a member of the retirement plan after age 50 and have less than 10 years of service.

See the [Withdrawals, Distributions, and Loans](#) section of this handbook for options if you do not qualify for retirement benefits.

## 8.3 Retirement Effective Date

As a member of the EG&C Plan the effective date of your retirement is the first of the month following your last date of service or your age eligibility date. When completing the retirement application online, it will default to the first day of the month.

## 8.4 Retirement Options

[Table 1](#) lists the retirement options available to you for retirement from the EG&C. It includes disability because it is handled like a retirement.

**Table 1: Retirement Options**

Option	Age and Service Requirements *	Benefit Calculation
Regular Retirement with a Full (Unreduced) Benefit	<ul style="list-style-type: none"> <li>Age 50 with 25 years of service</li> <li>Age 60 to 65 with 15 years of service or 10 years of service if you enrolled at age 50 or older</li> <li>Age 55 if age and service total at least 85 (Rule of 85)</li> </ul>	25% of average annual pay + 1.66% of average annual pay for each full year of creditable service past 10 years, not to exceed 75% of average annual pay. See the <a href="#">Regular Retirement with Full (Unreduced) Benefit</a> section of this handbook for details.
Early Retirement with a Reduced Benefit	At least age 45 with 15 years of service or 10 years of service if enrolled at age 50 or older.	Based on regular retirement then reduced by 0.25% of a percent for each month that early retirement date precedes 60th birthday. See the <a href="#">Early Retirement with a Reduced Benefit</a> section of this handbook for details.
Deferred Retirement Option Plan (DROP)	If you qualify, you may choose to retire under the terms of DROP. Based on average annual pay and years of service on the date you enter the DROP.	Lump sum or three annual installments = DROP frozen benefit x number of months in DROP + monthly retirement benefit. See the <a href="#">Deferred Retirement Option Plan (DROP)</a> section of this handbook for details.
Disability Retirement	<ul style="list-style-type: none"> <li>No age or service requirements</li> <li>Disability meets statutory requirements for line-of-duty or not in the line of duty</li> </ul>	See <a href="#">IC 5-10-5.5-13.5</a> for details. See the <a href="#">Disability Retirement</a> section of this handbook for details.

\* You will not receive credit for earned and unused sick leave even if you received pay for the leave.

### 8.4.1 Regular Retirement with Full (Unreduced) Benefit

As a member you become eligible for a full retirement benefit when you meet one of the following criteria:

- Age 50 with 25 years of service
- Age 60 to 65 with 15 years of service, or 10 years of service if you enrolled in EG&C at age 50 or older
- Age 55 if age and service total at least 85 (Rule of 85)

A regular retirement benefit is 25 percent of your average annual pay. Your benefit is increased by 1.66 percent of your average annual pay for every full year of creditable service past 10 years (however, the benefit may not be more than 75 percent of the average salary). Your "average annual salary" means your average annual pay during the five years of your highest pay in the 10 years just before you leave service. Pre-tax pay reduction agreements are not considered in this calculation (under Internal Revenue Code Section 125).

If you end service before you turn age 45 and you have 15 years or more of creditable service, you do not immediately qualify for a retirement benefit. You will qualify to choose an early retirement benefit when you turn 45. If you became a member prior to age 50, you may choose a regular (unreduced) retirement

benefit when you leave service with at least 15 years of service at age 60 or if you qualify for the Rule of 85 retirement. If you become a member of the plan after age 50 and you have 10 years or more of creditable service, you may choose a regular (unreduced) retirement benefit when you end service.

### 8.4.2 Early Retirement with a Reduced Benefit

Early retirement benefits are based on the regular retirement amount, then reduced by a quarter of a percent for every month that your early retirement date precedes your 60th birthday. See [IC 5-10-5.5-11](#) and [IC 5-10-5.5-12](#).

You qualify for early retirement if you are at least age 45 and have earned at least 15 years of creditable service.

### 8.4.3 Deferred Retirement Option Plan (DROP)

DROP is an optional benefit that allows EG&C members ([IC 5-10-5.5-22](#)) who are eligible for an unreduced retirement benefit to continue to work and earn a salary while accumulating a DROP benefit payable in a lump sum or three annual installments. In addition, you will receive a monthly retirement benefit equal to your DROP frozen benefit.

DROP retirement benefits are based on your average annual pay and years of creditable service on the date you enter the DROP.

**NOTE:** This information is being provided as a general explanation of benefit-related legislation. Every effort has been made to ensure that this information is correct. However, in the event that this information is inconsistent with the underlying statutes, the statutory provisions shall control.

#### *DROP Enrollment*

If you elect to enter the DROP **your election is irrevocable** and requires you to retire on the DROP retirement date. To enroll you must be eligible for regular retirement and must submit:

- An election to participate in the DROP specifying the DROP entry date (which must be the first day of your DROP period) and your retirement date (which must be the last day of your DROP period). Visit the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website for the appropriate form to submit,
- Any other forms required by INPRS.

**NOTE:** As of July 1, 2019, the benefit percentage used for DROP Retirements is based on the DROP Retirement Date not the DROP Entry Date. To enable INPAS to correctly calculate the benefit, enter the DROP Retirement Date in the As Of Date field on the Main Definition tab.

#### *DROP Period*

You must select a DROP retirement date that meets the following criteria:

- Not less than 12 months after your DROP entry date.

- Not more than 36 months after your DROP entry date.
- Only one DROP election is allowed during your lifetime.
- DROP cannot extend past the mandatory retirement age of 65.

### ***DROP Contributions***

You will continue to make required employee contributions and your employer will continue to make any required employer contributions.

### ***DROP Disability***

If you become disabled (as decided by the INPRS Board of Trustees or its designee), while in the DROP, your annual benefit is calculated as follows:

- If you retire because of a disability in less than 12 months from the date you enter the DROP, your benefit is calculated as if you had never entered the DROP.
- If you retire because of a disability 12 months or more after the date you enter the DROP, your benefit is calculated as a DROP benefit. Your retirement date is the date you retire because of a disability, not your DROP retirement date.

### ***DROP Retirement Benefit***

If you elected to participate in the DROP, upon retirement you may elect to forego DROP benefits and instead receive monthly retirement benefits calculated as if you never elected to participate in the DROP. These benefits are based on your accrued service and base salary as of the retirement date.

When you exit the DROP and retire on your DROP retirement date, you can choose between the following two options:

1. Benefits that consist of a DROP benefit and a monthly benefit, calculated as follows:
  - A DROP benefit equal to the amount that “accrued” while you were in the DROP. This would be paid out, at your election, in a lump sum, or three equal annual installment payments, plus
  - A monthly benefit calculated based on your average annual pay and years of creditable service on the date you entered the DROP.
2. The monthly retirement benefit based on salary and service in effect when you exit the DROP, and no lump sum/installment component. (In other words, you will receive the monthly benefit that you would have otherwise received without ever entering the DROP.)

You will not continue to accrue service credit for the years in the DROP. Contributions are made and service credit is earned; but, if you retire on the DROP date, the additional service is not used.

If you do not retire on your DROP date, your benefits will be determined under the provisions of the EG&C Plan as if you never entered the DROP, and you will not be able to make a future DROP election.

### ***DROP Frozen Benefit***

Upon entry into the DROP, a “DROP frozen benefit” is calculated. This is equal to your monthly retirement benefit based on accrued service and final average salary (FAS) as of the date you entered the DROP.

Upon your DROP retirement, you are eligible to receive a lump sum equal to the amount of your DROP frozen benefit multiplied by the number of months you were in the DROP. You may elect to receive this amount in three annual installments instead of in a single lump sum. In addition, you will receive a monthly retirement benefit equal to your DROP frozen benefit.

For the years in the DROP, contributions are made and service credit is earned; but, if you retire on the DROP date, the additional service is not used.

**NOTE:** The final average salary (FAS) is calculated as the average of the highest 5 salaries from the last 10 years. Any severance payment up to \$2,000 made to you as a member of the EG&C Plan is added to the FAS.

### ***DROP Death Benefit***

#### **Prior to July 1, 2021**

If you die in the line of duty OR not in the line of duty, prior to beginning to receive your retirement allowance, a benefit will be paid on the DROP frozen benefit under the terms of the plan.

#### **Effective July 1, 2021**

If you enter the DROP at any time and die after June 30, 2020, the following apply:

1. If you die within less than 12 months after entering the DROP, the death benefits are calculated as if you never entered the DROP;
2. If you die with at least 12 months after entering the DROP, the death benefits consist of:
  - a. The DROP frozen benefit
  - b. An additional amount which is the DROP frozen amount benefit multiplied by the number of months in the DROP. The additional amount may be paid either in one lump sum or 3 equal annual payments;

## **8.5 Disability Retirement**

A petition for disability retirement benefits may be made by you, the department, or the commission. The INPRS Board of Trustees, or its designee, will decide:

- if your disability meets statutory requirements,
- the degree of your disability, and
- if the disability arose in the line of duty (as defined in the statute [IC 5-10-5.5-13.5](#)).

When you file for disability retirement benefits, the INPRS Medical Authority will use the impairment standards of the United States Department of Veterans Affairs' (USDVA) Schedule for Rating Disabilities to decide the degree of your impairment. The USDVA standard in effect at the time you file will be used to decide the degree of your disability.

### **8.5.1 Disability Eligibility**

You may receive disability benefits (as decided by the INPRS Board of Trustees or its designee) in the amount provided by this retirement plan if:

- you become unable to perform all suitable and available work on the force, and
- reasonable accommodations (required by the Americans with Disabilities Act) are made, and you remain unable to perform work that you are qualified for or may become qualified for.

### *In the Line of Duty*

A disability is considered in the line of duty if the disability is the direct result of:

- a personal injury that happens while you are on duty,
- a personal injury that happens while you are off duty and responding to:
  - an offense,
  - an emergency, or
  - a reported offense or emergency.
- an exposure risk to disease according to state law ([IC 5-10-13](#)) while in the line of duty.

### **8.5.2 Disability Ineligibility**

Disability benefits will not be provided for any disability that:

- is intentional or self-inflicted injury or attempted suicide while sane or insane,
- results from a committed or attempted felony act,
- begins within two years after you enter or re-enter active service on the force, and
- is a mental or physical condition that began before you entered or re-entered active service.

### **8.5.3 Disability Benefit**

Disability benefits from the EG&C Plan are payable for life, but the benefit is recalculated as a regular retirement when you turn 60 years of age. This recalculation will include any time you spent receiving state long-term disability benefits ([IC 5-10-5.5-7](#)).

### *Disability in the Line of Duty*

If your disability arose in the line of duty you are entitled to a monthly benefit equal to your monthly salary on the date of disability multiplied by the degree of impairment (expressed as a percentage impairment of the person as a whole). However, the monthly benefit must be at least one of the following:

- 20 percent of your monthly salary on the date of the disability if you have more than 5 years of service, or
- 10 percent of your monthly salary on the date of the disability if you have 5 or fewer years of service.



### *Disability Not in the Line of Duty*

If your disability did not arise in the line of duty you are entitled to a monthly benefit equal to  $\frac{1}{2}$  of your monthly salary on the date of disability multiplied by the degree of impairment (expressed as a percentage of the person as a whole). However, the monthly benefit must be at least one of the following:

- 10 percent of your monthly salary on the date of the disability if you have more than 5 years of service.
- 5 percent of your monthly salary on the date of the disability if you have 5 or fewer years of service.

## 8.6 Direct Deposit

Direct deposit is the required method to distribute benefit payments. On the same day each month, your payment will be deposited directly into your specified account. You will receive an annual notice of deposits.

Your money cannot be lost or stolen, and there are no delays due to mishandled mail or incorrect addresses. You can update your direct deposit information online at any time.

The Direct Deposit form is completed and submitted online from the INPRS website. If you need assistance contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

## 8.7 Re-Employment of Retired Members

As a retired member of the EG&C Plan, you cannot return to an EG&C-covered position and receive service credit; however, you can return to active employment in a position not covered by the EG&C Plan.

## 8.8 Retirement Application Requirements

You will need to submit your retirement application to INPRS at least 90 days before you plan to retire. To complete your retirement application, you will access your account at [myINPRSretirement.org](https://myINPRSretirement.org) and follow the prompts and instructions provided.

- **Confirm Personal Information** – your address and personal information as requested
- **Choose Your Retirement Date and Plan** – provide your retirement date and retirement type as requested (options will be limited by the Plan and date entered)
- **Survivor Designation** – enter your survivor information as requested
- **Tax Notices** – enter information and make selections for state, federal, and local, as applicable
- **DROP** – enter the requested information if applicable,
- **Direct Deposit** – provide the requested information
- **Required Documents** – upload any additional document as applicable or as required

**NOTE:** You will only be taxed on your benefit payments when you receive your benefit.

If you need assistance contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

## **8.9 Benefit Overpayment and Underpayment**

INPRS is required by federal and state law to correct any errors in benefit calculations. If you or your survivor receive an overpayment as a result of an error, INPRS must recover the overpayment. If you or your survivor are underpaid, you or your survivor will receive another payment from INPRS.



To access the forms associated with death and survivor benefits, visit the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website or contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

**NOTE:** As long as you have assets with the Plan, it is critical that you keep INPRS informed of any changes to your names, addresses, or beneficiaries. You can update your address by logging into your account at [myINPRSretirement.org](http://myINPRSretirement.org).

## 9.1 Beneficiaries

You may choose one or more of your beneficiaries to receive a lump sum payment plus interest if you die without:

- receiving a retirement benefit,
- receiving a disability benefit,
- a survivor entitled to receive a benefit, and
- INPRS returning your contributions.

Your contributions plus interest are paid to your beneficiary. INPRS will decide the interest rate. If you do not choose a beneficiary and you do not have survivors entitled to a benefit, your contributions plus interest will be paid to your estate. INPRS will decide the payment rate paid to your estate.

## 9.2 Survivor Benefit

### 9.2.1 Prior to February 1, 2018

According to changes made by 2020 Senate Enrolled Act 181, if a member dies before February 1, 2018 **before** accruing 15 or more years of creditable service under the Plan, the member's nominated beneficiary(ies) were entitled to receive a distribution of your mandatory member contributions to the Plan plus interest.

If the member died **after** accruing 15 or more years of creditable service under the Plan, or after retiring, the member's nominated beneficiary(ies) were entitled to receive survivor benefits.

The survivor benefits are 50 percent of the amount you were receiving or would have been entitled to receive if you had retired. You may designate any one of the following individuals as your beneficiary:

- Your spouse
- Your unmarried child/children under the age of 18
- Your mother or father

If you elect your spouse as your beneficiary, your spouse is entitled to a monthly survivor benefit for life even if the spouse remarries. This benefit is equal to 50 percent of the amount that you would have

received under the plan. If your spouse is more than 5 years younger than you, the survivor benefit is actuarially reduced without regard for the gender of your spouse or you.

If you elect an unmarried child under the age of 18 to receive your survivor benefits, that child is entitled to a monthly survivor benefit until the child reaches age 18 or marries, whichever occurs first. This benefit will equal 50 percent of the amount you would have received under the plan.

If you name more than one child to receive your survivor benefit, the benefit is divided equally between all of the elected children. Benefits will end when a child turns age 18 or marries. The survivor benefit will then be divided equally between the remaining children who still qualify for benefits.

If you elect a mother or father as your beneficiary, the parent will receive a monthly survivor benefit for life. This benefit equals 50 percent of the amount you would have received under the plan.

If you do not elect anyone to receive your survivor benefit, or those elected precede you in death, your estate will receive a lump sum payment of your contributions and earned interest.

A lump sum payment will not be paid to the estate of your last surviving beneficiary if you and your beneficiary die prior to recovering contributions plus interest.

### 9.2.2 Effective February 1, 2018

According to changes made by 2020 Senate Enrolled Act 181, an active member in the EG&C plan who died after January 31, 2018, is not required to have a minimum number of years of creditable service in the Plan at the time of the member's death in order for the member's nominated survivor to be entitled to receive survivors' benefits. If an active member dies in the line of duty, then the nominated survivor will receive 100% of the benefit that the member would have received with 25 years of service at 50 years of age. If an active member dies other than in the line of duty, then the nominated survivor will receive 50% of the benefit that the member would have received with 25 years of service at 50 years of age.

If an inactive member with at least 15 years of service dies other than in the line of duty, then the nominated survivor will receive 50% of the benefit that the member would have received with 25 years of service at 50 years of age. If an inactive member dies other than in the line of duty and does not have at least 15 years of service and the member was not receiving a disability benefit, the nominated survivor will receive a refund of the member contributions plus interest.

If a member died after January 31, 2018, but before April 1, 2020, the survivor can repay the full amount of member's previously distributed account and INPRS will provide new annual survivor allowance or INPRS can adjust the amount of the full survivor's allowance to account for a distribution that was already paid.

You may designate any one of the following individuals as your beneficiary:

- Your spouse
- Your unmarried child/children under the age of 18
- Your mother or father

If you elect an unmarried child under the age of 18 to receive your survivor benefits, that child is entitled to a monthly survivor benefit until the child reaches age 18 or marries, whichever occurs first. If you name more than one child to receive your survivor benefit, the benefit is divided equally between all of the elected children. Benefits will end when a child turns age 18 or marries. The survivor benefit will then be divided equally between the remaining children who still qualify for benefits.

If you do not elect anyone to receive your survivor benefit, or those elected precede you in death, your estate will receive a lump sum payment of your contributions and earned interest.

A lump sum payment will not be paid to the estate of your last surviving beneficiary if you and your beneficiary die prior to recovering contributions plus interest

**NOTE:** Marriages will be recognized, regardless of gender.

### 9.3 DROP Survivor Benefits

If you die before your benefits begin, death benefits will be paid to your surviving spouse. Your spouse will receive a calculated lump sum DROP benefit. If you do not have a surviving spouse, the lump sum will be divided equally among your surviving children. If you do not have surviving children, the lump sum is paid to your parents. If you do not have surviving parents, the lump sum is paid to your estate.

### 9.4 Line of Duty Death Survivor Benefits

#### 9.4.1 Effective February 1, 2018

According to changes made by 2020 Senate Enrolled Act 181, if a member of the EG&C plan dies in the line of duty after January 31, 2018, the nominated survivor is entitled to an annual survivors' allowance for life equal to 100 percent of the amount to which, the member would have been entitled had the member retired with 25 years of service at 50 years of age.

If a member died after January 31, 2018, but before April 1, 2020, the survivor can repay the full amount of member's previously distributed account and INPRS will provide new annual survivor allowance or INPRS can adjust the amount of the full survivor's allowance to account for a distribution that was already paid.

[See the DROP Section 8.4.3 for more information](#)

### 9.5 Survivor Benefit Application Requirements

As the beneficiary/survivor, in order to process your survivor benefit, you must submit the following to INPRS:

- survivor benefit application,
- copy of your marriage certificate and confirmation that the deceased was married to you at the time of death (for surviving spouse claims),
- birth certificates of any survivors, (for surviving child claims), and
- death certificate of deceased member,
- birth certificate of member, if not already on file at INPRS, and
- request for direct deposit of benefits.

If you need assistance contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

**NOTE:** You will only be taxed on your benefit payments when you receive your distribution.

## 9.6 Benefit Overpayment and Underpayment

INPRS is required by federal and state law to correct any errors in benefit calculations. If you or your survivor receive an overpayment as a result of an error, INPRS must recover the overpayment. If you or your survivor are underpaid, you or your survivor will receive another payment from INPRS.



## 10.1 Tax Forms and Withholding

INPRS must withhold income taxes on distributions. INPRS must also withhold federal taxes on monthly payments. You or your survivor may choose not to have taxes withheld. Make sure to complete the tax withholding forms when you or your survivor apply for benefits.

Each year, INPRS mails 1099-R forms to all benefit recipients by January 31. The 1099-R form is much like a W-2 form. It lists the total amount of benefits received during the year. It also shows the taxable and non-taxable amounts. INPRS can also withhold federal, state, county, and local taxes. If you did not complete tax withholding forms at the time of your retirement, you may do so at any time.

INPRS can withhold federal taxes based upon the marital status and the number of exemptions claimed.

**NOTE:** You must enter a withholding election (e.g., married with three exemptions, single, etc.) before electing an additional flat, whole dollar amount. State and federal tax elections are available online by accessing your account at [myINPRSretirement.org](http://myINPRSretirement.org). State and federal tax forms are available online and can be downloaded and submitted to INPRS.

The tax rules are complex. If you would like more information, refer to IRS Publication 575. If you need more help, you should contact your local IRS office or a tax consultant.

## 10.2 Payment Directly to You

You can roll over your member contributions to a traditional Individual Retirement Account (IRA) or an eligible employer plan that accepts rollovers. The company must receive the rollover funds 60 days from the date of the check. If you do not roll over your contributions in 60 days, the taxable portion will be subject to a mandatory 20 percent federal income tax withholding (state tax withholding may also apply). The distribution is taxed in the year you receive it.

If you receive a distribution of your contributions before age 59½ and you do not roll it over, you may have to pay an early distribution tax penalty equal to 10 percent of the taxable portion of the payment in addition to the regular income tax.

If you are a qualified public safety employee who is at least age 50 and you are receiving a distribution from a governmental defined benefit plan, you will not have to pay the early distribution tax penalty equal to 10 percent.

To request a distribution, you can log in to your [account](#). You may also call the Member Service Center at 1-844-GO-INPRS (844-464-6777) to speak with a CSR.

## 10.3 Taxation of Retirement Benefits

When you retire, you will be taxed on all of your benefit payments. Your "tax basis" portion will not be taxed. The tax basis is the 4 percent member contribution that was taxed when the contribution was paid into the plan. Over a pre-decided number of payments, you will recover your non-taxable (tax basis)

amount from each benefit payment. Your recovery amount is based on your age at the time your benefits start. The schedule for repayment is set by IRS regulations. After all the non-taxable amounts have been left out of your benefit payments, 100 percent of the remaining benefit payments will be included as taxable income. Each year, the plan will provide you with a 1099-R form to report the taxable and non-taxable (if any) portion of your benefits. Read more about tax basis, [here](#).

### 10.3.1 Tax Withholding

The plan is required to withhold income taxes on distributions and monthly payments. You may elect not to have taxes withheld. Remember to complete the tax withholding forms when you apply for benefits.

**CAUTION:** You should talk to the trustee of your qualified plan or IRA or your professional tax advisor if you need more information about the taxes on your distribution.

**NOTE:** You will only be taxed on your benefit payments when you receive your distribution.

### 10.3.2 Benefit Deductions

Effective July 1, 2018, you will not be able to deduct pledges or contributions to charitable or non-profit organizations.

However, after retirement, you are allowed to make deductions from your monthly retirement benefit to pay insurance premiums or labor organization dues. Allowable insurance premiums include only those for life, medical, surgical, hospitalization, dental, vision, long-term care, or Medicare supplement coverage. The only insurance eligible for this deduction is insurance provided by your employer. Survivors may also make these deductions.

The form for benefit deductions for labor organization dues is available on the [Excise, Gaming and Conservation \(Excise Plan\) Member Forms](#) page of the INPRS website. You can contact the Member Service Center at 1-844-GO-INPRS (844-464-6777). For TDD call (800) 579-5708. CSRs are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

For deductions from your monthly retirement benefit to pay insurance premiums, see your employer.





## 11.1 Cost of Living Adjustment (COLA)

Cost of living adjustment (COLA) is an adjustment to your monthly retirement benefit payment. COLAs are not automatic in Indiana; the General Assembly must pass legislation granting a COLA. Retired members and survivors of the EG&C Plan receive the same COLAs as received by retired members and survivors of PERF.

## 11.2 13th Check Annual Supplemental Payment

13th checks are supplemental payments that may be made to retired members. 13th checks are not automatic in Indiana; the General Assembly must pass legislation granting the 13th check. For details about 13th Checks go to the [COLAs and 13th Checks](#) page of the INPRS website.

A survivor or beneficiary of the member may be eligible for the check. The amount of the check will be distributed in equal shares if the member has two or more survivors or beneficiaries.

## 11.3 Required Minimum Distribution (RMD) Information

The Internal Revenue Service (IRS) requires that if you have an interest in a retirement benefit you must take a Required Minimum Distribution (RMD) from that benefit. [Section 401\(a\)\(9\)](#) of the Internal Revenue Code (IRC) requires INPRS to begin making required minimum distributions of your benefit starting by April 1 of the calendar year following the calendar year in which you attain age 70½ or 72 (depending upon the date the individual reaches age 70 ½) or terminate employment, whichever date is later. However, individuals who turn 70½ on or after January 1, 2020, do not have to take their RMD until age 72.

If the benefit does not begin in a timely fashion, the IRS may impose a 50 percent penalty on you due to a late distribution.

**NOTE:** Individuals who turn 70½ on or after January 1, 2020, do not have to take their RMD until age 72.

You must complete the online retirement application if you meet all of the following criteria:

- You have at least 15 years of service when you end employment and
- You became a member of the retirement plan after age 50 and have at least 10 years of service and
- You have separated from service and
- You have not begun the retirement benefit and
- You will be age 70½ by December 31, 2019. The requirements indicated in the first paragraph of this section apply.
- If the member reaches 70 ½ on or after January 1, 2020, he or she does not have to apply for or take their RMD until age 72. The requirements indicated in the first paragraph of this section apply.

You will need to submit your retirement application to INPRS by accessing your account at [myINPRSretirement.org](http://myINPRSretirement.org) and follow the prompts and instructions provided. You may contact the Member Service Center at (844) GO-INPRS (844-464-6777). For TDD call (800) 579-5708. Customer Service Representatives are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET.

If INPRS does not receive the retirement application by December 31, and you meet the requirements described above, INPRS will undertake to contact you to set up the RMD for distribution of any retirement and/or contribution funds to which you are entitled.

If you have reached the age requirement of 70½ and want to begin the RMD at that time before submitting the Retirement Application, INPRS is required to adjust the benefit for any IRS imposed penalties. See 35 IAC 13-1-1 for more detailed information regarding INPRS' RMD process.

### 11.3.1 Death Benefit Required Minimum Distribution

If you die with a DC account balance, the designated beneficiary(ies) must receive their distributions within five years of the date of death. The beneficiary may take the distribution in a single lump sum or proportionate annual payments over the five-year period. If the beneficiary may annuitize the amount, then it may be paid over the life expectancy of the beneficiary pursuant to IRS rules.

## 11.4 Administrative Review

**NOTE:** This information is only a guide and neither a substitute for, nor intended as legal advice.

If INPRS staff have answered your questions regarding your account but you disagree with the action or determination, and no alternative resolution is available, you may request administrative review under the Administrative Orders and Procedures Act ([IC 4-21.5](#)). You must have standing as a party or a right to intervention to request administrative review.

### 11.4.1 Initial Determination

Petition INPRS in the form of a letter to request a review of the action or determination with which you disagree. This letter should specifically state the basis of your disagreement and include sufficient facts so that INPRS administration can make an evaluation and determination. You may include copies of any supporting documents. For a sample format of this member petition, see the [Step 1: Member Petition for Administrative Review of Staff Action/Determination](#) form available on the INPRS website.

Once an evaluation has been completed, you will be notified with an initial determination letter, sent by certified mail. INPRS will detail in the letter our initial determination and provide supporting justification. In addition, INPRS will provide explicit instructions should you want to appeal the initial determination. Indiana law sets forth specific timelines to appeal a decision. Should your appeal be received after the deadline, under Indiana law, the initial determination will become final and you will forfeit any future claims specific to that particular outcome. As noted, many processes and procedures followed by INPRS are statutory, meaning INPRS does not have the discretion to act outside of the law in granting a benefit that federal and/or state law does not permit.

### 11.4.2 Administrative Law Judge

If you disagree with the initial determination and want to further challenge, you may bring the matter before an Administrative Law Judge (ALJ). To initiate this process, you must file a petition for review with the INPRS Executive Director. The petition for review:

- Must meet the statutory requirements set forth in [IC 4-21.5-3-7\(a\)](#); AND
- Must be filed within 15 days after you have received the written notice of the INPRS initial determination letter. ([IC 4-21.5-3-7\(a\)](#)).

If your petition for review meets the statutory requirements, INPRS will arrange for an administrative hearing of your case, which is similar to a trial in a lawsuit, but is conducted in a less formal manner ([IC 4-21.5-3-25\(b\)](#)). You may be represented by counsel, but there is no requirement that you obtain representation. INPRS is not responsible for costs associated with your representation. The ALJ who conducts the review will consider the evidence concerning the administrative action/decision and decide whether INPRS has misinterpreted or misapplied the law and/or acted beyond the scope of its authority in your case.

After an ALJ is selected, you will be notified of the time and place of a pre-hearing conference, ordinarily conducted by conference call between you, INPRS, and the ALJ. The purpose of this conference is for the ALJ to identify and narrow the issues of the case and to set a timeframe for pleadings and discovery. A pleading is a formal document that sets forth allegations, complaints, denials, or defenses. Discovery is the process of learning information and obtaining documents from the other party.

If there are no material facts in dispute and the ALJ believes that the issues involved in the case deal with whether INPRS has applied or interpreted the law correctly, the ALJ may request a party file a motion for summary judgment. This means the ALJ may determine the case based on information submitted to the ALJ in writing. This is a process that speeds up the disposition of the case without the need for an evidentiary hearing where witnesses testify and are cross examined.

If there are material issues of fact, the ALJ will set a date for an evidentiary hearing where each party will call and cross examine witnesses and present other evidence. For a detailed outline of the ALJ review process, see the [General Outline for Administrative Law Judge \(ALJ\) Review](#) available on the INPRS website.

Within 90 days after the conclusion of the administrative hearing, the ALJ will issue a Finding of Facts and Conclusions of Law and written order concerning the action or decision that you are challenging ([IC 4-21.5-3-27](#)). The ALJ's order is then subject to review by the INPRS Executive Director. On behalf of the Board of Trustees, the Executive Director will issue a final order that affirms, modifies, or dissolves the ALJ's order ([IC 4-21.5-3-29\(b\)](#)).

### 11.4.3 Judicial Review

If you are still in disagreement at the conclusion of the administrative review, you may seek judicial review within thirty (30) days of receipt of the final order ([IC 4-21.5-5](#)). A reviewing court will examine only those disputed issues of fact that appear in the agency record of the appeal. The trial court may not retry the appeal or substitute its judgment for that of agency ([IC 4-21.5-5-11](#)).

See the [Administrative Review Regulations](#) available on the INPRS website for a list of all relevant IAC references.

## 11.5 Power of Attorney

The fund honors requests and directions from a lawful holder of a Power of Attorney document for a member. This individual is known as the attorney-in-fact. The Power of Attorney must grant the attorney-in-fact the authority to transact business of the type requested. For instance, if the Power of Attorney document grants the attorney-in-fact broad discretion to handle all banking and financial transactions, the fund will accept directions regarding benefit check delivery. If, on the other hand, a member grants what is known as a Health Care Power of Attorney, the attorney-in-fact does not have the authority to direct the fund on any matter, even something as simple as an address change.

If a member wishes to name a Power of Attorney for fund business only, without incurring the expense of legal counsel, the fund provides a Power of Attorney form ([Limited Power of Attorney for Members and Recipients \(State Form 49614\)](#)). However, this Power of Attorney applies only to fund business and is not valid for general public use.

If an attorney-in-fact attempts to act on behalf of a member, the fund will require a copy of the Power of Attorney. If a copy of the Power of Attorney is not in the member's file, the requested transaction will be denied. The denial will then be returned to the attorney-in-fact, requesting proof of legal authority to act on behalf of the member.

**NOTE:** Indiana law has very specific requirements for a Power of Attorney to be valid. Your signature must be witnessed and attested to by a Notary Public. Further, the Notary Public must sign the document along with the attorney's printed name and notarial seal.

## 11.6 Guardian

The fund honors requests and directions from a legally appointed guardian of your estate.

Before the fund can recognize acts of a guardian, the fund must receive copies of the Letters of Guardianship and/or other official court documents appointing the guardian. Only the guardian of your "estate", the person with the power to handle financial matters (as opposed to the guardian of the "person" who is responsible for your physical well-being), may direct the fund.

Guardians are appointed only when you are declared incompetent by a court of law. Thus, while you are under an active guardianship and unable to act on your own behalf. The fund will not recognize your acts until provided proof that your right to act on your own behalf has been restored.

## 11.7 Access to Records

### 11.7.1 Member Records

Your records are confidential by law. INPRS will only release your name, fund, and years of service.

INPRS can provide information from your records to you, or to one of the following:

- a guardian,
- a representative of your estate,

- an attorney-in-fact (aka Power of Attorney or POA),
- someone to whom you have given express permission, or
- someone named by a court order.

There are other exceptions to this rule. Contact INPRS if you have a situation other than those outlined herein.

### 11.7.2 Public Records

You do not need to fill out a request for access to public records to get your information. You can:

- Call 1-844-GO-INPRS (844-464-6777),
- Email us at [questions@inprs.in.gov](mailto:questions@inprs.in.gov), or
- Send a written request or stop by in person at:

Indiana Public Retirement System  
One North Capitol Avenue, Suite 001  
Indianapolis, IN 46204

### 11.8 Confidentiality of Fund Records

Your records are protected by law under [35 IAC 1.2-1-5](#) and [IC 5-10.5-6-4](#). The law outlines INPRS confidentiality rules and allows INPRS, at its discretion, to provide member information to:

- members of the Indiana General Assembly,
- state agencies,
- quasi-governmental agencies,
- any person with the member's written permission, including a Power of Attorney,
- an active member's employer,
- a deceased member's personal representative with Letters Testamentary or a beneficiary, according to a small estate affidavit,
- to follow state or federal law, a subpoena, legal discovery under the Indiana trial rules or Orders and Procedures Act or other court order.

There are other exceptions to this rule. Contact INPRS if you have a situation other than those outlined herein.