

# LEGISLATORS' DEFINED BENEFIT PLAN

## MEMBER HANDBOOK

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## 1.1 Administration of System and Funds

Indiana Public Retirement System (INPRS) administers 16 funds (eight defined benefit (DB), five defined contribution (DC), two other post-employment benefit, and one custodial). In accordance with [Indiana Code \(IC\) 5-10.5-2-3](#), INPRS is governed by a nine-member Board of Trustees, appointed by the Governor. INPRS combined membership totals over 500,000 members representing more than 1,250 participating employers including public universities, school corporations, municipalities, and state agencies.

INPRS administers and manages the following plans:

- Public Employees' Defined Benefit Account (PERF DB)
- Teachers' Pre-1996 Defined Benefit Account (TRF Pre-'96 DB)
- Teachers' 1996 Defined Benefit Account (TRF '96 DB)
- 1977 Police Officers' and Firefighters' Retirement Fund ('77 Fund)
- Judges' Retirement System (JRS)
- Excise, Gaming and Conservation Officers' Retirement Fund (EG&C)
- Prosecuting Attorney's Retirement Fund (PARF)
- Legislators' Defined Benefit Fund (LE DB)

### 5 Defined Contribution Funds (DC Funds)

- Public Employees' Defined Contribution Account (PERF DC)
- My Choice: Retirement Savings Plan for Public Employees (PERF MC DC)
- Teachers' Defined Contribution Account (TRF DC)
- My Choice: Retirement Savings Plan for Teachers (TRF MC DC)
- Legislators' Defined Contribution Fund (LE DC)

### Other Postemployment Benefit (OPEB Fund)

- Special Death Benefit Fund (SDBF) - Effective July 1, 2017, the State Employees' Death Benefit Fund, Public Safety Officers' Benefit Fund, and the line of duty death benefit from the Local Public Safety Pension Relief Fund were merged to form the Special Death Benefit Fund. The SDBF provides a lump sum line of duty death benefit to surviving spouses, children, or parents of \$100,000 for state employees and \$225,000 for state public safety officers and eligible first responders of employers enrolled in the Hero's Honor program.
- Retirement Medical Benefits Account (RMBA) – RMBA is a health reimbursement account available to State of Indiana employees who have separated from service and are age and service eligible for a normal, unreduced, or disability retirement and PERF My Choice members who are of normal retirement age and service eligible. RMBA benefits are for the reimbursement of health insurance premiums.

### Custodial (Custodial Fund)

- 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.

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

## 1.2 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 Office of Management and Budget, 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](#)).

## 1.3 Vision

Engaged members able to realize their retirement dreams.

## 1.4 Mission

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

## 1.5 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.

## 1.6 Legislators' Retirement System Member Handbooks

The Legislators' Retirement System (LRS) Member Handbook is now two handbooks.

- *Legislators' Retirement System (LRS) Defined Benefit (LE DB) Plan Member Handbook*, referred to as the *LRS LE DB Plan Member Handbook* throughout this handbook.
- *Legislators' Retirement System (LRS) Defined Contribution (LE DC) Plan Member Handbook*, referred to as the *LRS LE DC Plan Member Handbook* throughout this handbook.

## 1.7 Indiana Code Governing LRS

The laws and regulations governing the Indiana LRS may be found in Title [IC 2-3.5](#) of the Indiana Code (IC). 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 handbook and the laws of the state of Indiana, the applicable law shall apply.



If you are a state employee, you are eligible for membership in the LRS based on specific criteria outlined in this member handbook.

The Defined Benefit (DB) Plan, referred to as the LE DB, guarantees a lifetime monthly benefit to you as a legislator if you were a member of the General Assembly on April 30, 1989, and chose to join.

Employer contributions and their investment earnings fund the LE DB.

There is also the Defined Contribution (DC) Plan, referred to as the LE DC. See the *LRS LE DC Plan Member Handbook* for details.

## 2.1 Eligibility

The Legislators' Retirement System (LRS) includes a Defined Benefit (LE DB) Plan ([IC 2-3.5-4](#)) and a Defined Contribution (LE DC) Plan. Your participation in one or both of these funds depends on **when** you served in the Indiana General Assembly.

The LE DB Plan applies only to legislators who were members of the General Assembly on April 30, 1989 and chose to participate. At that time, you had the option of joining both the LE DB Plan and the LE DC Plan of LRS. If you chose to remain a member of PERF, refer to the *PERF Hybrid Fund Member Handbook*. This member handbook covers the LE DB Plan. For information about the LE DC Plan, refer to the *LRS LE DC Plan Member Handbook*.

If your service in the General Assembly was completed on or before April 30, 1989, you will continue as a member of the Public Employees' Retirement Fund (PERF). You will **not** participate in the LRS.

### 2.1.1 LRS versus PERF Retirement Plan

The LRS was designed especially for the needs of State legislators ([IC 2-3.5-4](#)). Prior to the creation of the LRS in 1989, State legislators participated in the general PERF retirement plan. If your service in the General Assembly was completed on or before April 30, 1989, you will continue as a member of PERF and will not participate in the LRS.

## 2.2 Ineligibility

Membership requirements for the LRS are very specific and are listed in [IC 2-3.5](#). Anyone who does not meet these requirements is not eligible for membership in the LRS. LRS members who began service after April 30, 1989 participate in the LRS (LE DC) only.

## 2.3 Personal Information

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

You can report any change in demographic information and beneficiary information by contacting the Member Service Center at (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.

**NOTE:** As long as you have assets with the LRS, it is critical that you keep INPRS informed of any changes to your name, addresses, or beneficiaries.





There are no contributions made to the LRS Defined Benefit (LE DB) Plan.

### 3.1 Employer Contributions

There are no employer contributions made to the LE DB Plan.

### 3.2 Member Contributions

There are no member contributions made to the LE DB Plan.

### 3.3 Vested Status

You are vested in the LE DB once you have earned 10 years of service credit as a member of the General Assembly with at least one full year of service prior to November 8, 1989. You qualify to receive the retirement benefit when you end service and meet the conditions for eligibility.



Creditable service for the LRS Defined Benefit (DB) Retirement Benefit payment is the total years of service completed by you as a member of the General Assembly before November 8, 1989.

## 4.1 Member Service Credit

Service accrues for vesting and benefit eligibility purposes as long as you remain a member of the General Assembly after November 8, 1989.

## 4.2 Types of Service Credit

Service credit cannot be purchased or transferred into or out of the LE DB Plan.

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

The [Uniformed Services Employment and Re-Employment Rights Act \(USERRA\)](#) was enacted after the Defined Benefit Plan was closed in 1989 and therefore does not apply.

### 4.2.2 Family and Medical Leave Act (FMLA)

The [Family and Medical Leave Act \(FMLA\) \(29 USC 2601, et seq.\)](#) was enacted after the Defined Benefit Plan was closed in 1989 and therefore does not apply.

## 4.3 Reinstatement of Service

See the [Return to Service in the General Assembly](#) section of this member handbook for details.



## Investment Options

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There are no investment options for the LRS Defined Benefit (LE DB) Plan.



For more information about withdrawals, distributions, and loans contact the Member Service Center at (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).

### 6.1 Withdrawals

Withdrawal is a term used in reference to leaving the LRS Defined Benefit (LE DB) Plan for a reason other than death or disability without regard to being vested or not vested.

### 6.2 Distributions

If you are a member of the General Assembly who also has service prior to November 8, 1989, in the Defined Benefit Plan, you do not forfeit the right to a retirement benefit from that plan by taking a distribution from your Defined Contribution (LE DC) Account. See the *LRS LE DC Plan Member Handbook* for more information.

### 6.3 Loans

Loans are not applicable for the LE DB Plan. For loan information see the *LRS LE DC Plan Member Handbook*.



## Beneficiaries (Survivors)

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*Beneficiary* refers to the person or institution designated to receive all or part of your retirement benefits upon your death. This information applies to the Defined Benefit (DB) Plan.

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

### 7.1 Designating Beneficiaries (Survivors)

LRS Defined Benefit (LE DB) Plan survivor benefits are paid per [IC 2-3.5-4-6](#) to the surviving spouse. If there is no surviving spouse, then per [IC 2-3.5-4-7](#), this benefit can be divided among surviving dependent children.

You can report any change in beneficiary information by contacting the Member Service Center at (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 LRS, it is critical that you keep INPRS informed of any changes to your name, addresses, or beneficiaries.

If payment is to be made to the member's estate, this payment will be made in a total distribution.



This section includes information about retirement benefits for the LRS Defined Benefit (LE DB) Plan.

## 8.1 Retirement Eligibility

The Defined Benefit Plan applies only to you if you were a member of the General Assembly who was serving on April 30, 1989, and who filed an election to be covered by LRS. If you serve at least 10 years in the General Assembly, you are eligible to receive a retirement benefit upon separation of service and attaining age eligibility. The retirement benefit amount is based on the total years of service completed by you as a member of the General Assembly before November 8, 1989.

## 8.2 Retirement Ineligibility

You are ineligible for retirement if you have not achieved the qualifications outlined in the [Retirement Eligibility](#) section of this handbook.

## 8.3 Retirement Effective Date

As a member of the LRS the effective date of your retirement is the first of the month following your last date of service for the state of Indiana, or your age eligibility date, whichever is later. When completing the retirement application online, it will default to the first day of the month.

## 8.4 Retirement Options

All Defined Benefit payments from the LRS are calculated as a Joint and 50 percent Survivor defined benefit.

[Table 1](#) lists the retirement options available to you for retirement from the LRS. 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>• Are at least age 65 and have 10 years or more of service as a member of the General Assembly</li> <li>• Are at least age 60 and have at least 15 years of service as a member of the General Assembly</li> <li>• Are at least age 55 and their years of service as a member of the General Assembly, plus their years of age, equal at least 85 (Rule of 85)</li> <li>• Have ended service in the General Assembly,</li> <li>• Are not receiving, nor entitled to receive, pay from the State for work in any capacity,</li> </ul>	\$40 x full years of service prior to November 8, 1989 (monthly benefit)

Option	Age and Service Requirements	Benefit Calculation
Early Retirement with a Reduced Benefit	<ul style="list-style-type: none"> <li>• Are at least age 55,</li> <li>• Have achieved vested status, or 10 years of creditable service in the General Assembly.</li> <li>• Have ended service in the General Assembly,</li> <li>• Are not receiving, nor entitled to receive, pay from the State for work in any capacity,</li> </ul>	Based on regular retirement then reduced for each month that early retirement date precedes 65th birthday. See <a href="#">IC 2-3.5-4-4</a> for details.
Deferred Retirement Option Plan (DROP)	DROP is not available to LRS.	N/A
Disability	<ul style="list-style-type: none"> <li>• At least 5 years of creditable service as a member of the General Assembly,</li> <li>• Qualified for Social Security disability benefits, or disability benefits under the federal civil service system, and have provided proof of your qualification to INPRS, and</li> <li>• Your continued disability verified by INPRS at least one time each year until you reach age 65.</li> </ul>	The disability benefit will continue as long as the disability exists. The benefit is calculated as though you qualify for a retirement benefit at age 65. See the <a href="#">Regular Retirement with a Full (Unreduced) Benefit</a> section of this handbook for details.

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

In order to receive full retirement benefits, you cannot receive compensation from the State for work in any capacity and cannot receive or cannot have previously received a reduced monthly benefit under this plan. If you meet the eligibility requirements you are entitled to a lifetime monthly retirement benefit if you have terminated service as a member of the General Assembly and, also, met one of the following requirements:

- Are at least age 65 and have 10 years or more of service as a member of the General Assembly
- Are at least age 60 and have at least 15 years of service as a member of the General Assembly
- Are at least age 55 and your years of service as a member of the General Assembly, plus your years of age, equal at least 85 (Rule of 85)
- Have ended service in the General Assembly
- Are not receiving, nor entitled to receive, pay from the State for work in any capacity

### 8.4.2 Early Retirement with a Reduced Retirement Benefit

The Plan provides a reduced monthly benefit for life to qualified members. If you want to retire early, your retirement benefit will be reduced using a formula based on your age. You may receive early retirement as long as you:

- Are at least age 55,
- Have achieved vested status, or 10 years of creditable service in the General Assembly.
- Have ended service in the General Assembly,

- Are not receiving, nor entitled to receive, pay from the State for work in any capacity

### 8.4.3 Deferred Retirement Option Plan (DROP)

DROP is an optional benefit that is not available for members of the LRS.

### 8.4.4 Disability Retirement Benefits

You are considered **disabled** if the INPRS board receives proof of qualification for Social Security disability or federal civil service system disability. This determines your eligibility.

#### *Disability Eligibility*

If you become disabled while in active service as a member of the General Assembly, you may receive a disability benefit if you have met all of the following:

- At least 5 years of service as a member of the General Assembly,
- Qualified for Social Security disability benefits, or disability benefits under the federal civil service system, and have provided proof of your qualification to INPRS, and
- Your continued disability verified by INPRS at least one time each year until you reach age 65.

#### *Disability Ineligibility*

Benefits may not be provided for a disability resulting from a:

- Deliberate or a self-inflicted injury or attempted suicide while sane or insane.
- Committed or attempted a felonious act.

### 8.4.5 Disability Benefits

The disability benefit will continue as long as the disability exists. The benefit is calculated as though you qualify for a retirement benefit at age 65.

**NOTE:** All marriages will be recognized regardless of gender.

## 8.5 Calculating Retirement Benefits

Members' monthly retirement benefits at age 65 are the lesser of one of the following:

- Forty dollars multiplied by your total years of service in the General Assembly before November 8, 1989, or
- The highest consecutive 3-year average yearly pay credited to your service as a legislator. Your W-2 federal income tax withholding statement is used to decide your yearly pay. Your benefit is decided without consideration of any salary reduction agreement established under Section 125 of the IRS Code, at the date your service as a member of the General Assembly ends. This amount is divided by 12.

When applying for benefits, make sure you complete the tax withholding and direct deposit forms.



## 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 your account at [myINPRStirement.org](https://myINPRStirement.org).

**NOTE:** The stored value card was added as an option for retirees to receive their pension benefit. If you need to receive your pension benefit by some method other than direct deposit or stored value card, you must submit a request to INPRS. The request must include the reason you are making the request and the facts and circumstances supporting your request.

## 8.7 Return to Service in the General Assembly

If you are receiving retirement benefits under the plan and you return to the General Assembly, your retirement benefits will stop. When you retire again or upon your death, the benefit will be recalculated on an actuarial basis taking in to account the following:

- Your benefit payments previously received, and
- The date that you ended employment as a member of the General Assembly.

## 8.8 Retirement Date

If you wait to submit your retirement application and you qualify to receive retirement benefits, by law INPRS can only pay up to 6 months of retroactive benefits.

## 8.9 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 [myINPRStirement.org](https://myINPRStirement.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
- **Direct Deposit** – provide the requested information
- **Required Documents** – upload any additional document as applicable or as required

If you need assistance call the Member Service Center at (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.

- Upload a copy of your birth certificate, registration from the public health department, court decree, or other evidence relating to your date of birth upon board approval, and
- if married, copy of your spouse's birth certificate

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

## 8.10 Benefit Overpayment or Underpayment

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



Your account – consisting of employee contributions, employer contributions, and investment earnings or losses – will be paid to your chosen beneficiary or beneficiaries if you die either while a member of the General Assembly or after ending service without having withdrawn your account from the fund. The amount paid will be the fair market value of your account upon the date of distribution. This amount will also include employee contributions deducted and employer contributions made since the last day contributions were reported. If there is no beneficiary, or if the beneficiary precedes you in death, the account will be paid to your:

- Surviving spouse,
- Surviving dependent(s), if there is no surviving spouse; or,
- Estate if there is no surviving spouse or surviving dependent.

**NOTE:** All marriages are recognized regardless of gender.

**NOTE:** As long as you have assets with the LRS, it is critical that you keep INPRS informed of any changes to your name, addresses, or beneficiaries.

### 9.1 Survivor Benefit

#### 9.1.1 Surviving Spouse Benefit

If you have completed 10 years of creditable service as a member of the General Assembly or die while receiving benefits under the LRS, your surviving spouse is entitled to receive a survivor benefit. Your spouse is entitled to the benefit regardless of your age or if you had a permanent disability and were receiving benefits. ([IC 2-3.5-4-6](#))

Your surviving spouse is entitled to 50 percent of:

- The amount you were receiving at the time of death, or
- The retirement benefit amount you would have been entitled to receive at age 55 or your date of death, whichever is later.

If your spouse would have qualified for a benefit, but your spouse precedes you in death, upon your death your dependent child is entitled to the same benefit your spouse would have received.

#### 9.1.2 Dependent Child Benefit

If your surviving spouse dies while receiving the survivor benefit and a dependent child of both the surviving spouse and the deceased member survives, your dependent child will receive that same benefit. If there is more than one dependent child, the dependent children will share the monthly benefit equally. Each dependent child will receive this benefit until the age of 18 or during the entire period of the mental or physical disability using disability guidelines established by the Social Security Administration, whichever period is longer. ([IC 2-3.5-4-7](#))

## 9.2 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 ([Legislators Retirement System \(LRS\) Survivor Benefit Application](#)) available from the Forms list in the navigation frame of the INPRS website,
- 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 (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.



### 10.1 Taxation of Monthly Benefits

All of the monthly benefit payable from the LRS Defined Benefit (LE DB) Plan is taxable income. The plan will report the taxable income associated with your benefits to you each year on a Form 1099-R.

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, local, and city taxes. If you do not complete tax withholding forms at the time of your retirement, you may do so at any time.

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



## 11.1 Cost of Living Adjustments (COLA)

Cost of living adjustments (COLAs) are an adjustment to your monthly retirement benefit payment. COLAs are not automatic in Indiana; the General Assembly must pass legislation granting a COLA.

## 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.

## 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 70½) or terminate employment, whichever date is later. 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 to 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.

For LE DB you must complete the Retirement Application by accessing your account at [myINPRSretirement.org](http://myINPRSretirement.org) or by contacting the Member Service Center at (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 LRS Defined Benefit (LE DB) retirement you must:

- Have at least 10 years of service including a minimum of one year of creditable service.
- Have separated from service for the State of Indiana.
- Have not begun the retirement benefit.
- Will be age 70½ by December 31, 2019. The requirements indicated in the first paragraph of this section apply.
- If you reach 70½ on or after January 1, 2020, you do not have to apply for or take your RMD until age 72. The requirements indicated in the first paragraph of this section apply.

The retirement application must be completed online and submitted to INPRS for processing. You may 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.

If INPRS does not receive the retirement application by December 31, and you 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 or 72 as described in the requirements above 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's RMD process.

### 11.4 Administrative Review Process

**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. We will detail in the letter our initial determination and provide supporting justification. In addition, we will provide explicit instructions should you wish to appeal our 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 wish 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 Indiana Code, section [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\(a\)](#)).

Click [here](#) to see a sample format of a petition for review by ALJ.

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 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 ninety (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.

### 11.5.1 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.

## 11.6 Access to Records

### 11.6.1 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.

### 11.6.2 Public Records

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

- Call (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

## 11.7 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.