

PENSION PLAN GUIDE

GOVERNING PENSION LAW

The pension plan was established by an Act of the 45th Legislature of the State of Texas, which met in 1937. The fund was created by state statute article 6243e and the Austin Firefighters Relief and Retirement Fund is currently governed by article 6243e.1. This statute only pertains to the Austin firefighters.

ADMINISTRATION

The fund is administered by a Board of Trustees consisting of five (5) members. The Mayor is the Board Chairman and the City Treasurer is the Secretary-Treasurer of the Board. Members of the fund elect three (3) department members to serve on the Board. The Board elects a Vice-Chairman annually from among their number.

An administrative pension office and staff have been established to better serve the firefighters, retirees, and their beneficiaries. Administrative costs and expenses for professional services rendered are paid by the fund.

INVESTMENT OF FUNDS

The Board is required by law to keep separate from all other city funds all money for the use and benefit of the Firefighters Relief and Retirement Fund. The surplus funds are invested by professional investment managers who are appointed by the Board.

The fund's investment managers are:

- Brandywine Asset Management - Wilmington, Delaware
- Harding, Loevner Management - Somerville, New Jersey
- Intech - Palm Beach Gardens, Florida
- Mercator Asset Management - Boca Raton, Florida
- Westfield Capital Management - Boston, Massachusetts
- WestLB (Criterion) Asset Management - Houston, Texas
- Westwood Holdings Group - Dallas, Texas

The fund also has holdings in two index funds managed by State Street Global Advisors. These investments are in their Bond Market Index Fund and their S&P 500 Fund.

The fund has an investment custody account agreement with State Street designating their bank as the master trust custodian for the fund. State Street's home office is in Boston, Massachusetts and also has branch offices in Winston-Salem, North Carolina and Jacksonville, Florida which provide various services to our fund.

ELIGIBILITY

All commissioned civil service and Texas state-certified firefighters with at least six (6) months of service who are employed by the fire department pursuant to the Firemen's and Policemen's Civil Service Statute.

CONTRIBUTIONS

Per our statute, the firefighter is to contribute 13.70% of their bi-weekly base pay and longevity pay. The City of Austin is to contribute 18.05% of the bi-weekly base pay and longevity pay of each plan participant. Effective June 1, 2003, the firefighters' contributions increased by 2% of pay, from a total of 13.70% to 15.70%. There was no corresponding increase by the City of Austin.

SERVICE CONSIDERED

The period of time for which a member is required to make and does make prescribed contributions. Military service, only which interrupts fire department service, may also be considered under certain circumstances.

COMPENSATION CONSIDERED IN DETERMINING AVERAGE SALARY

Base pay and longevity pay is considered. Overtime, any temporary pay in a higher classification, educational incentive pay, and lump sum payments for accrued sick leave or vacation are not considered. Also excluded is any Christmas Day bonus pay, and pay for automobile and clothing allowances.

RETIREMENT BENEFIT

A firefighter is eligible for a normal service retirement benefit once he/she either attains age fifty (50) or accrues twenty-five (25) years of service, regardless of age. The monthly annuity, payable for life, is 3.30% of salary multiplied by years of service considered. Average salary is the monthly average of the firefighter's salary for the highest thirty-six (36) months during his/her period of service, excluding overtime pay, any temporary pay in higher classifications, educational incentive pay, Christmas Day bonus pay, automobile and clothing allowances.

EARLY RETIREMENT BENEFIT

A firefighter is eligible for an early retirement benefit at age forty-five (45), with at least (10) years of service, or twenty (20) years of service regardless of age. The early retirement benefit does not include a reduction in the factor. However, firefighters who retire early or who participate in a deferred retirement option plan (DROP), do not become eligible for cost-of-living adjustments (COLA's) until reaching normal service retirement eligibility (age fifty (50) with at least ten (10) years of service, or twenty-five (25) years of service credit regardless of age; whichever comes first.)

DEFERRED RETIREMENT OPTION PLAN

Under this program a member eligible for service retirement may elect to continue in active service as a firefighter but have the fund begin crediting "payments" to a deferred retirement option plan (DROP) account in the member's name as of their eligible retirement (DROP) date. The monthly "payments" would be an amount equal to what the member's monthly annuity would have been if the member had actually retired as of that eligible DROP date. Any eligible cost-of-living adjustments (COLAS) would be applied to the monthly annuity during this DROP period. In **DEFERRED RETIREMENT OPTION PLAN (Continued)**

addition, during the DROP period, the member would have all of their appropriate pension contributions and applicable annual interest of 5% compounded monthly credited to their account during the DROP period as well. When the member actually retires, by terminating their active service in the fire department, an accumulated lump sum balance may be available to be distributed to the member from the DROP account if the retiree is eligible for such direct distribution by meeting age requirements according to pension board policy. Certain penalties could apply for "early distributions," so the pension board encourages seeking tax advisement when in doubt. The DROP account lump sum may also be "rolled over" into a qualified Individual Retirement Account (IRA) which is typically the option chosen by most firefighters. A third option is for the DROP account lump sum to remain in the fund in the member's name continuing to draw 5% interest compounded monthly until the retiree is ready to have the funds moved elsewhere. At this time of termination for retirement, the member will then begin receiving their ongoing monthly pension benefit payments from the fund as well.

A member who has remained in active service after becoming eligible for service retirement can retroactively establish such a DROP account. That is, in lieu of electing to participate in the DROP before actual retirement, a member who is eligible for normal service retirement may elect to terminate active service as a firefighter and establish the DROP account at termination. This is commonly referred to as a "BACK DROP," whereby the firefighter's DROP account reflects the accrual from the actual termination date back to a date upon or after which they become eligible for normal service retirement. The maximum period under which a firefighter can participate in a DROP is 7 years. A firefighter may elect to establish a DROP account after reaching normal or early service retirement eligibility.

Effective September 1, 2001, all DROP calculations, including "BACK DROP" calculations, use a 3.30% factor regardless of the actual DROP date. Any firefighter eligible for a DROP who dies before retirement, and who is survived by a spouse, shall have such DROP options extended to their surviving spouse.

DISABILITY BENEFIT

A firefighter is eligible for a disability retirement benefit during the first thirty (30) months of his/her disability if he/she is unable to perform the duties of his/her occupation as a firefighter. After this initial thirty (30) month period, a disability retirement benefit may be continued, reduced, or discontinued according to criteria as established by the American Medical Association and as adopted by the pension board. The annuity is equal to the firefighter's accrued unreduced pension based on the greater of (1) his/her service at time of disability, or (2) twenty (20) years of service.

It is the policy of the Board that no disability retirement benefit shall commence retroactively more than ninety (90) days prior to the date on which the application is filed with the fund.

DEATH BENEFIT

If a firefighter dies either before or after retirement, the firefighter's surviving spouse shall receive seventy-five (75) percent of the member's accrued unreduced pension based on the greater of (1) his/her service at time of death, or (2) twenty (20) years of service. If the member's employment is terminated by death before retirement and he/she leaves no surviving beneficiary entitled to pension benefits, then the member's estate shall receive their contributions with interest. Any lump sum payments to the member's estate will include 5% interest based on a method of application approved by the Board.

VESTED BENEFIT

If the member has at least ten (10) years of service and terminated his/her employment with the fire department, he/she may elect to leave his/her accumulated deposits in the fund. He/She will be entitled to a vested benefit commencing at the earliest of age fifty (50) or at the age which the firefighter would have completed twenty-five (25) years of service regardless of age, whichever occurs first.

SEVERANCE

The severance benefit of a firefighter who subsequently terminates his/her employment before he/she is eligible for retirement shall be an amount equal to the sum total of his/her pension contributions, with interest, which were made while a participating member of the fund.

Severance benefits for such terminating members will include their contributions along with 5% interest and will be based on a method of application approved by the Board.

COST-OF-LIVING ADJUSTMENTS

Cost-of-living adjustments (COLA's) may not be made unless the fund's actuary has advised the board that the adjustment would not impair the financial stability of the fund.

Although a COLA was not able to be actuarially approved for the year 2003, the board remains committed to granting COLA's to retirees as soon as reserves are available again and following actuarial certification.

BEFORE-TAX CONTRIBUTIONS

Funds available to pay benefits come from three (3) sources....

- Your contributions
- City of Austin contributions, and
- Investment earnings

Effective June 1, 2003, you contribute 15.70% of your bi-weekly base pay and longevity pay. The City of Austin currently contributes 18.05% of base pay and longevity pay for each plan participant. For example, if your annual pay is \$36,000.00, you will contribute \$5,652.00 (15.70%) a year and the City of Austin will contribute \$6,498.00 (18.05%). Since January 1, 1986, your contributions into the plan are being made before taxes are figured. This reduces your taxable income, so you pay less federal income tax and your take-home pay is greater. An example follows:

BEFORE-TAX CONTRIBUTIONS (Continued)

<u>BEFORE TAX</u>	<u>AFTER TAX</u>
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Assume your pay is	\$36,000.00	\$36,000.00
Pre-Tax Contributions	-5,652.00	-0.00
Federal Taxes (Assume 15% bracket)	<u>-4,552.20</u>	<u>-5,400.00</u>
	\$25,795.80	\$30,600.00
After-Tax Contributions	- <u>.00</u>	<u>-5,652.00</u>
Take Home Pay	\$25,795.80	\$24,948.00

RETIREMENT BENEFIT EXAMPLE

Your retirement benefit is based upon three (3) components...

- Years of credited service in plan, multiplied by
- Retirement factor of 3.30%, multiplied by
- Your highest thirty-six (36) months average salary

Assume you are a retiring firefighter who is fifty-five (55) years old with twenty-seven (27) years of credited service, and whose highest thirty-six (36) months average salary is \$4,000.00. Your pension would be calculated as follows:

- Years	27
- Factor	3.30%
- Salary	<u>\$4,000.00</u>
- Monthly Benefit	<u>\$3,564.00</u>

EARLY RETIREMENT BENEFIT EXAMPLE

A firefighter is eligible for an early retirement benefit at age forty-five (45), with at least ten (10) years of service, or twenty (20) years of credited service regardless of age. The early retirement benefit does not include a reduction in the factor. However, firefighters who retire early or who participate in a deferred retirement option plan (DROP) do not become eligible for cost-of-living adjustments (COLA's) until reaching normal service retirement eligibility (age fifty (50) with at least (10) years of service, or twenty-five (25) years of service regardless of age; whichever comes first).

Assume you joined the fire department and pension plan at age twenty-five (25). At age forty-five (45), with twenty (20) years of service, you elect to terminate service in order to begin receiving an early retirement benefit. Also assume your highest thirty-six (36) months average salary is \$4,000.00. The benefit is then calculated as follows:

- Years	20
- Factor	3.30%
- Salary	<u>\$4,000.00</u>
- Monthly Retirement Benefit	<u>\$2,640.00</u>

DISABILITY RETIREMENT EXAMPLE

If a firefighter is eligible for disability benefits but has less than twenty (20) years of credited service, then twenty (20) years is used in the calculation. A disability benefit is calculated the same way a regular retirement benefit is, using the same three (3) components as follows:

- Years (assume 20 if less)	20
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- Factor	3.30%
- Salary (assumed)	<u>\$3,000.00</u>
- Monthly Disability	\$1,980.00

SURVIVORS BENEFIT

Benefits are available to eligible dependents of all plan participants should such participant die before or after retirement. Eligible dependents include...

- Spouse, if married to you at time of retirement.
- Spouse, if married to you after retirement and you remained married for at least 24 consecutive months prior to your death.
- Spouse, if married to you at time of your death; and you die before retirement.
- All unmarried children under age twenty-two (22), unless the Board determines to the contrary.
- Dependent parent, if no surviving spouse or children are eligible.
- Designated surviving beneficiaries other than a spouse, child, or dependent parent as explained below.

Effective September 1, 2001, on the death of unmarried members who are retired or who are eligible to retire, designated beneficiaries other than an eligible spouse or children are eligible for survivor benefits; but only if there is no benefit payable to a surviving spouse or children. Since September 1, 1997, eligible spousal benefits are paid for life even after remarriage. Also since September 1, 1997, as mentioned above, spousal benefits apply to those who become married to the retiree after such retiree's retirement and remain married to such retiree at least 24 consecutive months prior to the retiree's death.

After all payments cease any remaining balance of the member's total contributions including interest at the date of the member's death, which exceeds any retirement and death benefits paid, shall go to the member's estate.

SURVIVORS BENEFIT EXAMPLE

Assume you are retired drawing \$2,500.00 per month and pass away, leaving a spouse who is eligible for benefits and have no children. Your spouse will receive seventy-five (75) percent of your benefit as follows:

- Your monthly benefit	\$2,500.00
	<u>875.00%</u>
- Your spouse's monthly benefit	\$1,875.00

SURVIVORS BENEFIT EXAMPLE (Continued)

Assume you pass away before retirement and you are survived by an eligible spouse and child. Suppose your average salary for the highest thirty-six (36) months averaged \$3,000.00, and you had eight (8) years of service at the time of death.

You first calculate the benefit you would have been entitled to at the date of death and then determine the appropriate amount to be paid to your spouse and child.

Your benefit would have been...

- Years (assume 20 if less)	20
- Factor	3.30%
- Salary	<u>\$3,000.00</u>
- Monthly benefit	\$1,980.00

Your spouse's benefit is...

- Firefighter base benefit	\$1,980.00
- Factor	<u>875.00%</u>
- Spousal monthly benefit	\$1,485.00

A minimum monthly benefit of \$1,200.00 was approved by the Board for retirees and spouses effective January 1, 1995. However, this minimum benefit does not necessarily apply to benefits paid according to court orders, divorce decrees, and qualified domestic relations orders.

The retirement factor for the child is actuarially designed to be fifteen (15) percent of the regular retirement factor (3.30%), which is .495 percent. The child receives .495 percent (.00495) of the fire fighter's average salary, multiplied by the number of years of service, assuming twenty (20) years if less.

Your child's benefit is...

- Years (assume 20 if less)	20
- Child's benefit factor	.495%
- Average salary	<u>\$3,000.00</u>
- Child's monthly benefit	\$297.00

The eligible children, together, will be entitled to a total amount of seventy-five (75) percent of the fire fighter's accrued benefit at the time of death, if there is no surviving spouse.

PERSONNEL RECORDS

A personnel record (Form 500) is to be completed by all firefighters. This information furnishes the pension office necessary data regarding age, years of service, beneficiaries, birth dates, social security numbers and marital status. Updating this information keeps our pension office current for providing accurate data to our actuaries. The actuaries conduct biennial valuations and other occasional studies in order to determine the overall soundness of the fund.

RETIREMENT PROCESS

When a firefighter is ready to retire, there are forms available at the pension office to be completed. There will probably be other information to be furnished to the AFD administrative office as well. Upon retirement, the firefighter will receive a monthly annuity. Deductions can be made for withholding tax, as well as any health or dental insurance available through the City of Austin which the firefighter chooses. Direct deposit is also available. Please contact the pension office with any questions you have regarding your retirement. You can visit our web site at ***AFRS.ORG*** for more information about your retirement.