

ELECTED OFFICIALS' RETIREMENT PLAN (EORP)

10/2023

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EORP SUMMARY OF PLAN PROVISIONS

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PSPRS/EORP administers retirement benefits in the Defined Benefit Plan (DB Plan), wherein retirement benefit payments are determined using a formula based on salary, years of service and the age of the member and beneficiary, as applicable. PSPRS/EORP also administers a 401(a) Elected Officials Defined Contribution Retirement System (EODCRS or DC Plan), managed through Nationwide Retirement Solutions (www.psprsdclan.com), in which benefits are determined based on employee/employer contributions and investment earnings on those contributions; see EODCRS Summary of Plan Provisions for an outline of those benefits.

As a participant in EORP, plan provisions are determined based on the membership (hire) date with a participating employer:

Tier 1 Members DB Plan Only	Tier 2 Members DB Plan Only	Tier 3 Members DC Plan (EODCRS) Only
Hired into EORP position before January 1, 2012	Hired into EORP position on/after January 1, 2012	Newly appointed or elected on/after January 1, 2014

Average Yearly Salary

Tier 1 DB Members: An average of your highest 36 consecutive months within the last 10 years of completed years of credited service as an elected official yielding the highest average. If an employee does not have 3 consecutive years of credited service as an elected official, the considered period is the employee's last consecutive period of employment with a Plan employer immediately before retirement. A.R.S. § 38-801(5).

Tier 2 DB Members: An average of your highest sixty (60) consecutive months within the last 10 years of completed years of credited service as an elected official yielding the highest average. If an employee does not have 5 consecutive years of credited service as an elected official, the considered period is the employee's last consecutive period of employment with a Plan employer immediately before retirement. A.R.S. § 38-801(5).

Benefit Increase

Tier 1 and 2 DB Members: Cost of Living Adjustment (COLA) increase for elected official retirees and survivors is determined based on the Consumer Price Index (CPI) published by the U.S. Bureau of Labor Statistics for the metropolitan Phoenix-Mesa-Scottsdale area ending December 31 of the prior calendar year. Contingent on the CPI, **up to 2%** may be paid as a COLA.

For NEW retirees and survivors with a retirement date after July 1 of the prior fiscal year, the increase is prorated based on the date of retirement. A.R.S. § 38-818.04.

Contributions

During your career and as a requirement of membership, you must contribute a percentage of your mandated salary each paycheck. Your contribution rate may vary each fiscal year depending on your Membership Tier and if you are in the DB Plan or DC Plan (EODCRS). A.R.S. §§ 38-801, 38-810 and 38-833(E).

Tier 1 and 2 DB Members: For contribution rate information, visit our website.

Tier 3 EODCRS Members: Employees contribute 8%, plus an amount for the disability plan and the employers contributes 6%; both contributions and earnings are immediately vested. A.R.S. § 38-833(E).

Beginning July 1, 2018, EORP employers shall contribute a level percent of the member's salary to meet the normal cost, plus an amount to amortize the unfunded accrued liability. A.R.S. § 38-810(C).

Credited Service

Tier 1 and 2 DB Members: Your eligibility to receive a pension under the DB Plan is based on your total service within the Plan; however, your pension benefit is calculated using your "credited service," which is service time that the Plan has received contributions. If you have any pay periods during an unpaid leave (i.e., leave without pay), it is not considered credited service and cannot be used towards the calculation of your benefit. A.R.S. § 38-801(7).

Death Benefits

Tier 1 and 2 DB Members: Pursuant to statutes, an AUTOMATIC survivor benefit will pay your eligible spouse and eligible child(ren). If there is no eligible spouse or eligible child(ren), the balance of the applicable contributions, if any, will be paid to the named beneficiary(ies) on file. A.R.S. § 38-807.

Note: Divorce automatically terminates the ex-spouse for a surviving spouse pension; however, to maintain an ex-spouse as a beneficiary of any remaining contributions on account, you **must** complete a *Beneficiary Designation Form* after the date of the divorce. A.R.S. § 14-2804.

Eligibility

Spouse: For retired members, statute requires two consecutive years of marriage at the time of the members death. Proof of recorded/filed marriage license/certificate is required. A.R.S. § 38-807.

Child(ren): Biological or legally adopted children who are unmarried, under the age of 18, and/or attending school full-time between the ages of 18 to 23, which also includes disabled children (disability occurred before the age of 23), and who is a dependent of the member.

ACTIVE or INACTIVE Member for Tier 1 and 2 Members

Spouse's Pension

Tier 1 DB Members: The surviving spouse of an active or inactive member will receive a Spouse's Pension each month for his/her lifetime. The Spouse's Pension is 75% of the member's pension benefit based on the calculation for a disability benefit. A.R.S. § 38-807(B).

Tier 2 DB Members: The surviving spouse of an active or inactive member will receive a Spouse's Pension each month for his/her lifetime. The Spouse's Pension is 50% of the member's pension benefit based on the calculation for a disability benefit. A.R.S. § 38-807(B).

OR

Guardian/Child Benefit

If there is no surviving spouse, or the pension of the surviving spouse is terminated, a Guardian Benefit (based on the calculation for the applicable Spouse's Pension) may be paid to the guardian of the surviving, eligible (unmarried) child(ren) until the child(ren) is adopted, turns 18 or until the age of 23 if the attending full-time school between the ages of 18 and 23. An eligible child's pension shall become payable directly to the eligible child when the eligible child reaches the age of eighteen (18), if the person remains eligible to receive the pension and is not subject to a guardianship or conservatorship due to disability or incapacity. A.R.S. § 38-807(C).

If the Guardian Benefit is paid to a disabled child (the child's disability occurred prior to the age of 23) and remains a dependent of the guardian, the Guardian Benefit is payable to the disabled child for lifetime.

OR

Balance of Contributions

If there is no eligible surviving spouse or eligible child(ren), the member's named beneficiary on file will receive the balance of the member's accumulated contributions. A.R.S. § 38-807(D).

RETIRED Member for Tier 1 and 2 Members

Spouse's Pension

Tier 1 DB Members: If married for at least two (2) consecutive years at the time of the member's death, the surviving spouse will receive a Spouse's Pension each month for his/her lifetime based on 75% of the member's pension benefit. A.R.S. §38-807(A).

Tier 2 DB Members: If married for at least two (2) consecutive years at the time of the member's death, the surviving spouse will receive a Spouse's Pension each month for his/her lifetime based on 50% of the member's pension benefit, except for those members who elect for an actuarially reduced pension at the time of retirement, the surviving spouse would then receive 75% of the member's pension each month for his/her lifetime. A.R.S. §38-807(A).

OR

Guardian/Child Benefit

If there is no surviving spouse, or the pension of the surviving spouse is terminated, a Guardian Benefit (based on the calculation for the applicable Spouse's Pension) may be paid to the guardian of the surviving, eligible (unmarried) child(ren) until the child(ren) is adopted, turns 18 or until the age of 23 if the attending full-time school between the ages of 18 and 23. An eligible child's pension shall become payable directly to the eligible child when the eligible child reaches the age of eighteen (18), if the person remains eligible to receive the pension and is not subject to a guardianship or conservatorship due to disability or incapacity. A.R.S. § 38-807(C).

If the Guardian Benefit is paid to a disabled child (the child's disability occurred prior to the age of 23) and remains a dependent of the guardian, the surviving spouse's pension is payable to the disabled child for lifetime.

OR

Balance of Contributions

If there is no eligible surviving spouse or eligible child(ren), the member's named beneficiary on file will receive the balance of the member's accumulated contributions. A.R.S. § 38-807(D).

Disability

Tier 1, 2 and Tier 3 DB and DC Members: A member who becomes permanently mentally or physically incapacitated for the purpose of performing the duties of the member's office, if the majority of the board of physicians certifies that the member is mentally or physically incapacitated and is expected to be for an indefinite duration. A.R.S. §§ 38-801, 38-806 and 38-840.06, as applicable.

Tier 1 DB Members: The disability benefit is 20% of the member's average yearly salary with 4.99 or less years of credited service, or 40% of the member's average yearly salary with 5 but less than 9.99 years of credited service, or 80% of member's average yearly salary with ten (10) or more years of credited service. A.R.S. § 38-808(B)(2).

Tier 2 DB Members: Pursuant to A.R.S. § 38-808(C), the disability benefit is:

- 3% of the average yearly salary multiplied by 25 years of credited service if the member had 10 or more years of credited service
- 3% of the average yearly salary multiplied by 12.5 years of credited service if the member had 5.0 to 9.99 years of credited service
- 3% of the average yearly salary multiplied by 6.25 years of credited service if the member had 4.99 or less years of credited service

Tier 3 EODCRS Members: The disability benefit is calculated based on Tier 2 Membership offset by the balance of the DC account.

Divorce / Domestic Relations Order

If the member has been involved in a divorce(s), please provide EORP with a complete copy of the Divorce Decree(s) and any attachments or exhibits if referenced in the Decree(s). Upon receipt, additional correspondence will be provided to the parties. If the retirement account is required to be divided with a member's former spouse, a Domestic Relations Order (DRO) is legally required and will need to be prepared. To ensure that the language in the DRO is acceptable, it is recommended that a draft of the DRO be provided to the EORP for review and approval prior to submitting it to the court. A.R.S. § 38-822.

Eligibility

Every elected official is a member of the Plan who was a member of the Plan on December 31, 2013, and every full-time superior court commissioner; except full-time superior court commissioners who failed to make a timely election of membership under the judges' retirement plan, repealed on August 7, 1985, who was a member of the plan on December 31, 2013. A state elected official who is subject to term limits may elect not to participate in the Plan. A.R.S. §§ 38-801(15) and 38-804(A).

Every elected official, justice of the supreme court, judge of the court of appeals and superior court, and commissioners who make a timely election of membership, who was hired on or after January 1, 2014 and does not have an active, inactive or retired account with EORP or ASRS, will be required to participate in the EODCRS (DC) Plan.

Garnishments

As permitted by statute and upon receipt of acceptable legal documentation directing our office, if the member is retired, we may withhold from a member's retirement (or disability) benefit for child support payments, Domestic Relation Orders and/or Tax Levy from the State of Arizona or Internal Revenue Service (IRS). However, if we receive any other garnishment or judgment, or receive any garnishment or judgment for a member who is currently active and contributing, we will take it under advisement with the PSPRS General Counsel and/or Arizona Attorney General's Office. A.R.S. § 38-809.

If you are retired (or receiving a disability retirement) and your child support payments are expected to stop, the Department of Economic Security (DES) or court will be required to provide our office with a stop order (i.e., Order Stopping Order of Assignment or Termination of Income Withholding Order, etc.). Additionally, if your Tax Levy is expected to stop, it is required that we receive a Release of Levy from the State of Arizona or IRS.

Please note that child support and tax levy payments are taxable income to you. Therefore, if you would like to make any changes to your Federal and/or State withholding, you may access the withholding forms from the PSPRS website at <http://www.psprs.com/>. Benefit payments issued to an ex-spouse become taxable income to the ex-spouse; however, for additional information pursuant to the Domestic Relations Order, please refer to the "Divorce and Domestic Relations Order (DRO) FAQ" on the PSPRS website here: [Divorce & Legal Topics | PSPRS](#).

Our cut-off to process any changes to your account is the 10th of the month. If the orders are received by the DES, county court or State of Arizona/IRS by the 10th of the month, the change will occur with the payment paid at the end of that month. If received after the 10th of the month, the change will occur with the payment at the end of the following month.

Health Insurance

As a new retiree, retired member, or as an eligible surviving spouse of the Plan, you may elect group health insurance and/or accident insurance coverage through Arizona State Retirement System (ASRS), Arizona Department of Administration (ADOA), or a group plan through an employer of the PSPRS, as applicable. A.R.S. §§ 38-817, 38-651.01 and 38-782.

Tier 1, 2 or 3 DB Members: By selecting one of the above-stated group insurance plans, you may be entitled to a Premium Benefit (subsidy) to help offset your medical and/or dental premium costs. (If you elect insurance coverage through a private entity, we cannot apply the subsidy to the private insurance coverage.) Based on your elections, coverage level and years of service, the Plan may pay up to the following subsidy amount, not to exceed your total monthly premium cost(s) for medical and/or dental:

Years of Service	Without Medicare		With Medicare A & B		Retiree & Dependents	
	Retiree Only	Retiree & Dependent(s)	Retiree Only	Retiree & Dependent(s)	Retiree & Dependents One with Medicare, the other(s) without	Retiree & Dependents with Medicare, other dependents without
5.0 - 5.9	\$90.00	\$126.00	\$60.00	\$102.00	\$129.00	\$129.00
6.0 - 6.9	\$112.50	\$195.00	\$75.00	\$127.50	\$161.25	\$161.25
7.0 - 7.9	\$135.00	\$234.00	\$90.00	\$153.00	\$193.50	\$193.50
8.0+	\$150.00	\$260.00	\$100.00	\$170.00	\$215.00	\$215.00

Retirees with a membership (hire) date prior to September 13, 2013 who meet the “Returning to Work after Retirement” qualifications and who are re-employed by a participating EORP employer or who participate under ADOA group insurance plan, may be eligible to have their active medical/dental insurance subsidized (*retroactive to September 2013*) up to the amount of the premium, but no more than the amount as allowed by statute. A.R.S. § 38-817.

New members with (or a survivor of the Plan whose deceased spouse has) a membership (hire) date on/after September 13, 2013 who retire and later become re-employed with an EORP employer and participate in active health care coverage provided by an EORP employer will not be eligible to apply the EORP Premium Benefit towards their active health care coverage. A.R.S. § 38-817.

Tier 3 EODCRS Members: As a retired member or disability recipient of the DC Plan, you may elect group insurance from ASRS, or ADOA if eligible, but you will be responsible for the full cost of the premium(s) under these plans. A.R.S. § 38-782(B).

Joinders

Elected officials of an incorporated city or town may participate in EORP if the governing body enters into a joinder agreement in accordance with the provisions of the Plan. Assets under any existing public employee defined benefit retirement program shall be transferred to EORP within sixty (60) days after the employer’s effective date. A.R.S. § 38-815.

Refund

Tier 1 DB Members: Pursuant to A.R.S. § 38-804(C), upon termination of employment (for any reason other than death or retirement) within twenty (20) days after filing an application with EORP, the member will receive a lump-sum payment (less mandated tax withholding) of accumulated contributions (less any benefits paid or any amounts owed to the Plan) - thus, forfeiting all membership rights and credited service in the Plan upon receipt of refund of contributions. If the member has five (5) or more years of credited service, an additional percentage of contributions will be refunded to the member according to the member’s years of service as stated below:

- 5 to 5.9 years of service = 25% of additional member contributions
- 6 to 6.9 years of service = 40% of additional member contributions
- 7 to 7.9 years of service = 55% of additional member contributions
- 8 to 8.9 years of service = 70% of additional member contributions
- 9 to 9.9 years of service = 85% of additional member contributions
- 10 or more years of service = 100% of member contributions plus 3% interest if left on deposit after 30 days

Tier 2 DB Members: Pursuant to A.R.S. § 38-804(E), upon termination of employment for any reason other than death or retirement, within twenty (20) days after filing an application with EORP, the member shall receive a lump-sum payment, plus interest at a rate determined by the board (currently 3%), of only their accumulated contributions (does not include employers share), less any benefits paid or any amounts owed to the Plan. Electing a refund will forfeit all membership rights and credited service in the Plan.

Tier 3 EODCRS Members: Employee and employer contributions and earnings are immediately vested. A.R.S. § 38-833(E). Contact Nationwide Retirement Solutions for benefit information.

DB and DC Members may not, under any circumstance, borrow from, take a loan against or remove contributions from the member's account before the termination of membership in the plan or the receipt of a pension. A.R.S. § 38-810(A).

Retirement Eligibility and Calculation

Tier 1 DB Members – Early Retirement

Pursuant to A.R.S. §§ 38-801(5, 7 and 15), 38-805(C) and 38-808, an elected official may apply for an early retirement benefit upon completion of at least five (5) years of credited service and who ceases to serve as an elected official. Benefits will commence upon making application to the Plan.

Age	Credited Service	Calculation (not to exceed 80% of the average yearly salary)
Not required	5 years	<ul style="list-style-type: none"> Average Monthly Salary x .04 (multiplier) x Credited Service = Gross Monthly Pension based on Normal Retirement Gross Monthly Pension based on Normal Retirement x .0025 (reduction factor not to exceed 120 months or 30%) x months to normal retirement = Monthly Reduction Gross Monthly Pension based on Normal Retirement – Monthly Reduction = Gross Monthly Pension Based on Early Retirement

Tier 1 DB Members – Normal Retirement

Pursuant to A.R.S. §§ 38-801(5, 7 and 15), 38-805(A) and 38-808, an elected official may apply for a normal retirement benefit based on the following requirements and who ceases to serve as an elected official. Additionally, benefits will commence upon making application to the Plan.

Age	Credited Service	Calculation (not to exceed 80% of the average yearly salary)
62	10 years	Average Monthly Salary x .04 (multiplier) x Credited Service = Gross Monthly Pension
65	5 years	Average Monthly Salary x .04 (multiplier) x Credited Service = Gross Monthly Pension
Not required	20 years	Average Monthly Salary x .04 (multiplier) x Credited Service = Gross Monthly Pension

If the death of an inactive member occurs before becoming eligible for a retirement benefit, the member's named beneficiary on file will receive the member's accumulated contributions. A.R.S. § 38-807(D).

Tier 2 DB Members – Normal Retirement (*early retirement is not available*)

Pursuant to A.R.S. §§ 38-801(5, 7 and 15), 38-805(B) and 38-808, normal retirement benefits will commence the first day of the month following termination of employment and based upon the following:

Age	Credited Service	Calculation (not to exceed 80% of the average yearly salary)
62	10 years	Average Monthly Salary x .03 (multiplier) x Credited Service = Gross Monthly Pension
65	5 years	Average Monthly Salary x .03 (multiplier) x Credited Service = Gross Monthly Pension

If the death of an inactive member occurs before becoming eligible for a retirement benefit, the member's named beneficiary on file will receive the member's accumulated contributions. A.R.S. § 38-807(D).

Tier 3 EODCRS Members: Employee and employer contributions and earnings are immediately vested. A.R.S. § 38-833(E). Contact Nationwide Retirement Solutions for benefit information.

Retirement – Additional Requirements

Pursuant to the Internal Revenue Code Section 415(b)(1), there is a dollar limit on pensions that a retiree or survivor may receive which is determined each fiscal year, or when a change occurs to a retiree's benefit amount. If the pension benefit exceeds the limit, in order to be in compliance, the EORP is required to allocate the excess benefit amount payable through a separate account to the retiree or survivor.

Article 6, Section 39 of the Arizona Constitution: Upon attaining the age of seventy years a justice or judge of a court of record shall retire and his judicial office shall be vacant, except as otherwise provided in section 35 of this article.

Return to Work after Retirement

If a retired member subsequently becomes, by reason of election or reelection, an elected official of the same office from which the member retired, within a time period following the member's retirement that is less than one full term for that office, the member shall not receive a pension and may result in an overpayment of benefits. Contributions shall not be made by the retired member and credited service shall not accrue while the retired member is holding office. If/when the elected official ceases to hold the same office, the elected official is entitled to receive the same pension the elected official was receiving when the elected official's pension was discontinued. Nothing in this section prohibits a retired judge called by the supreme court to active duties of a judge pursuant to A.R.S. § 38-813 from receiving retirement benefits. A.R.S. § 38-804(N and O).

If a Public Safety or Corrections Officer retiree subsequently becomes an elected official by election or appointment, it is not considered reemployed by the "same employer" and retirement benefits will not be suspended. A.R.S. §§ 38-849 and 38-884, as applicable.

Every judge retired under this plan may, if physically and mentally able, be subject to call by the Supreme Court or the chief justice of the supreme court to assist the supreme court, court of appeals or superior court under such directions as the Supreme Court may give, including the examination of the facts in cases before the court, the examination of authorities cited and the preparation of opinions for and on behalf of the court. The court may order these opinions, to the extent approved by the court, to constitute the opinion of the court. The retired judge may, subject to any rule which the Supreme Court adopts, perform any duties preliminary to the final disposition of cases insofar as they are not inconsistent with the Constitution of this state. A.R.S. § 38-813.

Notwithstanding any provision of law to the contrary, a retired judge who is temporarily called back to the active duties of a judge is entitled to receive the same compensation and expenses as other like active judges less any amount received for that period in retirement benefits. A.R.S. § 38-813.

The annual alternate contribution rate (ACR) is set annually based on annual actuarial valuations. For the most current rate in effect, please visit the PSPRS website - [Contribution Rates & Reporting | PSPRS](#). A.R.S. §§ 38-810.04 and 38-805.01(C).

Tier 1, 2 and 3 DB Members: In addition to the provisions above, a member who retires pursuant to A.R.S. § 38-805.01 and then becomes an elected official may not make contributions to the plan, accrue credited service under the plan while holding office or participate in the EODCRS. A.R.S. § 38-805.01(B).

Service Purchase *(also see Transfers)*

Purchase of Prior Active Military Service (Form 18)

Tier 2 DB Members with at least five years of credited service may purchase up to sixty months of credited service for periods of active military service performed before employment with their current employer (even if the member receives a military pension). For Tier 1 DB Members, there is no service requirement or maximum purchase. A.R.S. § 38-820.

Any active DB or DC Members may also receive credited service limited to sixty months if ordered/volunteered to active military service while working for the current employer if the criteria is met pursuant to A.R.S. § 38-820. The member shall pay the members contributions, upon which the employer shall make employer contributions. If member performs military service due to presidential call-up, the employer shall make the employer and employee contributions not to exceed forty-eight months pursuant to A.R.S. §§ 38-820(G) and 38-834. For more information, contact your employer.

Purchase of Prior Service from an Out-of-State Agency (Form OSS)

Tier 2 DB Members with at least five years of credited service with the Plan who have previous service with an agency of the U.S. Government, a state of the U.S., or a political subdivision of a state of the U.S. as may elect to redeem up to sixty months of any part of the prior service if the prior service is not on account with any other retirement system. For Tier 1 DB Members, there is no service requirement or maximum purchase. A.R.S. § 38-816.

Purchase of Prior Forfeited Service as an Elected Official

If a former elected official terminates membership in the Plan and takes a refund of contributions and is later re-employed as an elected official, may elect to purchase ALL of the previously forfeited credited service if the elected official signs a written election within ninety (90) days after re-employment to reimburse the Plan within one year after the date of re-employment. The amount required to reinstate the credited service is the amount previously withdrawn plus interest at the rate of 9% compounded annually from the date of withdrawal to the date of repayment. A.R.S. § 38-804(I). (*Form 1B*)

OR

If the statutory requirements above are not met, the elected official may still purchase some or all of the previously forfeited credited service or of elected official service not covered by the Plan. The calculation is based on an amount computed by the Plan's actuary to equal the actuarial present value. A.R.S. § 38-816(B). (*Form 2*)

Purchase of Service between the Arizona Retirement Plans/Systems (Form U2)

Members of any of the four Arizona state retirement System/Plans who have credited service under another Arizona state retirement System/Plan may redeem the credited service to their current Arizona state retirement System/Plan by paying the full actuarial present value of the credited service into the current Arizona retirement System/Plan with the approval of the EORP or governing board. A.R.S. § 38-922.

Taxation of Retirement Benefits

Effective tax year commencing January 1, 1989, all EORP retirement benefits in excess of \$2500 annually will be subject to Arizona state tax. A.R.S. §§ 38-811 and 43-1022.

Transfers (*also see Service Purchase section*)

Transfer of Service between the Arizona Retirement Plans/Systems (Form U2):

Members of any of the four Arizona state retirement System/Plans who have credited service under another Arizona state retirement System/Plan may transfer the credited service to their current Arizona state retirement System/Plan by transferring the full actuarial present value of the credited service into the current Arizona retirement System/Plan with the approval of the EORP or governing board. A reduced credited service amount may be transferred based on the transfer of the actuarial present value of the credited service under the prior Arizona state System/Plan. A.R.S. §§ 38-921 and 38-922.

Transfer of Service between City Retirement Plans (Form U2):

A member of a charter city retirement system, as a EORP member, may apply for a transfer of service credits from the charter city retirement system to the EORP based on the actuarial present value of the service (with the member paying the difference), or the member may elect a reduced service amount to be transferred based on the actuarial present value. A.R.S. § 38-821.

Vesting

DB Members: A member's right to benefits vest when an application for benefits is filed and the member is found to be eligible for those benefits or on the last day of employment under the Plan, whichever occurs first. A.R.S. §§ 38-810.02, 38-833 and Section 55 (S.B. 1609, Laws of 2011, Ch. 357).

DC Members: Member and employer contributions and earnings are immediately vested. A.R.S. § 38-833 (E).

This is not an official version of the Arizona Revised Statutes.
If there are any differences or discrepancies, the official version will prevail.