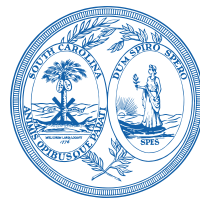


Fiscal year 2022

# Judges and Solicitors Retirement Member Handbook



**PEBA**<sup>SM</sup>  
SC Retirement Systems  
and State Health Plan

## Table of contents

Disclaimer . . . . .	3	Payment plans . . . . .	8
General information. . . . .	3	Type I: standard annuity payment plan . . . . .	8
Membership . . . . .	3	Type II: optional survivor annuity payment plan . . . . .	9
Definitions . . . . .	3	Additional benefit payout request. . . . .	9
Member contribution rate . . . . .	3	Additional payout for members under age 60 who retire and continue to work . . . . .	10
Employer contribution rate. . . . .	3	Disability retirement eligibility . . . . .	10
Active membership benefits. . . . .	3	Death benefits. . . . .	10
Earned service . . . . .	3	In-service survivor allowance . . . . .	10
Service purchases . . . . .	3	Non-retired incidental death benefit . . . . .	11
Types of service purchases. . . . .	4	Post-retirement information. . . . .	11
Transfer of service from SCRS, PORS or GARS . . . . .	4	Monthly annuity payments . . . . .	11
Public service . . . . .	4	Returning to covered employment . . . . .	11
Educational service (K-12) . . . . .	5	Retiring and continuing to work . . . . .	11
Military service. . . . .	5	Election within 30 days of retirement . . . . .	11
Leave of absence. . . . .	5	Engaging in the practice of law . . . . .	11
Workers' compensation . . . . .	5	Returning to state service as a justice or a judge. . . . .	12
Previously withdrawn service . . . . .	5	Returning to state service as a solicitor or circuit public defender . . . . .	12
Non-qualified service . . . . .	6	Member of General Assembly. . . . .	12
State ORP participation . . . . .	6	Returning to state service in a position other than as a judge, solicitor or circuit public defender . . . . .	12
Active JSRS member applying for a GARS annuity at age 62. . . . .	6	Benefit adjustments. . . . .	13
Active JSRS member receiving an SCRS or PORS annuity. . . . .	6	Member or spousal survivorship beneficiary . . . . .	13
Leaving JSRS-covered employment . . . . .	6	Beneficiary under the optional survivor annuity payment plan. . . . .	13
Deferred JSRS annuity . . . . .	7	Retiree incidental death benefit. . . . .	13
Deferred annuity calculation. . . . .	7	Beneficiary and option changes. . . . .	13
Standard deferred annuity payment plan example . . . . .	7	Taxes . . . . .	13
Service retirement annuity . . . . .	7	More information. . . . .	14
Retirement annuity eligibility. . . . .	8	Tell us what you think . . . . .	14
Documents needed at retirement . . . . .	8		

## Disclaimer

Benefits administrators and others chosen by your employer to assist you with your participation in the employee benefit programs administered by the South Carolina Public Employee Benefit Authority (PEBA) are not agents or employees of PEBA and are not authorized to bind PEBA or make representations on behalf of PEBA.

## General information

### 9-8-20

The Judges and Solicitors Retirement System (JSRS) was created July 1, 1979, to provide a defined benefit retirement plan for South Carolina's public judges and solicitors. Circuit public defenders were included in the membership of JSRS effective June 27, 2007, and may receive the same JSRS benefits as solicitors, where applicable. The definition of judge was expanded to include administrative law judges effective June 6, 2014. This handbook provides an overview of your benefits along with the respective citations from Title 9, Chapter 8, of the South Carolina Code of Laws.

## Membership

### 9-8-40

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

## Definitions

### 9-8-10(16)

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

### 9-8-10(17)

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

### 9-8-10(19)

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

## Member contribution rate

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

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

## Employer contribution rate

### 9-8-140

The employer contribution rate is set by the PEBA Board of Directors based on annual actuarial valuations of JSRS.

## Active membership benefits

### Earned service

#### 9-8-10(18)

Earned service is defined as paid employment as a justice, judge, solicitor or circuit public defender, during which regular JSRS contributions were made to the system.

### Service purchases

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

While you are an active contributing JSRS member, you may establish service credit for various types of previous employment, leaves of absence and up to five years of non-qualified service as allowed

pursuant to Section 9-1-1140. Service credit may be established by making a lump-sum payment, an installment service purchase (pre- or post-tax, plus interest) or a tax-deferred rollover from an Individual Retirement Account (IRA), a 401(k) plan, a 401(a) eligible plan, a 403(b) plan or a 457 plan. The interest rate for an installment service purchase is calculated based on the prime rate plus 2 percent. Installments initiated July 1, 2021, through June 30, 2022, will be calculated at 5.25 percent. The interest rate is fixed for the term of the installment. Pretax installment service purchases are subject to restrictions that prohibit additional principal payments or early payoff except upon termination of employment or retirement.

You may purchase each type of service credit once within a fiscal year. If you are purchasing service to meet retirement eligibility, please contact Customer Service at 803.737.6800 or 888.260.9430 for more information. Payment for service purchases must be remitted in full prior to your retirement date or date of termination from your employer's payroll.

Some types of purchased service may not be used in determining insurance eligibility. If you are covered by state health insurance, contact PEBA, at 803.737.6800 or 888.260.9430 for eligibility information.

### **16-year service purchase maximum**

#### **9-8-50(A)**

Section 9-8-50(A) provides that a member of JSRS may not purchase more than 16 years of service credit in JSRS. Additionally, the purchase of service credit under this section may not result in a justice or judge exceeding 25 years total service credit in JSRS, or a solicitor or circuit public defender exceeding 24 years of total service credit in JSRS. For example, if a judge has 10 years of service in JSRS, he may not purchase more than 15 years

of additional service credit, so as to not exceed 25 years of total service credit at the time of the service purchase.

In determining your service purchase options, please keep in mind any applicable JSRS earned service requirements for a deferred annuity (Page 7) or JSRS service retirement annuity (Page 7).

## **Types of service purchases**

### **9-8-50, 9-1-1140**

#### **Transfer from SCRS, PORS or GARS**

##### **9-8-50(B)**

If you are a former member of the South Carolina Retirement System (SCRS), the Police Officers Retirement System (PORS) or the General Assembly Retirement System (GARS), you may transfer your non-concurrent service to your JSRS account by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service transferred, prorated for periods of less than a year. The amount of contributions and interest in the account from which you are transferring service for the applicable period of service being established in JSRS will be transferred directly to your JSRS account to offset the total payment required. Generally contributions and interest associated with service credit not transferred to JSRS will remain on deposit in SCRS, PORS or GARS, unless you file for a refund.

#### **Public service**

As an active member, you may establish JSRS service credit for any period of paid public service as an employee of a federal, state or local governmental entity in the United States by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. You may

not purchase service for a period of public service for which you may receive a retirement annuity from another defined benefit retirement plan or which would violate Section 415 or any other provision of the Internal Revenue Code.

### **Educational service (K-12)**

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

### **Military service**

As an active member, you may establish up to six years of service credit for any period of military service for which you do not already have service credit by making a payment to the system equal to the current member contribution required for earned service in JSRS for each year of service purchased, prorated for periods of less than a year. This includes service in the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Select Reserves and Army or Air National Guard. Your discharge from service must be under conditions other than dishonorable. Under guidelines set forth by the Uniformed Services Employment and Reemployment Rights Act (USERRA), you may also arrange in advance with your employer to continue contributing to your account while on active duty military leave, or you may make contributions for your period of military service after you return from active duty

for a period three times longer than your military service, but not longer than five years.

### **Leave of absence**

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

### **Workers' compensation**

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

### **Previously withdrawn service**

If you left employment and received a refund of your contributions plus interest from PEBA, you may re-establish this service upon returning to active membership. You must repay the amount you withdrew plus interest to the date your request is received. Previously withdrawn JSRS earned service that is re-established in JSRS through the service purchase process is considered earned service for the determination of the JSRS minimum service requirement for benefit eligibility.

## Non-qualified service

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

## State ORP participation

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

## Active JSRS member applying for a GARS annuity at age 62

### 9-8-125

An active JSRS member who is at least 62 years of age and eligible to receive benefits from GARS but for his current JSRS position may elect to receive his GARS retirement annuity while still employed with a JSRS-covered employer. The application for

GARS benefits may be submitted up to six months prior to, but no more than 90 days after, the effective GARS retirement date.

## Active JSRS member receiving an SCRS or PORS annuity

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

Because JSRS is not a correlated system with SCRS and PORS, an individual may participate as an active member in JSRS while receiving an SCRS or PORS retirement annuity, if otherwise eligible for the receipt of the annuity under the provisions governing SCRS and PORS.

## Leaving JSRS-covered employment

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

- Return to employment as a justice, judge, solicitor or circuit public defender, and once again become an active contributing member of JSRS;
- Receive a refund of your contributions and interest;
- Receive a deferred annuity if and when you are eligible;
- Become an active SCRS, PORS or GARS member and transfer your non-concurrent JSRS service credit by withdrawing your JSRS contributions and interest and purchasing the non-concurrent JSRS service as public service in your active SCRS, PORS, or GARS account; or

- If you do not qualify for a deferred annuity, you may elect to transfer your JSRS service credit and contributions to SCRS pursuant to Section 9-8-50(D)(3).

## Deferred JSRS annuity

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

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

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

## Deferred annuity calculation

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

<b>Step 1</b>	Multiply the current active salary for the respective position of justice, judge, solicitor or circuit public defender by 71.3% (0.713).
<b>Step 2</b>	Determine the percentage of the deferred annuity that is payable by creating a fraction in which the retiring member's credited service in JSRS is the numerator and the denominator is 24 years.
<b>Step 3</b>	Multiply the annuity amount from Step 1 by the percentage from Step 2 to obtain the annual amount of a member's deferred annuity. <sup>1</sup>
<b>Step 4</b>	Divide the total by 12 to obtain the monthly annuity amount.

## Standard deferred annuity payment plan example

For a family court judge making \$186,902 with 14.5 years of JSRS service:

<b>Step 1</b>	<b>Step 2</b>
\$186,902	14.5 years
× 0.713	÷ 24 year requirement
<b>\$133,261.13</b>	<b>0.604166</b>
<b>Step 3</b>	<b>Step 4</b>
\$133,261.13	\$80,511.84
× 0.604166	÷ 12 months
<b>\$80,511.84</b>	<b>\$6,709.31 per month</b>

If the retiree selects the optional survivor annuity payment plan (see Page 9), multiply the deferred annuity amount from Step 3 by the applicable actuarial reduction factor based on the retiring member's age at time of retirement and the age of the member's designated beneficiary. Because survivor reduction factors vary, please contact Customer Service at 803.737.6800 or 888.260.9430 or by clicking the Contact link on our website, [peba.sc.gov](http://peba.sc.gov), for a deferred annuity estimate.

## Service retirement annuity

Your application for service retirement benefits may be submitted up to six months before, but no more than 90 days after, your desired effective date of retirement. As a JSRS member, you must retire no later than the end of the calendar year in which you reach age 72.

<sup>1</sup>A JSRS member's total deferred annuity may not exceed the regular service retirement benefit calculated for the member under Section 9-8-60 or 9-8-70.

## Retirement annuity eligibility

### 9-8-60(1)

To qualify for a service retirement annuity, a JSRS member:

1. Must no longer be in the service of the State, except for service as a member of the South Carolina General Assembly;<sup>2</sup>
2. Must have at least 10 years of earned service as a judge, have at least eight years of earned service as a solicitor or public defender or have been in service as a judge or solicitor on July 1, 1984; and
3. Must meet one of the following age and service requirements:
  - 25 years of service credit as a justice or judge;
  - 24 years of service credit as a solicitor or circuit public defender;
  - Age 65 with at least 20 years of service credit in JSRS; or
  - Age 70 with at least 15 years of service credit in JSRS.

## Documents needed at retirement

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

Regardless of the payment plan you select, you must include copies of your birth certificate and your current driver's license or state-issued identification card. Original documents will not be returned unless you request that PEBA do so. If you select the optional survivor annuity payment

plan, you must also include with your application a copy of proof of birth for each of your designated beneficiaries.

## Payment plans

### Type I: standard annuity payment plan

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

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

Upon the death of a married retiree who elected the standard annuity payment plan, one-third of the retiree's annuity will be paid automatically to his surviving spouse for life unless the retiree designated a beneficiary other than his spouse to receive a refund of any remaining member contributions.

Upon the death of an unmarried retiree who elected the standard annuity payment plan, his designated beneficiary or estate will receive a refund of any remaining member contributions.

---

<sup>2</sup> Please see Returning to covered employment on Page 11 for information pertaining to the option to begin receiving your retirement annuity and continue employment.



### Standard annuity payment plan calculation

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

<b>Step 1</b>	Multiply the current active salary for the respective position of justice, judge, solicitor or circuit public defender by 71.3% (0.713).
<b>Step 2</b>	Calculate the additional benefit by multiplying the respective salary by 2.67 percent (0.0267) for each year of earned service over 25 for a judge or over 24 for a solicitor or circuit public defender.
<b>Step 3</b>	Add the results from Steps 1 and 2.
<b>Step 4</b>	Divide the total by 12 to obtain the monthly annuity amount.

The total annual annuity of the standard annuity payment plan cannot exceed 90 percent of the current active salary for the position the member held at retirement. See Page 8 for more information.

### Standard annuity payment plan example

For a family court judge making \$186,902 with 27 years of JSRS service:	
<b>Step 1</b>	<b>Step 2</b>
\$186,902	\$186,902
× 0.713	× 0.0267
<b>\$133,261.13</b>	<b>\$4,990.28</b>
<b>Step 3</b>	<b>Step 4</b>
\$4,990.28	\$133,261.13
× 2 (years over 25 years)	+ \$9,980.56
<b>\$9,980.56</b>	<b>\$143,241.69</b>
<b>Step 5</b>	
\$143,241.69	
÷ 12 months	
<b>\$11,936.81 per month</b>	

### Type II: optional survivor annuity payment plan

#### 9-8-70

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

The reduction factor is derived from actuarial group annuity mortality tables and is based on your age and the age of your designated beneficiary as of your date of retirement. If you designate multiple beneficiaries, their average age is used in this calculation. Since survivor reduction factors vary, please contact Customer Service at 803.737.6800 or 888.260.9430 or by clicking the Contact link on our website, [peba.sc.gov](http://peba.sc.gov), for an estimate.

### Additional benefit payout request

#### 9-8-60(6)

A JSRS member whose annuity as calculated at retirement exceeds the 90 percent maximum annuity may complete the *JSRS Additional Benefit Payout Request* (Form 4103) to request an additional lump sum benefit at retirement. If you are under age 60 and are retiring and continuing to work, see additional information below. The additional benefit is equal to the member's contributions and interest paid in to the system after the member attained sufficient service credit to be eligible to receive the maximum annuity of 90 percent of the current active salary. The 90 percent maximum annuity amount is generally reached when the following JSRS service credit is obtained:

- 32 years for justices and judges; and
- 31 years for solicitors and circuit public defenders.

This refund is not payable until after retirement and may be distributed as either a taxable, single-sum refund or a rollover to a qualified retirement plan or IRA.

### **Additional payout for members under age 60 who retire and continue to work**

#### **9-8-60(7)(c)**

If you are under age 60 and have retired while continuing to work under the JSRS Deferred Retirement Option Program (DROP), you are not eligible to receive this refund of additional contributions until you reach age 60. This refund is not automatic. When you reach age 60 you must complete and submit Form 4103 to PEBA to receive this additional benefit payout.

### **Disability retirement eligibility**

#### **9-8-60(3)**

To be eligible for disability retirement, a member must:

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

If a member's claim is approved, his benefit would be calculated using the standard annuity payment plan formula on Page 8 unless an optional payment plan is selected.

## **Death benefits**

### **In-service survivor allowance**

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

If a JSRS member who named his spouse as beneficiary for his active JSRS account dies in service after reaching retirement eligibility, but prior to retiring, the surviving spouse is eligible to receive one-third of the annuity that would have been payable to the member if he had retired on his date of death. For the payment of this spousal death benefit, the earned service requirement for retirement eligibility may be waived if the member met all other retirement eligibility requirements for any JSRS (regular or deferred) annuity as of his date of death. The surviving spousal beneficiary may select the one-third annuity in-service death payment option in lieu of a refund of the deceased member's JSRS contributions and interest.

If a JSRS member who designated a non-spousal beneficiary or multiple beneficiaries (which may include a spouse) dies in service after reaching retirement eligibility, but prior to retiring, the beneficiary may elect to receive one-third of the annuity that would have been payable under the optional survivor annuity payment plan if the JSRS active member had retired on the date of death. The election of this annuity is in lieu of a lump-sum refund of the member's contributions and interest. Multiple beneficiaries receive equal shares of one-third of the annuity. If a beneficiary dies, the deceased beneficiary's share ends and the remaining beneficiaries continue to receive their normal monthly annuity. A monthly annuity cannot be paid to an estate.

If the member's beneficiary is not a living person or if the member did not meet the requirements for the payment of a survivor annuity upon his death, the only benefit payable is a refund of the member's contributions and interest.

Upon notification of the death of an in-service active JSRS member, the active member's designated beneficiary will be notified as to the available payment options.

## **Non-retired incidental death benefit**

### **9-8-110(5)**

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

## **Post-retirement information**

### **Monthly annuity payments**

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

## **Returning to covered employment**

### **Retiring and continuing to work**

#### **9-8-60(7)**

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

A JSRS member who has not reached age 60, but is eligible to retire and receive the 90 percent

maximum JSRS annuity may retire under the Deferred Retirement Option Program (DROP) and continue to serve as a judge, solicitor or circuit public defender. As a DROP participant, your monthly annuity will be deferred, without interest, until you reach age 60 at which time the accumulated benefits may be distributed. Payout of the deferred annuity is not automatic.

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

Employee and employer contributions must continue to be paid for a member who retires and continues to serve in a covered position, but no additional service is earned. The maximum continuous employment period after retirement is until the end of the calendar year in which you reach age 72 and any such employment is contingent upon re-appointment or re-election.

### **Election within 30 days of retirement**

#### **9-8-120(3)(4)**

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

### **Engaging in the practice of law**

#### **9-8-120(4)**

A justice or judge who is receiving a JSRS annuity and is engaged in the practice of law may not serve as a justice or judge in any court in the state of South Carolina. If, within 30 days of retirement, a

member elects to be eligible for appointment by the Chief Justice to serve as a justice or judge in the courts of this state and to not practice law, the member may irrevocably change his election at any time if the member decides to engage in the practice of law.

## **Returning to state service as a justice or a judge**

### **9-8-120(3)**

Subject to the limitations contained in Section 14-1-215, a retired justice or judge may be called upon and appointed by the Chief Justice of the Supreme Court to perform judicial duties in the Supreme Court, Court of Appeals, circuit courts and family courts. A retired justice or judge serving as an acting associate justice or as a judge shall serve without pay except for his actual expenses while serving. If a retired justice or judge has performed full judicial duties as an acting associate justice or as a judge for a period of three or more consecutive months, his retirement pay for each full month during this period must be increased by an amount equal to the difference between the member's retirement payment and current active pay for the respective position. This difference is not paid by PEBA. Upon certification by the Chief Justice of the number of full months of the service, the State Treasurer shall make payment accordingly.

## **Returning to state service as a solicitor or circuit public defender**

### **9-8-120(1)**

If a retired JSRS member returns to state service as a solicitor or circuit public defender, the member's retirement annuity ceases and the member becomes a contributing member of JSRS again, credited with all service credit as of his date of retirement. The retirement allowance payable upon the member's subsequent retirement shall

be based on the total service rendered before and after his return to service.

## **Member of General Assembly**

### **9-8-60(1)**

In certain circumstances, a retired JSRS member who is elected to the General Assembly may continue to receive his JSRS retirement annuity while serving in the General Assembly. As a member of the General Assembly, he may participate in the applicable retirement system or elect not to participate in a retirement plan. Please contact PEBA for more information.

## **Returning to state service in a position other than as a judge, solicitor or circuit public defender**

### **9-8-120(2)(a)(b)(c)(d)**

A retired JSRS member who has separated from all state service and who has been retired for at least 30 consecutive calendar days may be hired and return to employment covered by the South Carolina Retirement System (SCRS) or the Police Officers Retirement System (PORS) and earn up to \$10,000 per year without affecting his monthly retirement allowance. If the retired member continues in service after earning \$10,000 in a calendar year, his allowance must be discontinued during his period of service in the remainder of the calendar year. If a retired member returns to employment covered by SCRS or PORS sooner than 30 days after retirement, his retirement allowance is suspended while he remains employed by the participating employer.

The earnings limitation does not apply if the member meets at least one of the following qualifications:

- The member retired before July 1, 2014;
- The member was at least 62 years old at retirement; or

- Compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly or by election of the qualified electors of the applicable jurisdiction.

A member retiring before July 1, 2014, is not subject to the 30-day separation from service requirement.

If a retired member returns to covered employment under SCRS or PORS, the retired member and his employer must pay the employee and employer contributions that would be required if the member were an active contributing member of the applicable system. A retired member so employed may not become a member of SCRS or PORS and does not accrue service credit in either system by reason of their contributions.

## Benefit adjustments

### 9-8-90

#### Member or spousal survivorship beneficiary

The retirement benefit of a retired member or a member's surviving spousal beneficiary is increased by the same percentage as the increase in current salary for the JSRS position the member retired from.

#### Beneficiary under the optional survivor annuity payment plan

The retirement benefit for a non-spousal beneficiary, or for a spouse designated as one of multiple beneficiaries under the optional survivor annuity payment plan, may be increased periodically. The cost of living adjustment is based on whether the Consumer Price Index (CPI) for

Urban Wage Earners and Clerical Workers as published by the United States Department of Labor has increased by more than 3 percent since the last time a benefit increase was awarded.

## Retiree incidental death benefit

### 9-8-110(7)

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

Years of service credit	Incidental death benefit payment
10 to 19 years	\$1,000
20 to 29 years	\$2,000
30 or more years	\$3,000

## Beneficiary and option changes

### 9-8-70, 9-8-110

In certain circumstances, you may be eligible to change the payment plan and/or beneficiary for your retirement benefits after your retirement. A retiree who elected the standard annuity payment plan may generally change beneficiaries at any time. However, a JSRS retiree who elected the optional survivor annuity payment plan under Section 9-8-70 is limited in his ability to change the form of his benefits. Please contact PEBA for more information.

## Taxes

Your monthly annuity is subject to federal and state income taxes, but there is a South Carolina state income tax deduction for retirement income based on your age. If you do not have taxes withheld from your retirement check, you may need to file estimated taxes each quarter. Check with an accountant or a tax advisor regarding your tax liability. A benefit recipient may make changes to the amount of taxes withheld by logging

into PEBA's secure Member Access portal or by submitting Form 7202. You may also visit the South Carolina Department of Revenue's website at [dor.sc.gov](http://dor.sc.gov) and the Internal Revenue Service's website at [www.irs.gov](http://www.irs.gov) for more information related to taxability of benefits.

## More information

For more information, contact PEBA at 803.737.6800 or 888.260.9430 or visit our website at [peba.sc.gov](http://peba.sc.gov).

## Tell us what you think

Let us know how we're doing, and what you think about this publication. Take a few minutes to complete a short survey.



[www.surveymonkey.com/r/publicationsfeedback](http://www.surveymonkey.com/r/publicationsfeedback)

This page contains no content.



# PEBA<sup>SM</sup>

SC Retirement Systems  
and State Health Plan

**South Carolina Public Employee Benefit Authority**

*Serving those who serve South Carolina*

202 Arbor Lake Drive  
Columbia, SC 29223

803.737.6800 | 888.260.9430

[peba.sc.gov](http://peba.sc.gov)

