



Survivor Retirement Guide

Public Employees' Retirement System of Mississippi



As a spouse or dependent child of a member of the Public Employees' Retirement System of Mississippi (PERS), you may be entitled to certain survivor retirement benefits should that member die before retiring. This guide outlines this coverage and the survivor retirement application process. However, if the member dies before retirement and has filed a Form 16, *Advanced Application*, monthly benefits will be payable according to the *Advanced Application* and not as outlined in this guide.

Eligibility requirements for survivor retirement benefits and the type of benefits offered are determined by whether the member's death was duty related or non-duty related and whether the member was vested at the time of death. Being vested means a PERS member is eligible for certain benefits. A member vests after he or she has worked the minimum required period of covered employment.

Duty-Related vs. Non-Duty-Related Death

A member's death qualifies as duty related when an active member is killed or dies as a direct result of a physical injury sustained from an accident or a traumatic event caused by external violence or physical force occurring in the line of performance of duty. Coverage for duty-related death benefits begins on the first day of a member's employment. Vesting is not required.

A non-duty-related death would include death by natural causes or any death before retirement that does not meet the criteria of duty-related. Whether working with a PERS-covered employer or not at the time of death, a member must be vested for his or her spouse or dependent child to be eligible for non-duty-related death benefits.

Lawful Spouse

To claim survivor retirement benefits as a member's lawful spouse, you must file a copy of your marriage certificate with your claim.

Eligibility for non-duty-related death benefits requires that you be married to the member at least a year immediately before his or her death. There is no minimum marriage-length requirement for duty-related death benefits.

If the deceased member left no dependent children, you, as the spouse, may waive your rights to monthly benefits to receive a lump sum refund or to allow a lump sum refund to be paid to the beneficiary designated by the member. To waive your rights to monthly benefits, complete and submit Form 5B, *Spousal Waiver of Monthly Benefits* (available online).

Dependent Child

To be dependent, a child must—at the time of the member's death—be under age 19 and never married or a full-time student under age 23 and never married. Upon application and approval by the Medical Board, benefits to a physically or mentally disabled child may continue as long as the disability exists.

Survivor Eligibility and Benefits

Duty-Related Death of Member*

Non-Duty-Related Death of Member

Spouse

- Coverage begins on the first day of member's employment
- Option to waive monthly benefits if member has no dependent child
- Monthly benefits for life calculated at the higher of:
 - 50 percent of member's average compensation **or**
 - The non-duty-related death benefit

- Coverage begins upon member's vesting
- Must be married to member at least one year immediately prior to member's death
- Option to waive monthly benefits if member has no dependent child
- Monthly benefits for life calculated at the higher of:
 - Option 2, 100 percent joint and survivor annuity, **or**
 - 20 percent of the member's average compensation, but not less than \$50 per month

Dependent Child

- Coverage begins on the first day of member's employment
- Monthly benefits as long as child is deemed a dependent
 - Calculated at 25 percent of member's average compensation payable to one dependent child **or**
 - Calculated at 50 percent of member's average compensation payable for two or more dependent children

- Coverage begins upon member's vesting
- Monthly benefits as long as child is deemed a dependent
 - Calculated at 10 percent of member's average compensation payable per dependent child **or**
 - Calculated up to 30 percent of member's average compensation payable for three or more dependent children

* *Duty-related death benefits for survivors of public safety officers may be excluded from income for federal income tax purposes.*

HEART Act and USERRA

Heroes Earnings Assistance and Relief Tax (HEART) Act and Uniformed Services Employment and Reemployment Rights Act (USERRA) - If a member of PERS dies while performing qualified military service as defined by the United States Code, his or her survivors are entitled to any additional benefits that the system would provide if the member had resumed employment and then died. A deceased member's period of qualified military service must be counted for vesting purposes.

Application Process*

Phase 1

The surviving spouse and/or the guardian of each eligible child, if applicable, should complete sections 1 through 4 of Form 9A SRVR, *Pre-Application for Survivor Retirement Benefits* (available online). Collect copies of the birth certificate and Social Security card for the deceased member, spouse, and any dependent child; member's marriage and death certificates; certified school records (any child age 19 to 23), and, if a duty-related death, the Mississippi Workers' Compensation Commission *First Report of Injury or Illness*. Submit Form 9A SRVR and copied documents to the deceased member's employer to complete the form and submit all documents to PERS.

After PERS receives the completed Form 9A SRVR, your claim will be assigned to a PERS benefit analyst, who will mail you an audited Survivor Estimate of Benefits, a Form 14, *Survivor Retirement Application*, and a list of any other required documents.

* *If an authorized representative completes a form for the applicant, he or she must provide a copy of the durable power of attorney, conservatorship, or guardianship papers, or other legal documents as proof of authority. A mentally competent child age 21 or older may apply for his or her benefit without the need for a guardian.*

Phase 2

Form 14, *Survivor Retirement Application*, will be sent to you by your PERS benefit analyst after your completed Form 9A SRVR has been received and processed. This form should be completed and submitted to PERS no later than 90 days after the date upon which PERS receives Form 9A SRVR. The applicant, or his or her authorized representative, must specify the survivor's federal tax withholding status and exemptions and must provide banking information for the mandatory direct deposit of survivor benefits. He or she also may elect whether the survivor receives the Cost-of-Living Adjustment payment monthly rather than annually.

Survivor retirement benefits are payable after receipt of a completed application and are effective the first day of the month following the date of the member's death. In the event of late filing, payments will be made retroactively for up to one year.

Roles & Responsibilities

You, the Applicant

- Complete sections 1 through 4 of Form 9A SRVR, *Pre-Application for Survivor Retirement Benefits*, and submit to deceased member's employer along with required documentation.
- Complete and submit to PERS Form 14, *Survivor Retirement Application*, no later than 90 days after the date upon which PERS receives Form 9A SRVR.

Deceased Member's Employer

- Complete and submit to PERS Form 9A SRVR, *Pre-Application for Survivor Retirement Benefits*, with required documentation and, if a duty-related death, a copy of the Mississippi Workers' Compensation Commission *First Report of Injury or Illness*.

Your PERS Benefit Analyst

- Keep you informed of your filing status throughout the process, provide guidance about required documents, and process the claim quickly and accurately.
- Make you aware of options regarding survivor retirement so that you can make informed decisions regarding benefits.



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Disclaimer

This guide is published for members of the Public Employees' Retirement System of Mississippi (PERS) to provide general information regarding PERS laws, policies, and regulations and is subject to periodic revision as laws, policies, and regulations change. See all current PERS Board of Trustees Regulations at www.pers.ms.gov/Content/Pages/Board-Regulations.aspx.

PERS administers the benefits described in this guide on behalf of participating employers. This guide is meant to serve as a general reference to our members and should not be used as a legal reference or a complete statement of the laws or administrative rules related to survivor retirement. If any conflict exists between the information in this guide and the applicable laws or administrative rules, the laws and administrative rules shall prevail.

Other Resources

The following resources can be found on the PERS website.

- PERS Member Handbook
- PERS Board Regulation 35, *Filing an Application for Monthly Benefits and Establishing an Effective Date of Retirement*

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