

*Regulations of Connecticut State Agencies*

TITLE 7. Municipalities

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*Agency*

**State Employees' Retirement Commission**

*Subject*

**Election of Optional Form of Retirement Salary for Municipal Employees**

*Inclusive Sections*

**§§ 7-448-1—7-448-4**

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CONTENTS

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Sec. 7-448-1.	Election of optional form of retirement salary
Sec. 7-448-2.	Conditions under which employee's spouse will receive retirement salary and amount of same
Sec. 7-448-3.	Amount of reduced retirement salary payable to employee if election of optional retirement salary approved
Sec. 7-448-4.	Payment to beneficiary if election of optional retirement salary approved

**Election of Optional Form of Retirement Salary for Municipal Employees**

**Sec. 7-448-1. Election of optional form of retirement salary**

(a) An employee desiring to elect an optional form of retirement salary shall file with the retirement commission, before the commencement of his retirement salary, a written election on a form to be provided by the retirement commission.

(b) An election shall be approved immediately if the employee passes a health examination satisfactory to the retirement commission. Such health examination shall be made, without expense to the state, on a form to be provided by the retirement commission, by a physician legally licensed to practice medicine in the state of Connecticut.

(c) In other cases, the option application shall automatically be deemed to have been approved by the retirement commission three years after filing.

(d) An election may be revoked, or the fraction which the spouse is to receive may be reduced, at any time at least three years before the first date on which the spouse would have been entitled to a retirement salary if the employee had died on such date, as set forth in subsection (b) of section 7-448-2. In the event of the divorce of the employee and his spouse, an election may be revoked at any time before such first date. Otherwise an election may not be revoked or the fraction reduced except upon the consent of the commission, which will consider whether the proposed revocation or change would be detrimental to the state or to the retirement fund, and may require evidence as to the health of the employee and/or his spouse, and may require the consent of the spouse, before making its decision.

(e) The employee may, if he so elects, provide that the optional form shall not take effect if he is retired on account of disability.

(See 1961 Supp. § 7-439.)

**Sec. 7-448-2. Conditions under which employee's spouse will receive retirement salary and amount of same**

(a) If an employee retires after his election has been approved by the retirement commission and is outlived by his spouse, such spouse shall be entitled to a retirement salary commencing at the employee's death. In the case of an employee not participating in social security, the amount of each payment to the spouse shall be the (reduced) amount which would have been payable if the employee were living at the time of such payment, or such fraction thereof as the employee shall have specified in his election. In the case of an employee participating in social security, the income payable to the spouse prior to the age at which such spouse would be eligible for a social security survivor's benefit shall be the same as if the employee were not participating in social security; and the income thereafter shall be the same as that to which the employee was entitled, or to which he would have become entitled, upon his becoming eligible for social security old age insurance benefits, or such fraction thereof as the employee specified in his election.

(b) If an employee dies before retiring, after he has attained the age and completed the years of service necessary for retirement and after his election has been approved by the retirement commission, his spouse, if surviving, shall be entitled to receive the same

*Regulations of Connecticut State Agencies*

TITLE 7. Municipalities

§7-448-3

*State Employees' Retirement Commission*

retirement salary as such spouse would have been entitled to if the employee had retired just before death.

(c) In no other case shall the spouse be entitled to a retirement salary if the employee dies before commencement of his retirement salary. In no case shall the spouse be entitled to a retirement salary if the employee retired before his election has been approved by the retirement commission.

(Effective January 31, 1979)

**Sec. 7-448-3. Amount of reduced retirement salary payable to employee if election of optional retirement salary approved**

(a) The reduced retirement salary payable to the employee shall be a percentage of the retirement salary that would have been payable if an optional form of retirement salary had not been elected. In the case of (1) an employee not participating in social security or (2) an employee who retires or dies while entitled to social security old age insurance benefits, as a result of municipal service, and whose spouse has attained the age at which such spouse would be eligible for a social security survivor's benefit, the percentage shall be uniform. Otherwise there shall be two such percentages. The first shall be the same as if the employee were not participating in social security and shall apply (1) to the total retirement salary that would have been payable to the employee prior to the age at which the employee would become eligible for social security old age benefits and prior to his qualifying for social security disability insurance benefits and (2) to that part of the retirement salary that would have been payable thereafter arising from base salary in excess of the amount on which social security taxes were payable, if an optional form of retirement salary had not been elected. The second percentage shall apply to the remainder of the retirement salary that would have been so payable. The first and second percentages will be so computed that the resulting reduced retirement salary shall be the actuarial equivalent, as determined by the retirement commission, of the retirement salary that would be payable were it not for the election of this option. In the case of a retired or deceased employee participating in social security who had attained the age at which the employee would be eligible for social security old age benefits or would have attained such age if living, prior to August 1, 1961, and whose spouse had not attained the age at which such spouse would be eligible for a social security survivor's benefit prior to such date, a new second percentage shall be appropriately calculated. If an employee, after becoming entitled to social security disability insurance benefits, ceases to be so entitled before the age at which he would become eligible for social security old age insurance benefits, the first percentage will again apply and the second percentage shall be appropriately recalculated.

(b) If the spouse has died before the first date on which the spouse would have been entitled to a retirement salary if the employee had died on such date, the employee (on retirement) shall be entitled to the same retirement salary as if an optional form of retirement salary had not been elected. If the spouse had died between such date and the commencement of the employee's retirement salary, the employee's retirement salary shall

*Regulations of Connecticut State Agencies*

TITLE 7. Municipalities

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*State Employees' Retirement Commission*

§7-448-4

not be reduced by a greater amount or amounts (in dollars per year) than the reductions that would have been made if he had retired just before his spouse's death.

(Effective January 31, 1979)

**Sec. 7-448-4. Payment to beneficiary if election of optional retirement salary approved**

If a retirement salary becomes payable either to the employee or to the spouse, the payment to the beneficiary provided for in sections 45-266 of the general statutes and 7-440 of the 1961 supplement thereto shall be made only after the death of the survivor of the employee and his spouse, and shall then be made in an amount equal to the excess, if any, of the employee's contributions to the retirement fund over the aggregate of the retirement salary payments made to him and to his spouse. The spouse shall have no right to name or change a beneficiary either before or after the death of the employee. If no named beneficiary survives the employee and his spouse, payments shall be made to the executor or administrator of the employee, except that, if the amount is less than one thousand dollars, the refund may, at the option of the commission, be made in accordance with the terms of section 45-266 of the general statutes.