

THE GEORGIA JUDICIAL RETIREMENT SYSTEM

The Georgia Judicial Retirement System was established by the enactment of House Bill 751 at the 1998 session of the Georgia Legislature. This legislation merged the Superior Court Judges Retirement System, the Trial Judges and Solicitors Retirement Fund and the District Attorneys Retirement System.

The Georgia Judicial Retirement System (GJRS) is governed by a Board of Trustees. This Board is composed of the Board of Trustees of the Employees' Retirement System and three additional members appointed by the Governor, each of whom shall be either: (1) a superior court judge; (2) a state court judge; (3) a district attorney; (4) a state court solicitor-general; or (5) a juvenile court judge. The directors and staff of the Employees' Retirement System administer the fund under the guidance of the GJRS Board of Trustees. **O.C.G.A. § 47-23-20.** All funds and assets held by predecessor retirement systems were transferred to the GJRS on July 1, 1998. **O.C.G.A. § 47-23-28.**

MEMBERSHIP

Membership is compulsory for any person who becomes a superior court judge, a judge or solicitor-general of a state court, a judge of a juvenile court, or a district attorney on or after July 1, 1998. **O.C.G.A. § 47-23-41.** The provisions of this section will **not** apply to juvenile court judges who are members of a local retirement or pension system created by local law [**O.C.G.A. § 47-23-1(10)**] or to persons who elected membership in the Employees' Retirement System of Georgia pursuant to O.C.G.A. § 47-2-260. Any person who on June 30, 1998, was an active, inactive or retired member of a predecessor retirement system was **transferred** to the GJRS in the same status on July 1, 1998. Associate juvenile court judges do not belong to the GJRS.

CHANGE OF EMPLOYMENT

Any member shall be entitled to remain as a member by holding any position or office covered by the fund and shall receive full credit for all service as a member upon changing from one position or office to another covered by the fund. Upon becoming eligible for retirement, a member's retirement benefits shall be determined in accordance with O.C.G.A. §§ 47-23-101 & 47-23-102. **O.C.G.A. § 47-23-45.**

CALCULATIONS BASED ON FULL-TIME AND PART-TIME SERVICE

Full-time service means any service in a covered position during which a member was generally prohibited from the practice of law. Part-time service means any service in a covered position during which a member was **not** generally prohibited from the practice of law. Any member who, on the effective date of retirement, was serving in a **part-time position** shall be entitled to use all of the member's prior service credit for purposes of vesting for benefits and for the calculation of benefits. Any member who, on the effective date of retirement, was serving in a **full-time position** shall **not** be entitled to use any prior part-time service for vesting for benefits, but shall be entitled to use such prior service for the calculation of benefits on the basis of one month of credit for each three months of prior part-time service. Any member who became a

member pursuant to O.C.G.A. § 47-23-40 shall be entitled to calculate his or her service as provided in their predecessor retirement system. **O.C.G.A. § 47-23-63. *Comment: It appears the intent is that members who became members of the Georgia Judicial Retirement System by transfer from a predecessor retirement system will continue to get full credit for part-time service. However, newly appointed part-time judges (after July 1, 1998) who later become full-time judges will only be allowed to claim one month full time credit for each three months of service in calculation of benefits. None of their part-time service will count toward the vesting of full-time benefits.***

No person who serves simultaneously as a judge or solicitor-general shall be entitled to obtain separate service credit under this retirement system. Credit for each position held and for such service shall be combined. **O.C.G.A. § 47-23-41.**

CONTRIBUTIONS

The basis for employee and employer contributions to the fund with respect to juvenile court judges shall be the salary paid to such judge by the employing unit paying the cost of the operation of the juvenile court, **unless** the salary paid to such judge exceeds the state salary paid to a superior court judge, **in which event** the basis for employer and employee contributions shall be the same as the **state salary paid to judges of superior courts.** **O.C.G.A. § 47-23-82.**

- **Employee:** Members contribute 7 ½ % of their actual salary, unless that salary exceeds the state salary paid to superior court judges. **O.C.G.A. § 47-23-82.** Members have the option to reject paying an additional 2 ½ % of their salary for spousal benefits. **O.C.G.A. § 47-23-105 (b).** The employing unit is authorized, but not required, to pay all or any portion of the employee contribution on behalf of the member. **O.C.G.A. § 47-23-82.**

- **Employer:** From funds appropriated or otherwise available for the operation of the Superior Courts, the Department of Administrative Services shall pay into the Fund monthly employer contributions in amounts determined by the Board, which, together with employee contributions and earnings of the fund, shall be sufficient to fund the service and disability retirement benefits under the GJRS. **O.C.G.A. § 47-23-82(b)(2).**

CREDITED SERVICE

Any creditable service credited to any member of this retirement system pursuant to a predecessor retirement system shall be deemed to be creditable service for this retirement system effective July 1, 1998. **O.C.G.A. § 47-23-60.** A member who on June 30, 1998, was entitled to receive creditable service for prior service as a state court judge, state court solicitor or juvenile court judge may do so under the provisions of O.C.G.A. § 47-9-41.1, as such section appeared June 30, 1998. **O.C.G.A. § 47-23-61.** Any member who became a member on or after July 1, 1998, may receive creditable service for the number of years the member contributed to the Employees' Retirement System pursuant to O.C.G.A. § 47-2-262; however, to receive such credit, the member must notify the board of the retirement system and the board of ERS not later than December 31, 1998, or within 90 days after becoming a member of this retirement system, whichever date is later. **O.C.G.A. § 47-23-62.**

For members who become members after July 1, 1998, no portion of any salary (as defined in O.C.G.A. § 47-23-100) earned after July 1, 1998, which is used to calculate benefits under this retirement system, may be used to calculate benefits under any other state or local retirement system or pension plan. **O.C.G.A. § 47-23-101.**

NORMAL RETIREMENT DATE

Normal retirement age is age 60 and 16 years of service. **O.C.G.A. § 47-23-102.**

NORMAL RETIREMENT BENEFITS

A member retiring with 16 years or more of creditable service shall receive a benefit equal to 66.66 percent of the member's salary, plus 1 percent for each year of creditable service over 16 years. No member may receive more than 24 years of creditable service. A member retiring with less than 16 years of creditable service may retire at a reduced benefit pursuant to O.C.G.A. § 47-23-100. **O.C.G.A. § 47-23-102.** "Salary" as used in this paragraph means the average annual compensation received by such judge; that is, the compensation of a member during the 24 consecutive months of creditable service producing the highest such average. For members who become members after July 1, 1998, the calculated salary may not exceed that provided from state funds to superior court judges. **O.C.G.A. §§ 47-23-100(4), 47-23-1.**

The right of a member to receive benefits under this retirement system shall vest after a member obtains ten years of creditable service; provided, however, that no member shall receive a retirement benefit prior to attaining the age of 60 years. **O.C.G.A. § 47-23-102.**

EARLY RETIREMENT

A member may elect early retirement at age 60 with ten years of creditable service. The monthly retirement benefit for early retirement shall be a percentage of the benefit calculated under O.C.G.A. § 47-23-100, and such percentage shall be the proportion which the number of years of creditable service the member has in the retirement system bears to 16. **O.C.G.A. § 47-23-103(a).**

RETIREMENT DATE

The retirement date is established by making written application to the Board setting forth the date, between 30 to 90 days later, upon which the member desires to be retired. All retirement benefits shall be effective on the first day of the month following the month in which the member terminates service. **O.C.G.A. § 47-23-103(a).**

DISABILITY RETIREMENT

After obtaining a minimum of four years of creditable service, any member who becomes totally and permanently disabled to the extent that he or she is unable to perform the duties of the office shall be entitled to receive a disability retirement benefit. The benefit shall be one half of the maximum retirement benefits provided by O.C.G.A. § 47-23-102 for 16 years of service, unless

the member would otherwise qualify for a greater benefit under O.C.G.A. § 47-23-102 or 103, in which case the section providing the highest benefit would apply. **O.C.G.A. § 47-23-104(a).**

After obtaining a minimum of ten years of actual service, any member who becomes totally and permanently disabled to the extent that he or she is unable to perform the duties of his or her office shall be entitled to receive a disability retirement benefit which shall be two-thirds of the maximum retirement benefits provided by O.C.G.A. § 47-23-102. **O.C.G.A. § 47-23-104(b).**

The disability of any member applying for disability retirement benefits shall be determined by the board in the same manner and under the same procedure as disability of state employees is determined in accordance with applicable provisions of the Employees' Retirement System of Georgia. **O.C.G.A. § 47-23-104(c).**

Disability retirement benefits shall become effective on the first day of the month after the member resigns as a result of the disability. **O.C.G.A. § 47-23-104(c).**

SPOUSES' BENEFITS

Unless a member rejects spouses' benefits, each member shall pay an additional employee contribution of 2 ½ percent of salary for spouses' benefits. Such contribution shall cease after the member has paid the contribution for a total of 16 years. **O.C.G.A. § 47-23-105(a)(1).**

Upon the death of a member with a minimum of ten years of creditable service, the surviving spouse shall be entitled to receive lifetime payments as follows:

- When the member was at least 60 years of age at the time of death, the spouse shall be entitled to receive a monthly sum equal to 50 percent of the retirement benefit the member was receiving at the time of the member's death, if retired at such time, or which would have been payable to the member had the member retired as of the date of the members' death. **O.C.G.A. § 47-23-105(2).**
- When a member who was transferred from a predecessor system dies before age 60, the spouse shall be entitled to receive a monthly sum equal to 50 percent of the retirement benefit the member would have received had the member continued in service and retired at age 60. **O.C.G.A. § 47-23-105(3).**
- When a member who was not transferred from a predecessor system dies before age 60, the spouse shall be entitled to receive a monthly sum equal to 50 percent of the retirement benefit the member would have received if the member were age 60 on the date of death, calculated based on the number of years of creditable service the member had on the date of death. **O.C.G.A. § 47-23-105(4).**

Within 90 days of becoming a member, any member of this retirement system shall have the right to reject spouses' benefits by notifying the board of such rejection, in writing, on a form to be supplied by the board. **O.C.G.A. § 47-23-105(b)(1).**

Any member who became a member of this retirement system by operation of O.C.G.A. § 47-23-40, and rejected spouses' benefits pursuant to O.C.G.A. § 47-23-104(b)(1), may subsequently obtain such benefits by notifying the Board in writing and tendering all amounts, together with interest thereon, which such member would have paid, pursuant to subsection (a) of O.C.G.A. § 47-23-105, had the member not initially rejected such benefits. **O.C.G.A. § 47-23-105(b)(2).**

When the spouse of a member dies, or if a member ceases to be married, the member need no longer make the employee contribution for the benefit of their spouse. The member must notify the Board, in writing, within 90 days of the change in marital status in order to discontinue the deduction. There shall be no return of contributions previously made. **O.C.G.A. § 47-23-105(c).**

Any member who rejects spouses' benefits or discontinues coverage, whether because the member was not married, because the member's spouse died, or because the member ceased to be married, shall have the option to elect spouses' benefits within 90 days of becoming married or remarried. **O.C.G.A. § 47-23-105(d).** If a member originally rejects or discontinues spouses' coverage for any reason, and then elects to re-establish spouses' benefits, the member must make spousal contributions, with regular interest, for a total of ten years before their spouse may qualify for benefits. Regular interest is defined in O.C.G.A. § 47-23-1(12).

Spouses' Benefits vest when the member has made the employee's contribution for spouses' benefits for at least 10 years. **O.C.G.A. § 47-23-105(e).**

Any member may designate a natural person other than a spouse to receive a survivor's benefit in the same manner and under the same conditions as provided for spouses' benefits; provided, however, that any person so designated shall receive a benefit equal to the normal spouse's benefit actuarially reduced in accordance with such person's projected life span. **O.C.G.A. § 47-23-105(f).**

SUPPLEMENTS

As noted previously, the salary upon which a member's benefits are calculated may not exceed the state salary for a superior court judge, even though the member's actual salary may be higher as a result of county supplements. The system does allow any county which supplements the salary of the judges or solicitors-general of a state court to supplement the benefits paid to a retired state court judge or to supplement the benefit being paid pursuant to this system to any beneficiary of any state court judge. **O.C.G.A. § 47-23-106.**

DEATH BENEFITS

If there is no surviving spouse or survivor of a member covered by O.C.G.A. § 47-23-105, or if a member not covered by such code section dies before retirement, the amount of accumulated contributions made by such member, with regular interest thereon, shall be paid to the member's named beneficiary or named designee or otherwise to the member's estate. **O.C.G.A. § 47-23-107.**

STATE EMPLOYMENT

If any member returns to the service of the state in any position except as a member of the General Assembly, the member's retirement allowance shall cease. The retirement allowance of a retired member who returns to the service of the state in any position other than as a member of the General Assembly shall not cease if the member performs no more than 1040 hours of service in any calendar year. **O.C.G.A. § 47-23-109 (a) & (b).**

SENIOR JUDGE

Any member retired or vested for a benefit under this system may serve as a senior judge, and compensation for such service shall not affect, enhance, diminish or otherwise impair the payment or receipt of any retirement or pension benefits. **O.C.G.A. § 47-23-110.** Qualified judges may acquire senior judge status by applying to the Governor. **O.C.G.A. § 15-1-9.3 (c).**

WITHDRAWAL PRIOR TO VESTING

When any member terminates membership prior to vesting and withdraws the member's total contributions, plus regular interest, the employer's contribution paid to the board on behalf of the withdrawing member shall continue to be held within the funds controlled by the Board and shall not be returned to the employer. The employer's contribution paid to the Board on behalf of a retiring member shall be treated as actuarial gains and shall be applied toward the future decrease of employer's contributions and shall not be used or applied to increase retirement benefits to other members of the retirement system. **O.C.G.A. § 47-23-83.**

EXEMPTION FROM LEVY AND SALE, GARNISHMENT OR ATTACHMENT

The return of contributions, any optional benefit, or any other right accrued or accruing to any person who is a member of the GJRS, and the moneys in the fund created by the GJRS, are exempt from levy and sale, garnishment, attachment, or any other process whatsoever and shall not be assignable, except as otherwise specifically provided by law. **O.C.G.A. § 47-23-121.**

COST OF LIVING ADJUSTMENTS

Cost of living adjustments may be granted by the Board twice a year, depending on the actuarial soundness of the system. However, no increase can become effective within six months of the effective date of any increase granted by the General Assembly. **O.C.G.A. § 47-23-21.**

TAXATION

Retirement benefits are subject to state and federal income tax. Income tax will be withheld automatically for members receiving annual taxable retirement benefits of \$5400 or more, unless the member elects not to have tax withheld. At the end of each year the GJRS will issue IRS form 1099 identifying taxable income and deductions for ease of filing.

Individual questions about your own retirement account may be addressed to Cedric Williams at the Georgia Judicial Retirement System, Two Northside 75, Suite 300, Atlanta, Georgia 30318-7778. Telephone: (404) 352-6400 or 1-800-805-4609; FAX: (404) 352-6431.