



Legacy Retirement Plan for State and Higher Education Employees

Legacy Member Guide

A program of the
Tennessee Treasury Department
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INTRODUCTION

RetireReadyTN is administered by the Tennessee Department of Treasury. It combines the strengths of a defined benefit plan provided by the Tennessee Consolidated Retirement System (TCRS), the State of Tennessee 401(k) plan through services provided by Great-West Life & Annuity Insurance Company (“Empower Retirement” or “Empower”), and retirement readiness education.

Full-time state employees and certain higher education employees hired prior to July 1, 2014 are members of the TCRS Defined Benefit Legacy Plan (“Legacy Plan”) as a condition of employment unless the employee lost membership in the Legacy Plan. Membership also includes part-time state and higher education employees who elected to participate in the Legacy Plan prior to July 1, 2014, unless those part-time employees lost membership in the Legacy Plan as described below. Higher education employees who are exempt from the Fair Labor Standards Act may have elected membership in the Legacy ORP in lieu of the Legacy Plan. For information on the ORP, please see the Higher Education Employees page at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

An employee loses membership in the Legacy Plan by taking a refund of the employee’s accumulated contributions from TCRS, or by not being vested and having a gap in TCRS covered employment for more than seven consecutive years. A former Legacy Plan member who lost membership and is rehired as a state or higher education employee on July 1, 2014 or later will only be eligible for the Hybrid Retirement Plan for State Employees and Teachers (“Hybrid Plan”). For information on the Hybrid Plan, please consult the *Hybrid Retirement Plan for State Employees and Teachers Member Guide* which can be found under Forms and Guides at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

Note: This document provides a general overview of the Legacy Plan as it relates to state and higher education employees (collectively referred to as “state employees” elsewhere in this document). There are separate documents that cover the Legacy Plan for K-12 public school teachers and benefits for political subdivision employees. Additionally, supplements to this document exist describing the different vesting, retirement eligibility, and benefit formula for Legacy Plan members who are:

- Members of the General Assembly
- State judges; and
- Public Safety Officers

Any member who gained membership in TCRS prior to June 30, 1976, should contact RetireReadyTN at (800) 922-7772 for information specific to your plan.

These documents, and forms referenced in this document, can be found under Forms and Guides at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

THE LEGACY PLAN OVERVIEW

The Legacy Plan is a defined benefit plan administered by TCRS. A Legacy Plan member who has met the vesting requirements will receive a retirement benefit that will consist of a calculated monthly payment from TCRS. TCRS provides lifetime retirement, survivor, and disability benefits for its members. After meeting the five-year vesting requirement, a member becomes eligible to receive a monthly retirement benefit upon reaching the age and/or service requirement to begin benefits. The benefit is based on the member’s years of creditable service and earnable compensation. If a member leaves covered employment before becoming vested, the member will lose membership in TCRS if the member takes a refund of his

or her accumulated contributions from TCRS or if the member is absent from covered employment for more than seven consecutive years, whichever occurs first. If a member leaves covered employment after becoming vested, the member may retain his or her TCRS membership until retirement by leaving the member's contributions in TCRS.

Additional Savings Opportunities

As an added benefit, the State of Tennessee offers state employees the ability to save through both a 401(k) plan and 457(b) plan on a voluntary basis. State employees are eligible for an employer match of up to \$50 each month to their 401(k) account. The 401(k) and 457(b) plans allow the member to invest in investment options of his or her choice that are offered by the plan. A member is immediately vested in the 401(k) and 457(b) and can decide how the contributions should be invested given individual goals, risk tolerance, and timeline. The amount a member receives in retirement from his or her 401(k) and 457(b) accounts is based on the amount saved, plus any accumulated earnings from investments. The 401(k) and 457(b) plans have the same investment options. The 401(k)/457(b) Plan Comparison Guide found on **RetireReadyTN.gov** provides further information about the differences between the 401(k) and 457(b) plans.

The Treasury Department administers the 401(k) and 457(b) plans through a contract with Empower.

Retirement Readiness Education

In addition to retirement plans, RetireReadyTN offers retirement readiness education and retirement counseling to all members. Members can meet with local RetireReadyTN retirement plan advisors for assistance in understanding their TCRS and 401(k)/457(b) retirement plans, retirement planning, or other financial planning needs. These services are provided to members at no additional fee. To find your local representative and schedule a one-on-one or group meeting, please visit **RetireReadyTN.gov**.

CONTRIBUTIONS TO THE LEGACY PLAN

Effective July 1, 1981, TCRS became noncontributory for most state employees, which means that the State assumed the employee contributions to TCRS on behalf of those employees of up to 5 percent of the employees' earnable compensation. For any member who has a membership date prior to July 1, 1981 and who was employed in a covered position on June 30, 1981, these employer-assumed employee contributions are credited to the member's retirement account balance. State employees who became members of TCRS after July 1, 1981 do not contribute to the Legacy Plan and do not have an account balance with TCRS.

In addition to contributing the employer-assumed employee contributions, the State (as the employer) makes a contribution to TCRS for all Legacy Plan members at a rate each year as approved by the TCRS Board of Trustees, based on an actuarial valuation. These employer contributions fund the monthly retirement benefits for state employees and are not refundable to the employer or the member.

Retirement benefits may be subject to income tax at the time of distribution.

Vesting

A member becomes vested in TCRS upon completing five years of creditable service to a TCRS covered employer. If a member who has not completed five years of creditable service leaves covered employment for a period of more than seven years, he or she will lose membership in TCRS. If a member was contributory, member contributions and interest will remain available for refund. An individual who has lost

membership can reestablish lost years of TCRS membership upon reentering covered employment, and the individual will enter the retirement plan available at the time of rehire.

Elements of the Benefit Calculation

TCRS provides a lifetime monthly benefit as determined by a formula specified in state law. The formula for computing a monthly retirement benefit consists of a member's Average Final Compensation (AFC), years of creditable service, and the benefit accrual factor, which are described below.

Average Final Compensation (AFC)

The AFC is the average of the member's five highest consecutive years of earnable compensation. The federal government limits the maximum amount of compensation that may be recognized by a defined benefit plan. Limits can be found at [IRS.gov](https://www.irs.gov).¹

Creditable Service

Creditable Service means membership service under the Legacy Plan plus any other periods of public service credited by TCRS. Service credit may be accrued for service as a state employee, higher education employee, a public school teacher in Tennessee, or a full-time employee of a participating Tennessee local government. In addition, a member may be entitled to establish credit for other types of service. The types of service that may be established include the following:

- Previously withdrawn service;
- Military service which interrupted the member's public employment;
- Military service rendered during a period of armed conflict as defined in Tennessee Code Annotated, Section 8-34-605;
- Peacetime military service rendered at any time from October 15, 1940 through May 7, 1975;
- Educational leave of absence which interrupted the member's employment; and
- Unused accumulated sick leave at retirement.

To establish prior and/or missing service, the member must complete the appropriate application for Additional Retirement Credit. Please note that only the member may apply for prior and/or missing service, including military credit, and must submit the appropriate documentation required by TCRS. If the retirement credit requires payment to establish, a member may pay for such service through personal check in a lump sum, or through a rollover from another qualified plan, such as the State 401(k) plan. Purchasing service through a rollover requires a completed Application for Acceptance of Rollover Funds. Depending on the type of service being established, a member may be able to purchase the service through installment payments. Some types of service may be established without charge, while others require payment of contributions and interest. If you would like additional information on establishing prior service, contact TCRS at TCRS.CustomerSupport@tn.gov or (800) 922-7772. For additional information on transferring funds specifically from the State 401(k) plan, please see the section below entitled **Using 401(k) Funds to Purchase Prior Service in TCRS**.

¹Additional information about annual compensation limits and cost-of-living adjustments regarding retirement plans can be found at www.irs.gov.

Benefit Accrual Factor

Tennessee state law provides the benefit accrual factor for the Legacy Plan, and it is 1.5%.

Benefit Improvement

Tennessee state law provides that a state employee Legacy Plan member's base benefit is increased by 5%. This increase applies to monthly retirement, disability, and death benefits, but it does not apply to lump-sum distributions.

Maximum Benefit Accrual

Under Tennessee state law, the maximum annual base benefit payable at retirement (under either service or early service retirement) is limited to 94.5% of the member's AFC.

Member Annual Statements

Each year of active employment, TCRS will prepare a Member Annual Statement. The statement will show the salaries and amount of service credit reported to TCRS, the amount of member contributions, the TCRS beneficiary designation, and estimates of the TCRS benefits the member could receive at retirement. TCRS will send a notice to the member's employer when statements are available online at Member Self-Service at **MyTCRS.com**.

TCRS Retirement Benefits

A vested member is eligible to receive a lifetime monthly retirement benefit from TCRS upon reaching either service retirement eligibility or early service retirement eligibility. Retirement benefits may be subject to income tax at the time of distribution. Eligibility requirements for service retirement and early service retirement are described below.

- **Service Retirement Eligibility** – A vested member becomes eligible for unreduced service retirement benefits upon attainment of age 60 or completion of 30 years of creditable service.
- **Service Retirement Formula** - The annual service retirement allowance (or annual base benefit) payable to a member is equal to 1.5% of the member's AFC, multiplied by the number of years of creditable service, and the social security integration level applicable at time of retirement. Social security integration is described below.

The following example shows the formula used for computing the TCRS retirement benefit for a member who is 60 years old retiring with an AFC of \$30,000 and 30 years of creditable service. This example assumes the member selects the Member Only Option described in the **Descriptions of Benefit Payment Plans at Retirement** section below.

In this example, TCRS service retirement benefits replace 47% of the member's AFC after 30 years of service.

$$\begin{array}{r}
 \text{Accrual} \\
 \text{Factor} \\
 \hline
 .0150
 \end{array}
 \times
 \frac{\text{AFC}}{\$30,000}
 \times
 \frac{\text{Years of} \\
 \text{Creditable Service}}{30}
 =
 \frac{\$13,500}{12}
 =
 \underline{\$1,125}$$

Five Percent Improvement \times **1.05**

Monthly TCRS Benefit $\underline{\$1,181.25}$

- **Early Retirement Eligibility** – A vested member becomes eligible for reduced early retirement benefits upon attainment of age 55.
- **Early Retirement Formula** - The benefit is computed in the same manner as a service retirement benefit except there is a permanent reduction of .4 percent for each month the date of retirement precedes service retirement eligibility.

The following example shows the formula for computing the TCRS early retirement benefit for a 55 year old retiring under the Member Only Option with an AFC of \$30,000 and 25 years of creditable service.

In this example, TCRS early retirement benefits replace 30% of the member's AFC after 25 years of service.

$$\begin{array}{r}
 \text{Accrual} \\
 \text{Factor} \\
 \hline
 .0150
 \end{array}
 \times
 \frac{\text{AFC}}{\$30,000}
 \times
 \frac{\text{Years of} \\
 \text{Creditable Service}}{25}
 \times
 \frac{\text{Early} \\
 \text{Reduction Factor}}{.76}
 =
 \frac{\$8,550}{12}
 =
 \underline{\$712.50}$$

Five Percent Improvement \times **1.05**

Monthly TCRS Benefit $\underline{\$748.13}$

A member with 25 years of service may retire prior to age 55; however, the benefit will be further reduced to the actuarial equivalent of the benefit payable at age 55.

- **Social Security Integration Calculation** – If a member has an AFC in excess of the social security integration level applicable at the time of retirement, such excess amount is multiplied by .25%, then multiplied by the number of years of the member's creditable service before being added to the member's benefit. The social security integration level amount is calculated on an annual basis and is an average of Social Security wage bases.
- **Members remaining in service after age 65** - For certain Legacy Plan members who remain in service past age 65, the retirement benefit is the greater of the service retirement benefit at retirement or the actuarial equivalent benefit assuming the member had retired at age 65. Only service established in TCRS as of age 65 is considered in the alternate calculation, and any service rendered or established after the member's 65th birthday is not included. The alternate age 65 calculation does not apply to anyone becoming a member of TCRS after June 30, 2011.

Survivor Benefits When a Member Dies Prior to Retirement

One of the most important decisions a member makes when becoming a member of TCRS is naming a beneficiary. When selecting a beneficiary, a member should consider the TCRS survivor benefit provisions in light of his or her circumstances. It is very important that TCRS beneficiary designations are kept current throughout the member's career. Situations such as marriage, divorce, remarriage, or birth of a child do not automatically change a designated beneficiary. Prior to retirement, a member may change his or her TCRS beneficiary at any time by using the Member Self-Service online portal at **MyTCRS.com**. Please note that the member must designate a beneficiary for both the TCRS benefit **and** the 401(k) or 457(b) account separately. Information on how to designate a beneficiary can be found at **RetireReadyTN.gov**.

The beneficiary of a member who dies prior to retirement may be entitled to survivor benefits. The type of benefit payable to the beneficiary would be determined by who is named as beneficiary and by the member's age, amount of service, and the member's employment status. Any annuity benefits payable may be reduced by the early retirement reduction factor and/or the appropriate option factor.

To understand the survivor benefits that may be available to be paid, please see the guide, *Selecting a Beneficiary*, found under Forms and Guides at **RetireReadyTN.gov**.

TCRS Refunds Following Separation

Upon separation from service, a member may apply for a refund of the member's contributions and interest from TCRS. A member whose total service is non-contributory will not have any member contributions credited to his or her account; therefore, he or she will not be eligible for a refund of member contributions. Employer contributions to TCRS are not refundable. Depending on the amount of service, a member may be eligible for a retirement benefit upon meeting the age requirements.

By obtaining a refund, the member loses membership in TCRS and forfeits all rights and benefits from TCRS.

Before a refund can be processed, a member must file a completed Application for Refund with TCRS.

Federal law requires TCRS to withhold federal income tax from all refunds issued to former members. As of the date of publication of this Guide, the withholding rate is currently 20% of the taxable portion. The member may avoid having taxes withheld if he or she has arranged to have the refund transferred directly to an eligible retirement plan, including the State's 401(k).

Disability Benefits

A member who is not eligible for service retirement, but who can no longer engage in any type of substantial gainful employment due to a total and permanent medically determinable disability, may be entitled to disability benefits. The member must submit an Application for Disability Benefits and furnish objective medical records that conclusively document the claim. A disability retiree is subject to an annual medical re-evaluation and to an annual review of earnings until age 60. TCRS provides coverage for two kinds of disability: ordinary disability and job-related accidental disability.

Ordinary Disability - To be considered eligible for ordinary disability, a member must have at least five years of creditable service and suffer from a total and permanent disability that existed at and since the date of the member's separation from employment.

Accidental Disability - No minimum service is required for accidental disability benefits. However, the member must apply within one year of the member's last paid day of employment or within two years of the accident or incident causing the disability. Further, the disability must be the result of a job-related accident or injury that occurred without negligence on the part of the member while the member was in the performance of duty.

Ordinary Disability Benefits are equal to 90% of the service retirement benefit that would have been payable to the member.

For anyone becoming a Legacy Plan member before July 1, 1997, accidental disability benefits are equal to 52.5% of the member's AFC. Once the member reaches age 62 or begins receiving a social security benefit, the yearly benefit from TCRS will be reduced to 34.96% of the member's AFC. The member is required to apply for social security. If the member does not apply for social security, TCRS benefits will be paid at a lower rate. For anyone becoming a Legacy Plan member after June 30, 1997, accidental disability benefits are equal to 90% of the service retirement benefit that would have been payable to the member. The member is not required to apply for social security.

Inactive Disability - A member who is not in service at the time of a total and permanent disability may be considered eligible for inactive disability. To be eligible, the member must have at least five years of creditable service, be under the age of 55, and suffer from a total and permanent medically determinable disability. The benefit payable is the actuarial equivalent of the retirement benefit that would have been payable at age 55.

For more information about Disability Benefits from TCRS, visit Forms and Guides at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

Applying for TCRS Benefits

Before retirement or disability benefits can begin, the member must complete an application and submit it to TCRS. To apply for retirement, a member should complete the online retirement form in Member Self-Service at [MyTCRS.com](https://www.MyTCRS.com). To avoid loss of benefits, members are encouraged to apply for retirement as soon as they are eligible to receive benefits. TCRS can only pay benefits retroactive to the member's date of retirement, but not to exceed 150 days prior to TCRS' receipt of the application. Before submitting an application, members should be certain that they have enough months of service to retire.

At retirement, the member may select the Member Only Option, also referred to as the Regular Maximum Plan, which provides the maximum benefit calculated by the benefit formula payable to the member for life, or a reduced monthly benefit pursuant to one of the Joint and Survivor Plans described below. The Joint and Survivor Plans allow the beneficiary to receive a monthly benefit for the beneficiary's lifetime after the member's death.

Members within 3 years of retirement are encouraged to meet with their local RetireReadyTN plan advisor for comprehensive retirement counseling. To find your local representative and schedule a one-on-one or group meeting, please visit the Retirement Readiness Education section at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

DESCRIPTIONS OF BENEFIT PAYMENT PLANS AT RETIREMENT

Single Life Annuity Plans:

Options offered to the member upon retirement that will provide a monthly benefit ceasing at the member's death. With either of these options, any remaining balance of accumulated member

contributions and interest will be paid to the surviving designated beneficiary or beneficiaries in a lump sum in the event of your death. If the payment issued in the member's month of death is returned to TCRS by the member's financial institution, the designated beneficiary or beneficiaries may be eligible to receive it. Otherwise, no payment will be made to the designated beneficiary of a deceased member who has chosen a Single Life Annuity Option. The designated beneficiary may be your Estate.

TCRS offers two Single Life Annuity Options:

Member Only Option: A maximum monthly benefit payable for the member's lifetime with all benefits ceasing at the member's death.

Social Security Leveling Option: A member may convert his or her monthly retirement benefit into an increased benefit payable prior to the date the member attains age 62 and is eligible to draw Social Security Benefits. The increase in the benefit is a portion of the amount the member would be eligible to receive from Social Security at age 62. The monthly benefit would then be reduced at age 62 for the remainder of the member's life, ceasing at death. The reduction would be equal to the full amount the member is eligible to receive from Social Security at age 62.

Joint and Survivor Plans:

TCRS offers four types of Joint and Survivor Plans. The age of the member and the age of his or her beneficiary(s) determine the amount received under each option. Only a person or persons may be named beneficiary or beneficiaries to receive a monthly payment under a Joint and Survivor Plan.

Option 1: This option reduces the member's maximum retirement benefit based on the dates of birth of the member and his or her beneficiary(s). In the event the member passes away, the member's beneficiary(s) will receive 100% of the benefit amount as the member for the remainder of the beneficiary's lifetime. If a member has designated more than one beneficiary, the benefit will be divided equally between the beneficiaries. If any or all beneficiaries pass away before the member, the member's benefit amount will remain the same.

Option 2: This option reduces the member's maximum retirement benefit based on the dates of birth of the member and his or her beneficiary(s). In the event the member passes away, the beneficiary(s) will receive 50% of the member's benefit for the remainder of the beneficiary's lifetime. If a member has designated more than one beneficiary, the 50% benefit amount will be divided equally between the beneficiaries. If any or all beneficiaries pass away before the member, the member's benefit amount will remain the same.

Option 3: This option reduces the member's maximum retirement benefit based on the dates of birth of the member and his or her beneficiary(s). In the event the member passes away, the beneficiary(s) will receive 100% of the benefit amount as the member for the remainder of the beneficiary's lifetime. If a member has designated more than one beneficiary, the benefit will be divided equally between the beneficiaries. In the event the beneficiary passes away before the member, the member's benefit will increase to the member's maximum benefit under the Member Only Option. If multiple beneficiaries have been designated, the portion designated for the beneficiary that dies before the member will revert to the amount the member would have received under the Member Only Option.

Option 4: This option reduces the member's maximum retirement benefit based on the dates of birth of the member and his or her beneficiary(s). In the event the member passes away, the beneficiary(s) will receive 50% of the member's benefit for the remainder of the beneficiary's lifetime. If a member has designated more than one beneficiary, the benefit will be divided equally between the beneficiaries. In the event the beneficiary passes away before the member, the member's benefit will increase to the member's maximum benefit under the Member Only Option. If multiple beneficiaries have been designated, the portion designated for the beneficiary that dies before the member will revert to the amount the member would have received under the Member Only Option.

Confirming Retirement Benefits

Once the retirement application has been fully processed by TCRS, the member will receive notice of the selected benefit option. At that time, if the member elected a Joint and Survivorship Plan Option and would like to make any change to the benefit option selection, the member must do so within 60 days of the date of the Retirement Notice Letter by submitting a Change of Benefit Payment Plan form. Any change in option selection may result in an overpayment or an underpayment of benefits. If the change results in an overpayment of benefits, the option change will not become effective until the member repays the overpaid amount. The member will not be permitted to change the benefit option or the member's designated beneficiary after the 60-day period. However, a retiree may change his or her beneficiary after the 60-day period upon death of or divorce from the beneficiary, but the retiree's benefit will not increase and the newly elected beneficiary will only be entitled to any remaining accumulated member contributions upon the retiree's death. A retiree who selects the Member Only Option may at a later day change his or her beneficiary and may further change to a Joint and Survivorship Plan Option by repaying the difference in benefits.

TCRS can only pay retirement benefits to which the member or his or her designated beneficiary is entitled, and TCRS is required by law to recover any overpayments. Therefore, it is important that a member or his or her designated beneficiary contact the retirement program immediately if he or she notes a discrepancy or has questions regarding the monthly benefit amount.

Cost-of-Living Adjustments After Retirement

Any retired member who has received monthly retirement benefits for at least 12 full months on July 1 of each year is eligible to receive an increase in his or her retirement allowance if there is an increase in the Consumer Price Index of at least 0.5% for the preceding calendar year.

The amount of the increase will be 1% if the increase in the Consumer Price Index is 0.5% or more, but less than 1%. If the increase in the Consumer Price Index is 1% or more in any year, retired members will receive an amount equal to the increase in the Consumer Price Index, but not to exceed 3%. Cost-of-living adjustments are compounded each year. Adjustments appear in the July monthly retirement benefit payment.

Potential Loss of Benefits due to Conviction

Any member who is convicted in state or federal court of a felony arising out of the member's employment or official capacity will be prohibited from receiving benefits. This prohibition applies to anyone joining TCRS after July 1, 1982 who is convicted of such a felony in a Tennessee state court as well as anyone joining on or after May 31, 1993 who is convicted of such a felony in any state or federal court. Persons elected

or reelected after February 14, 2006 to a public office in the State of Tennessee consent and agree to the forfeiture of their retirement benefits from TCRS upon conviction in a state or federal court of a felony arising out of their official capacity regardless of the date the elected official became a member of TCRS. If the conviction is later overturned and the member is acquitted or is granted a full pardon, the member will be restored to all rights, privileges and benefits as if the conviction never occurred.

Any person convicted of a felony as provided above may elect, within six months of the person's conviction, to have a monthly retirement benefit paid to whomever that person had designated as beneficiary at the time of that person's conviction. However, the beneficiary must have been that person's spouse or child at the time of that person's conviction. The benefits will be payable to the beneficiary upon the person's death provided all other eligibility requirements applicable to a beneficiary have been met. The amount of the benefits will equal the retirement benefit which would have been payable had the person retired under the Joint and Survivor Plan selected.

ADDITIONAL SAVINGS OPPORTUNITIES FOR LEGACY PLAN MEMBERS

401(k) Deferred Compensation Plan

Legacy members are also eligible to participate on a voluntary basis in the State 401(k) deferred compensation plan. The 401(k) plan is a deferred compensation plan that allows members to manage their own investments among the products offered by the plan. At retirement or separation from service, the member is eligible to withdraw the accumulated balance in the member's 401(k) plan. The amount a member has available in retirement from their 401(k) account is based on the amount saved, plus any accumulated earnings from investments. The State of Tennessee offers the 401(k) through a contract with Great-West Life & Annuity Insurance Company ("Empower Retirement" or "Empower").

If a member chooses to participate in the 401(k) plan, then the member may choose the amount to contribute and designate whether contributions are pre-tax or after-tax (Roth) contributions. Elective contributions to the 401(k) may be made up to the IRS limit. State employees are eligible for an employer match of up to \$50 each month to their 401(k) account. A member is immediately vested in the 401(k) and can decide how the contributions should be invested given individual goals, risk tolerance, and timeline.

A member may cancel or adjust (increase or decrease) the member's contributions, change the tax treatment of elective contributions and change investment options at any time by accessing the member's account at www.RetireReadyTN.gov or by calling (800) 922-7772.

457(b) Deferred Compensation Plan

As an added benefit, the State of Tennessee offers a 457(b) plan for additional retirement savings. The 457(b) plan has the same investment options as the 401(k) plan. The benefit of the 457(b) savings plan is that contributions are not aggregated with the 401(k). Therefore, members may place the maximum contribution levels in both plans (Refer to **Maximum Contribution Levels** below). For additional information about the State 457(b) plan, please see the *401(k)/457(b) Plan Comparison and the 457(b) Plan Features and Highlights*, or call (800) 922-7772.

401(k) Investment Options

There are a variety of investment options for the 401(k) plan, enabling the member to decide how his or her money should be invested given individual goals, risk tolerance, and timeline. Details about the

investment options can be found at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

Fund Overview – Provides the investment objective, holdings, a breakdown of the fund's assets by industry, the risk level, and the fund manager for each of the member's available investment options.

Fund Performance – Lists all of the available investment option performance for year-to-date, one year, three years, five years, 10 years or since inception.

Administrative Costs – Shows the administrative costs associated with each investment option.

Allocation of Contributions to Investment Products

Each member selects the investment option or options in which any contributions are to be directed. A member may change investment options at any time by calling (800) 922-7772 or by accessing the member's account at [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

401(k) Program Administration

Empower Retirement provides comprehensive deferred compensation plan administration, record keeping, and financial educational services for the 401(k) plan. Empower also provides intermediary services between the program and the investment providers and does not directly hold or invest contributions. Contributions are promptly transferred to the authorized investment providers. Although the program aggregates all member accounts for investment purposes, Empower maintains separate accounting of the investments held and transactions in each 401(k) member account.

Members pay the administrative costs for the program. For most 401(k) members, the cost of administration is currently the equivalent of 0.23% of assets (23 basis points) annually or \$3 per quarter, whichever is greater. Other costs and expenses may apply and administrative costs for the program are subject to change in the future. For the most current investment information, visit [RetireReadyTN.gov](https://www.RetireReadyTN.gov).

Each member should carefully consider his or her risk tolerance, investment horizon, retirement savings goals and overall investment and retirement objectives prior to making investment decisions. Past performance is not a guarantee of future results. The value of a member's account will fluctuate and it is possible for the value to be less than what was contributed. For investment information, including important information related to investment risks, fees and expenses, visit [RetireReadyTN.gov](https://www.RetireReadyTN.gov) or contact us at (800) 922-7772.

Maximum Contribution Levels

The federal government establishes maximum retirement plan contribution levels that are updated annually, and such limits are applicable to 401(k) and 457(b) members.

The amount deferred to each plan is reported to the IRS on the member's W-2 form each year. If contributions exceed the legal maximum for any calendar year, the member will be subject to IRS tax penalties. For members contributing to a 403(b) plan and a 401(k) plan, the total contributions to both plans may not exceed the contribution limit for the year, even if the member has more than one employer. Contributions to a 403(b) plan directly reduce the amount one may defer to a 401(k) plan and vice versa. Contributions to a 457(b) plan do not reduce the amount one may defer to a 401(k) plan. A member may contribute up to the applicable IRS limit to both a 457(b) plan and a 401(k)/403(b) plan. IRS limits for member contributions do not include employer contributions. The IRS sets a separate limit for contributions from all sources, including employer contributions. All relevant IRS contribution limits can be found at [IRS.gov](https://www.IRS.gov).

Tax Credits

Certain members may be eligible to receive a tax credit on a portion of their contribution to the 401(k) and/or 457(b) plan. For more information visit [IRS.gov](https://www.irs.gov).

Rollovers from other Retirement Plans

If the member has a deferred compensation account with a former employer and/or an individual retirement account (IRA), he or she may generally transfer those funds into the State of Tennessee 401(k) or 457(b) account. For additional information or assistance call (800) 922-7772. The member will also need to contact his or her previous plan administrator and inquire about rolling the funds out of that plan.

Managing the 401(k) and 457(b) Accounts Following Termination of Employment or Retirement

A member is always fully vested in the contributions made to the 401(k) and 457(b) Plans. Generally, a member may begin taking qualified withdrawals from his or her 401(k) account upon retirement, but is not required to do so. Withdrawals can be set up in a number of ways, such as periodic payments, partial lump-sum, full lump-sum, or a combination of those options. Members are encouraged to contact a RetireReadyTN Plan Advisor to discuss which withdrawal method is right for them. Contact information for RetireReadyTN Plan Advisors can be found at [RetireReadyTN.gov](https://www.RetireReadyTN.gov) or by calling (800) 922-7772.

If the member withdraws money from his or her 401(k) account prior to age 59½, he or she is subject to a 10% early distribution tax under the Internal Revenue Code unless certain conditions exist, such as rolling over the funds to another eligible plan. All 401(k) account withdrawals may be subject to federal income taxes unless contributions were made on an after-tax (Roth) basis. Pursuant to federal law, minimum withdrawals must begin in the year following attainment of age 70½, commonly referred to as Required Minimum Distributions (RMD).

Contact RetireReadyTN at (800) 922-7772 for detailed information about all 401(k) withdrawal options.

401(k) Withdrawals During Employment

Federal law prohibits 401(k) withdrawals prior to separation from service except in three circumstances:

- (1) Members in the 401(k) plan who have reached age 59½ may withdraw member contributed funds. At age 60, a member may also withdraw any employer contributions.
- (2) Members in the 401(k) plan who are eligible to purchase prior service in TCRS may pay for that service with a transfer from the 401(k) plan.
- (3) Members who meet the plan's definition of financial hardship may be eligible for a special hardship withdrawal

401(k) Plan Hardship Definition

The 401(k) plan allows hardship withdrawals only if a member experiences an immediate and heavy financial need caused by one or more of the following circumstances: (1) un-reimbursed medical expenses incurred by the member or a dependent of the member, (2) purchase of the member's primary residence, (3) payment of college tuition for the next year for the member or a dependent of the member, (4) funeral expenses for an immediate family member of the member which exceed life insurance coverage, (5) official notification of implementation of eviction or foreclosure proceedings regarding the member's primary

residence, or (6) damage repair for principal residence due to casualty. The hardship withdrawal amount may never exceed the amount needed to cover the demonstrated financial need due to one or more of the above circumstances.

401(k) hardship withdrawals may not include employer contributions or earnings accrued on the account after December 31, 1988. If a member applies for a financial hardship distribution from the 401(k) plan, federal regulations require that all member contributions be canceled for six months thereafter.² If a member qualifies for a loan in the 401(k) plan, he or she will normally be required to apply for a loan before applying for a hardship withdrawal from the 401(k) plan.

Many of the tax advantages of this program are sacrificed if the member makes a hardship withdrawal. In addition to being subject to regular income tax, hardship withdrawals from the 401(k) plan may be subject to the 10% early distribution tax penalty. Withdrawals made due to hardship are not eligible for forward income averaging tax treatment or rollover.

Determinations for hardship withdrawals are processed by Empower in accordance with federal law. If a member wishes to appeal the decision made by Empower, the appeal is to be made to the State of Tennessee Deferred Compensation Director. For more information about hardship withdrawals, please call (800) 922-7772.

401(k) Loans

Any active member who has member contributions in his or her 401(k) of \$4,000 or more is eligible to apply for a 401(k) plan loan. Teachers or university employees who have previously obtained a loan from a 403(b) plan are subject to additional requirements. A member may have up to two loans outstanding at any time. To qualify for a second loan, repayments on the previous loan must be in good standing and loans must be issued at least 12 months apart. If a member wishes an additional loan beyond the two permitted, he or she must repay one of the existing loans before applying for another loan. For additional information about obtaining a loan from your 401(k) account, please call (800) 922-7772 or log in to **RetireReadyTN.gov** and consult the loans & withdrawals tab.

Rollovers to Other Retirement Plans

After meeting one of the conditions for withdrawal (typically separation from service), a member may request that eligible withdrawals from his or her 401(k) be transferred to another 401(a) plan, 401(k) plan, regular IRA, 403(b) plan, or another government employer's 457(b) plan. A distribution is normally eligible for transfer or rollover unless it is (1) part of a series of substantially equal periodic payments made for life or life expectancy or for the life expectancies of the member and his or her beneficiary, (2) part of a series of substantially equal periodic payments made for a specified period of 10 years or more, (3) a withdrawal the member is required to take because of age, or (4) a hardship distribution.

Not all plans will accept transfers or rollovers, however, so be sure to check with the new plan before requesting a transfer distribution. Also, keep in mind that account balances moved into another plan will be subject to the rules and procedures of the new plan, so be sure to research the new plan's rules before making a change.

Members can find detailed information about rollovers to other plans by logging into their account at **RetireReadyTN.gov** and selecting the request a withdrawal tab, or by calling (800) 922-7772.

²Effective January 1, 2020, the six-month suspension from making elective contributions will no longer be in effect.

Using 401(k) Funds to Purchase Prior Service in TCRS

The only circumstance under which a member may make an “in-service” transfer from a 401(k) account without meeting the conditions for withdrawal is if the money is to be used immediately to complete the member’s purchase of prior service in TCRS. After the member has established prior service eligibility with TCRS and received a current TCRS prior service billing statement, the member must submit a copy of that billing statement along with the completed 401(k) Lump Sum Distribution Request form to Empower. Empower will send the check directly to the TCRS Prior Service Office. Allow two to three weeks for processing.

To purchase TCRS prior service with a transfer from a 401(k) plan, 457(b) plan, 403(b) plan, or IRA, TCRS requires that a completed TCRS **Application for Acceptance of Rollover Funds** be submitted to the TCRS Prior Service Office. For questions on purchasing TCRS prior service call RetireReadyTN at (800) 922-7772.

Use of This Document

This document is intended to provide a general introduction to some of the basic provisions of the Legacy Plan and deferred compensation plans available for state employees. It is based on the law governing the Legacy Plan and the deferred compensation plans as of the publication date of this document. It does not include all plan provisions, is for informational purposes only and in no way constitutes a contract or binding agreement. It is not a legal document and is not intended to serve as a basis for legal interpretation. For complete details on the Legacy Plan provisions, please refer to Tennessee Code Annotated, Title 8, Chapters 34-37. For details on the deferred compensation plans, please refer to Tennessee Code Annotated, Title 8, Chapter 25, the applicable provisions of the Internal Revenue Code and to the 401(k) Plan Document, which is available upon request. The information in this document is subject to legislative change and judicial interpretation. It does not supersede nor restrict applicable procedures or authority established under state or federal law. Additional materials on various topics mentioned in this guide are available at **RetireReadyTN.gov**. The state of Tennessee and its employees are not authorized to provide legal, financial or tax advice. For legal, financial, and tax advice concerning your situation, you should consult your personal legal, tax, or other advisers.

CONTACT INFORMATION

RetireReadyTN Toll-Free | 1-800-922-7772

For questions related to insurance, please contact Benefits Administration at 800-253-9981.

Please include your Member ID and your current address on any correspondence.