

SPECIAL TAX NOTICE REGARDING RETIREMENT SYSTEM WITHDRAWALS

This notice contains important information you will need before you decide how to receive your withdrawal payment from the New York State and Local Retirement Systems.

SUMMARY

A withdrawal payment from the Retirement System consists of a taxable amount, and may also include a non-taxable amount. The taxable amount eligible for "rollover" can be taken in one of two ways. You may have all or any portion of your taxable payment either 1) PAID IN A "DIRECT ROLLOVER" or 2) PAID TO YOU. A rollover is a payment of the taxable portion of your Retirement System withdrawal to your individual retirement arrangement (IRA) or to another employer plan. This choice will affect the tax you owe.

If you choose a DIRECT ROLLOVER:

- ◆ Your refund will not be taxed in the current year and no income tax will be withheld.
- ◆ Your refund will be made directly to your IRA or, if you choose, to another employer plan that accepts your rollover.
- ◆ Your refund will be taxed later when you take it out of the IRA or the employer plan.

If you choose to have your Retirement System withdrawal PAID TO YOU:

- ◆ You will receive only 80% of the taxable portion of the refund because the Retirement System is required to withhold 20% of the taxable portion of the refund and send it to the IRS as income tax withholding to be credited against your taxes.
- ◆ Your payment will be taxed in the current year unless you roll it over. You may be able to use special tax rules that could reduce the tax you owe. However, if you receive the payment before age 55, you also may have to pay an additional 10% tax.
- ◆ You can roll over the payment to your IRA or to another employer plan that accepts your rollover within 60 days of receiving the payment. The amount rolled over will not be taxed until you take it out of the IRA or the other employer plan.
- ◆ If you want to roll over 100% of the payment to an IRA or another employer plan, you must find other money to replace the 20% that was withheld. If you roll over only the 80% that you received, you will be taxed on the 20% that was withheld and is not rolled over.

MORE INFORMATION

1. PAYMENTS THAT CAN AND CANNOT BE ROLLED OVER

Payments from the Retirement System may be "eligible rollover distributions." This means that they can be rolled over to an IRA or to another employer plan that accepts rollovers. The Retirement System will tell you what portion of your payment is an eligible rollover distribution. The following types of payments cannot be rolled over:

Non-taxable payments. In general only the "taxable portion" of your payment is an eligible rollover distribution. If you have made "after tax" employee contributions to the Retirement System, these contributions will be non-taxable when they are paid to you and they cannot be rolled over. (After-tax employee contributions generally are contributions you made from your own pay that were already taxed.)

2. DIRECT ROLLOVER

You can choose a direct rollover of all or any portion of your payment that is an "eligible rollover distribution" as described above, as long as it equals \$200 or more. In a direct rollover, the eligible rollover distribution is paid directly from the retirement system to an IRA or another employer plan that accepts rollovers. If you choose a direct rollover, you are not taxed on a payment until you later take it out of the IRA or the employer plan.

Direct Rollover to an IRA. You can open an IRA to receive the direct rollover. (The term "IRA", as used in this notice, includes individual retirement accounts and individual retirement annuities.) If you choose to have your payment made directly to an IRA, contact an IRA sponsor (usually a financial institution) to find out how to have your payment made in a direct rollover to an IRA at that institution. If you are unsure of how to invest your money, you can temporarily establish an IRA to receive the payment. However, in choosing an IRA you may wish to consider whether the IRA you choose will allow you to move all or a part of your payment to another IRA at a later date without penalties or other limitations. See IRS Publication 590, Individual Retirement Arrangements for more information on IRA's (including limits on how often you can roll over between IRA's).

Direct Rollover to a Plan. If you are employed by a new employer that has a plan and you want a direct rollover to that plan, ask the administrator of that plan whether it will accept your rollover. If your new employer's plan does not accept a rollover, you can choose a direct rollover to an IRA.

3. PAYMENT PAID TO YOU

If you have the payment made to you, it is subject to 20% income tax withholding. The payment is taxed in the year you receive it unless, within 60 days, you roll it over to an IRA or another plan that accepts rollovers. If you do not roll it over, special tax rules may apply.

INCOME TAX WITHHOLDING:

Mandatory Withholding. If any portion of the payment to you is an eligible rollover distribution of \$200 or more, the Retirement System is required by law to withhold 20% of that amount. This amount is sent to the IRS as income tax withholding. For example, if your eligible rollover distribution is \$10,000, only \$8,000 will be paid to you because the Retirement System must withhold \$2,000 as income tax. However, when you prepare your income tax return for the year, you will report the full \$10,000 as a payment from the Retirement System. You will report the \$2,000 as tax withheld and it will be credited against any income tax you owe for the year.

Sixty-Day Rollover Option. If you have an eligible rollover distribution paid to you, you can still decide to roll over all or part of it to an IRA or another employer plan that accepts rollovers. If you decide to roll over, you must make the rollover within 60 days after you receive the payment. The portion of your payment that is rolled over will not be taxed until you take it out of the IRA or the employer plan. You can roll over up to 100% of the eligible rollover distribution including an amount equal to the 20% that was withheld. If you choose to roll over 100%, you must find other money within the 60-day period to contribute to the IRA or the other employer plan to replace the 20% that was withheld. On the other hand, if you roll over only the 80% that you received, you will be taxed on the 20% that was withheld.

Example: Your eligible rollover distribution is \$10,000 and you choose to have it paid to you. You will receive \$8,000 and \$2,000 will be sent to the IRS as income withholding. Within 60 days after receiving the \$8,000, you may roll over the entire \$10,000 to an IRA or employer plan. To do this you roll over the \$8,000 you received from the Retirement System and you will have to find \$2,000 from other sources (your savings, a loan, etc.). In this case the entire \$10,000 is not taxed until you take it out of the IRA or employer plan. If you roll over the entire \$10,000, when you file your income tax return you may get a refund of the \$2,000 withheld.

If, on the other hand, you roll over the \$8,000, the \$2,000 you did not rollover is taxed in the year it was withheld. When you file your income tax return you may get a refund of part of the \$2,000 withheld. (However, any refund is likely to be larger if you roll over the entire \$10,000).

Additional 10% Tax If You Are Under Age 55. If you receive a payment before the age of 55 and you do not roll it over, then, in addition to the regular income tax, you may have to pay an extra tax equal to 10% of the taxable portion of the payment. The additional 10% tax does not apply to your payment if it is (1) paid to you because you separate from service with your employer during or after the year you reach age 55, (2) used to pay certain medical expenses. See IRS Form 5329 for more information on the additional 10% tax.

Special Tax Treatment. If your eligible rollover distribution is not rolled over, it will be taxed in the year you receive it. However, if it qualifies as a "lump sum distribution", it may be eligible for special tax treatment. A lump sum distribution is a payment, within one year, of your entire balance with the Retirement System that is payable to you because you have separated from service with your employer. For a payment to qualify as a lump sum distribution, you must have been a participant in the Retirement System for at least five years. The special tax treatment for lump sum distributions is described below.

Ten Year Averaging. *If you were born before January 1, 1936.* If you receive a lump sum distribution and you were born before January 1, 1936, you can make a one-time election to figure the tax on the payment by using "10-year averaging" (using 1986 tax rates). The 10-year averaging rules often reduces the tax you owe.

Capital Gain Treatment. *If you were born before January 1, 1936.* In addition, if you receive a lump sum distribution and you were born before January 1, 1936, you may elect to have the part of your payment that is attributable to your pre-1974 participation in the retirement systems (if any) taxed as long-term capital gain at a rate of 20%. There are other limits on the special tax treatment for lump sum distributions. For example, you can generally elect this special tax treatment only once in your lifetime and the election applies to all lump sum distributions that you receive in that same year. If you have previously rolled over a payment from the Retirement System, you cannot use this special tax treatment for later payments from the Retirement System. If you roll over your payment to an IRA, you will not be able to use this special tax treatment for later payments from the IRA. Also, if you roll over only a portion of your payment to an IRA, this special tax treatment is not available for the rest of the payment. Additional restrictions are described in IRS form 4972, which has more information on lump sum distributions and how you elect the special tax treatment.

HOW TO OBTAIN ADDITIONAL INFORMATION

This notice summarizes only the Federal (not State or local) tax rules that might apply to your payment. The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may want to consult with a professional tax advisor before you take a payment of your withdrawal from the Retirement System. Also, you can find more specific information on the tax treatment of payments from qualified retirement plans in IRS Publication 575, Pension and Annuity Income, and IRS Publication 590, Individual Retirement Arrangements. These publications are available from your local IRS office, the IRS's Internet Website at www.irs.gov. or by calling 1-800-TAX-FORMS.

TO BE COMPLETED BY EMPLOYER

This section must be completed if you were employed by other than a State agency, and have terminated your last public employment within the last twelve months.

I certify that the member was separated from employment on _____ and is not on any authorized leave of absence.

The member's name last appeared, or will appear on the payroll report for the month of _____.

This report was, or will be, sent to the Retirement System on or about _____.

Gross earnings for the final month were \$ _____, and the retirement contributions, if any, were as follows:

Normal (or COESC) \$ _____ Arrears \$ _____ Loan \$ _____

Printed Name Authorized Signature Title Telephone Number ()

The next section must be completed if you want the Retirement System to transfer your tax-deferred funds.

DIRECT TRUSTEE-TO-TRUSTEE TRANSFER

MEMBER IDENTIFICATION

I, _____ hereby request that the Comptroller of the State of New York as trustee of the New York State and Local Retirement Systems transfer the taxable portion of the non-periodic distribution I have applied for to my account with _____, the trustee for my IRA or other qualified retirement plan.

Signature Date Social Security Number* _____

TRUSTEE INFORMATION (To be completed by a representative of your financial institution.)

Some financial institutions require Letters of Acceptance in order for this transfer to take place. If any documentation is necessary to complete your transfer of funds, it must accompany this application.

_____ has established an account with us and we request the transfer proceeds as noted above to be sent to us.

The account number for this individual is _____.

Please make the check payable to:

_____ as _____ Trustee for the _____ IRA
_____ Custodian _____ Qualified Plan

of _____.

Trustee/Custodian Signature Date

Trustee/Custodian Address: _____ Telephone Number () _____

Return this entire document to:
New York State and Local Retirement System
Withdrawals Unit – Mail Drop 5-8
110 State Street
Albany, New York 12244

ONLY THE ORIGINAL OF THIS FORM WILL BE PROCESSED.
COPIES OR FACSIMILES WHICH DO NOT CONTAIN ORIGINAL SIGNATURES ARE NOT ACCEPTABLE.

PERSONAL PRIVACY PROTECTION LAW

In accordance with the Personal Privacy Law you are hereby advised that pursuant to the Retirement and Social Security Law, the Retirement System is required to maintain records. The records are necessary to determine eligibility for and to calculate benefits. Failure to provide information may result in the failure to pay benefits. The System may provide certain information to participating employers. The official responsible for maintaining these records is the Director of Member Services, New York State and Local Retirement System, Albany, NY 12244; Telephone Number (866) 805-0990 or (518) 474-7736 in the Albany, New York area.

***SOCIAL SECURITY DISCLOSURE REQUIREMENT**

In accordance with the Federal Privacy Act of 1974, you are hereby advised that disclosure of the Social Security Account Number is mandatory pursuant to Sections 11, 34, 311 and 334 of the Retirement and Social Security Law. The number will be used in identifying retirement records and in the administration of the Retirement System.