

ERF Fact Sheet



ERF Same Sex Benefits Re-Application Process

What did the Supreme Court Decide?

On June 26, 2015, the U.S. Supreme Court ruled that the Constitution guaranteed the right to same-sex marriage. As a result of the ruling, same-sex couples became entitled to spousal benefits. In anticipation of the Supreme Court ruling, the Employees' Retirement Fund (ERF) Board voted to recognize same sex married couples on February 10, 2015.

What Benefit Changes did ERF Approve?

On February 10, 2015, the ERF Board approved a change to the definition of "Spouse" in Chapter 40A of the Dallas City Code. This resolution, known as ERF Resolution 2015-1 (Resolution), was also submitted to and approved by the Dallas City Council on February 18, 2015.

How Does This Impact Active Employees?

Now the term "Spouse" includes lawfully married Same-Sex couples. If you are married at the time of death, your spouse is your primary beneficiary.

If you die before retirement and you are an active employee with at least two years of credited service or a former employee with at least five years of credited service, a monthly benefit may be payable to your spouse. Your spouse will need to submit a copy of a certificate of Marriage or Declaration of Informal Marriage which was issued prior to your death.

As an Active Employee what Documentation Will My Spouse and I Need to Provide?

At the point of retirement, you will need to provide the following:

- The ERF Retirement Application
- Marriage License or Registration of Informal Marriage
- Spouse's Proof of Birth (i.e. Birth Certificate, Passport, Certificate of Naturalization, etc.)
- Spouse's Social Security Card

How Does the Law Change Impact Retired Members?

If you were with your same sex partner but were unable to get a marriage license prior to your retirement, you may still be able to name your spouse as your pension plan beneficiary. However, time is running out!

To retroactively name your spouse, you must file a Declaration and Registration of Informal Marriage with the County Clerk indicating the date on which you began living together as a married couple. You must then submit a copy of your Declaration and a Retirement Re-Application form to ERF. If you complete this process by **December 31, 2016**, ERF will recognize your pre-retirement marriage even if your Declaration was issued after retirement.

Beginning in 2017, your spouse will have the right to a monthly pension benefit only if your marriage license or declaration was issued prior to your retirement date. If you have any questions, call ERF at 214-580-7700.

What is Joint and One-Half Option (Joint & 50%)?

The Joint and One-Half option is an unreduced pension that would, upon your death, pay your spouse one-half of the pension amount you were receiving. This option will afford payment to your spouse for the rest of his or her life. This is called the "Joint and 50%" or "Joint and One-Half" survivor option. This benefit has no actuarial cost to you as a member.

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What is the Joint and Full Option (Joint & 100%)?

If you were married when you retired and you had fifteen or more years of credited service, or if you were age 60 or older, you could have chosen to receive a reduced pension benefit. The reduced benefit would, upon your death, provide your spouse with the same pension amount you were receiving for life. This benefit is called a “Joint and 100%” or “Joint and Full” survivor option.

If you make this one-time election and choose this option, you will owe the actuarial value of the difference between the pension payments you have received and the payments you would have received if your pension had been reduced at retirement to reflect the Joint and 100% survivor benefit. The Joint and 100% benefit is the actuarial equivalent of the unreduced benefit amount based on the difference between your age and your spouse’s age.

Once we receive your application selecting the Joint & 100% option and determine that you are eligible for Re-Application, your information will be sent to our actuary to calculate the new reduced benefit and determine the amount you will owe to the Fund. This process may take up to two weeks.

What is the Repayment Process to Change the Benefits?

If you elect the Joint & 100% option, you will owe an amount determined by the actuary. You may pay the amount in full or establish a repayment agreement with the Fund, permitting installments over a period not to exceed 60 months.

What Documentation Will My Spouse and I Need to Complete the Re-Application?

If you would like the opportunity to adjust your retirement benefits, you will need to provide the following:

- Re-Application for Retirement Pension Authorized by ERF Resolution 2015-1
- Marriage License or Registration of Informal Marriage
- Spouse’s Proof of Birth (i.e. Birth Certificate, Passport, Certificate of Naturalization, etc.)
- Spouse’s Social Security Card

If You Get a Divorce: Active or Retired Member

The pension benefits you earn while you are married are considered to be community property. Upon divorce, all community property should be reviewed and divided.

If both you and your spouse have pension benefits, you might decide that you each should keep the pensions that you earned. However, sometimes a divorce decree may divide a pension benefit, awarding a portion to an ex-spouse. If part of your pension benefit is to be awarded to your ex-spouse, the Fund will need a special court order (called a “Qualified Domestic Relations Order” or “QDRO”) before paying any benefits to your spouse or former spouse. Please contact the ERF office if you believe that your divorce may result in a division of your pension benefit.

Once you have made your decision, call the ERF office at 214-580-7700 for more information.