

## **ACERA “ACTIVE DEATH” BENEFITS**

Below are descriptions of benefits available to beneficiaries of ACERA members who die before retirement either (a) while in service, (b) while incapacitated for the performance of duty, if the incapacity has been continuous from discontinuance of service, or (c) or within one month after discontinuance of service, unless the member's accumulated contributions were paid to the member. These are referred to as “active deaths.” The information below does not cover all scenarios and some benefits may be lower or unavailable when another retirement system pays death benefits to the member’s beneficiaries (or in other rare circumstances). ACERA staff can provide estimates based on your specific circumstances. The law governs over this document if there is any conflict between the two.

### **AVAILABLE TO ALL “ACTIVE DEATH” BENEFICIARIES**

Lump Sum Payment: A lump sum payment, comprised of (a) the member’s accumulated contributions; plus (b) one month of the member’s final year of pensionable pay for each whole year of the member’s ACERA service credit, up to a maximum of half the member’s final year of pensionable pay, is available to all “active death” beneficiaries, if they (or others with higher priority under the law) do not elect the other benefits described below. The Lump Sum Payment also can be paid out in monthly installments, over a period of up to ten years, with interest.

### **AVAILABLE TO SPOUSES, DOMESTIC PARTNERS AND MINOR CHILDREN**

Non-Service-Connected Allowance: If the member had five or more years of service (including reciprocal service), the member’s spouse, domestic partner or minor children (up to 22<sup>nd</sup> birthday if unmarried and enrolled full-time in an accredited school), may elect a monthly allowance equal to 60% percent of the allowance the member would have received if the member had retired for non-service-connected disability on the date of death. Beneficiaries must choose between this benefit and the Lump Sum Payment, but may elect a *partial* Lump Sum Payment with a *reduced* monthly allowance. If a member with ten or more years of service was not yet eligible to retire for service, the member’s spouse, domestic partner or minor children (up to 22<sup>nd</sup> birthday if unmarried and enrolled full-time in an accredited school) may wait until the member would have become eligible to retire for service and then receive 60% of the allowance the member would have received.

Service-Connected Allowance: Regardless of the member’s years of service, if the ACERA Board of Retirement determines that the member’s death was service-connected, the member’s spouse, domestic partner or minor children (up to 22<sup>nd</sup> birthday if unmarried and enrolled full-time in an accredited school) may elect a monthly allowance equal to the full allowance that the member would have received if the member had retired for a service-connected disability on the date of death. Beneficiaries must choose between this benefit and the Lump Sum Payment, but may elect a *partial* Lump Sum Payment with a *reduced* monthly allowance. Additional benefits may be available when a “safety” member is killed in the performance of duty or dies as the result of an accident or injury caused by external violence or physical force incurred in the performance of duty.

A service-connected death allowance is substantially higher than a non-service-connected death allowance and has significant tax advantages. Legal “presumptions” may make it easier for a beneficiary to prove that a death was service-connected. For “safety” members, this may include heart trouble, cancer, blood-borne infectious disease, methicillin-resistant Staphylococcus aureus skin infections, exposure to a biochemical substance and COVID-19 (through 2023 only). For “general” members, this may include COVID-19 if there was an “outbreak” at the member’s place of work (through 2023 only). If you believe the death was service-connected, ACERA staff can put you in touch with ACERA’s Chief Counsel to discuss how to apply for a service-connected death allowance. **You may not pursue a service-connected death allowance after you have received a full Lump Sum Payment** (although you may do so after electing partial Lump Sum Payment with a reduced monthly allowance).