SPECIAL TAX NOTICE REGARDING PAYMENTS FROM TRS

Highlights

The Special Tax Notice explains how you may be able to roll over payments you receive from TRS.

TRS is required by the IRS to provide you this information, so TRS can continue to ensure the TRS retirement plan receives favorable tax treatment.

Before you initiate a rollover, please contact a representative of the retirement plan where you want the rollover to go to make sure the rollover will be accepted and to have any restrictions that may apply explained to you.

You can roll over lump-sum distributions from TRS to the following:

- An individual retirement account or annuity, as described under Code Section 408(a) or 408(b)
- A Code Section 401(k) plan
- A Code Section 403(b) tax-sheltered annuity
- A Code Section 408(k) plan (SEP)
- A Code Section 457(b) governmental plan
- Another Code Section 401(a) plan
- A Code Section 403(a) annuity plan
- A Roth IRA as described in Code Section 408
- A Simple IRA that has been established for at least two years

You cannot make a rollover to:

- A Coverdell Education Savings Account (a.k.a. an education IRA)
- A Simple 401(k) plan

You cannot roll over your monthly annuity payments from TRS. This is true even if your first payment represents a lump sum that is the accumulated value of your accrued benefit from your retirement date to the date your first check was issued. Also, if you are 70½, the distribution amount that can be rolled over may be limited. You also cannot roll over distributions that are made to comply with certain contribution limits.

If you do not elect a direct rollover, you have 60 days from the date you receive a lump-sum payment from TRS to complete a rollover.

Part of your lump-sum distribution may not be eligible to be rolled over or you may decide not to do a rollover even though you can. If not, there are various rules governing income tax withholding that apply. These rules are explained in detail inside.

Generally, the rollover rules that apply to you also apply to lump-sum payments from TRS to your spouse or an alternate payee [*i.e.,* a former spouse who has been allocated a portion of your benefit as a result of a Qualified Illinois Domestic Relations Order (QILDRO)]. In addition, non-spouse beneficiaries have some rollover rights.

Contents

This notice contains important information you will need before you decide how to receive certain benefits from the Teachers' Retirement System of the State of Illinois (TRS). For more information, please refer to TRS Board Rule 1650.470 (80 Ill. Admin. Code 1650.470).

TRS ILLINOIS

Preliminary Information

In accordance with Internal Revenue Service regulations, this notice is provided to you by the Teachers' Retirement System of the State of Illinois (TRS). All or part of the payment that you will soon receive from TRS may be eligible for rollover by you or TRS on your behalf to an eligible IRA or an eligible employer plan.

A rollover is a payment by you or your plan administrator of all or part of your benefit to an eligible IRA or an eligible employer plan. Except in the case of a rollover to a Roth IRA, a rollover allows you to continue to postpone taxation of the taxable portion of your benefit until it is paid to you.

An eligible IRA includes a traditional IRA or a Roth IRA. Your payment cannot be rolled over to a Coverdell Education Savings Account (formerly known as an education IRA). If your lump-sum distribution is rolled over to a Roth IRA, it will be taxable. (See "Direct rollover to a Roth IRA," pg. 3.)

An eligible employer plan includes a plan qualified under section 401(a) of the Internal Revenue Code, including a 401(k) plan excluding a Simple 401(k) plan, profit-sharing plan, defined benefit plan, stock bonus plan, and money purchase plan; a section 403(a) annuity plan; a section 403(b) tax-sheltered annuity; and an eligible section 457(b) plan maintained by a governmental employer (governmental 457 plan).

An eligible employer plan is not legally required to accept a rollover. Before you decide to roll over your payment to another employer plan, you should find out whether the plan accepts rollovers and, if so, the types of distributions it accepts as a rollover. You should also find out about any documents that are required to be completed before the receiving plan will accept a rollover.

Even if a plan accepts rollovers, it might not accept rollovers of certain types of distributions, such as after-tax amounts. If this is the case, and your distribution includes after-tax amounts, you may wish instead to roll your distribution over to an eligible IRA.

If an eligible employer plan accepts your rollover, the plan may restrict subsequent distributions of the rollover amount or may require your spouse's consent for any subsequent distribution. A subsequent distribution from the plan that accepts your rollover may also be subject to different tax treatment than distributions from this plan. Check with the administrator of the plan that is to receive your rollover prior to making the rollover.

If you have additional questions, you may need to speak with a qualified financial advisor. For nontechnical questions, you may call the TRS Member Services Department at 877-927-5877 (877-9-ASK-TRS).

Direct Rollover

A direct rollover is a direct payment of the amount of your plan benefits to an eligible IRA or an eligible employer plan that will accept it. You can choose a direct rollover of all or any portion of your payment that is an eligible rollover distribution. Except in the case of a rollover to a Roth IRA, you are not taxed on any taxable portion of your payment for which you choose a direct rollover until you later take it out of the traditional IRA or eligible employer plan.

In addition, no income tax withholding is required for any taxable portion of your plan benefits for which you choose a direct rollover.

You cannot elect a direct rollover if your distributions for the year are less than $200. If your distributions for the year are at least $200 but less than $500, you can elect a direct rollover of the entire amount. If your distributions for the year are $500 or more, you can elect to receive part of your distribution and directly roll part of it, as long as the amount you directly roll is at least $500. Any direct rollover from the system must be made to one eligible retirement plan — you cannot elect multiple direct rollovers to more than one eligible retirement plan.

Direct rollover to a traditional IRA

You can open a traditional IRA (or use an existing traditional IRA) to receive the direct rollover. If you choose to have your payment made directly to a traditional IRA, contact an IRA sponsor (usually a financial institution) to find out how to have your payment made in a direct rollover to a traditional IRA at that institution.

Direct rollover to a Roth IRA

You can open a Roth IRA (or use an existing Roth IRA) to receive the direct rollover. The following special rules apply to rollovers to Roth IRAs:

1. **Inclusion of Distribution in Income**. A rollover of your distribution to a Roth IRA avoids the 10 percent tax on early distributions received prior to the date you reach age 59½, become disabled, or retire under the terms of the plan, subject to rules on conversions. **The plan administrator is not responsible for assuring your eligibility to make a rollover to a Roth IRA (IRS Notice 2008-30). You should consult your tax advisor if you are interested in rolling over your distribution to a Roth IRA**.

2. **Tax Withholding.** If your distribution is directly rolled to a Roth IRA, it will not be subject to the mandatory 20 percent withholding (see "Income tax withholding" on pg. 5).
Although income tax is not required to be withheld from your distribution, all pre-tax amounts will be taxable to you, and you may incur penalties under the estimated tax rules if your withholding and estimated tax payments are insufficient. To avoid owing any penalties, you may wish to consider either paying estimated taxes for the year in which your Roth IRA rollover is included in income, or increasing the tax withholding on other income that you receive during that year.

3. **Qualified and Nonqualified Roth Distributions.** If you roll over the payment to a Roth IRA, later payments from the Roth IRA that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a Roth IRA is a payment made after you are age 59½ (or after your death or disability, or as a qualified first-time homebuyer distribution of up to $10,000) and after you have had a Roth IRA for at least five years. In applying this 5-year rule, you count from Jan. 1 of the year for which your first contribution was made to a Roth IRA.

   Payments from the Roth IRA that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10 percent additional income tax on early distributions (unless an exception applies). You do not have to take required minimum distributions from a Roth IRA during your lifetime. For more information, see *IRS Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs)* and *IRS Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs).*

4. **Employer Plan Restriction.** You cannot roll over a distribution to a designated Roth account in another employer's plan.

Direct rollover to an eligible employer plan

If you are employed by a new employer that has an eligible employer plan, and you want a direct rollover to that plan, ask the plan administrator of that plan whether it will accept your rollover. An eligible employer plan is not legally required to accept a rollover.

Even if your new employer's plan does not accept a rollover, you can choose a direct rollover to an eligible IRA. If the eligible employer plan accepts your rollover, the plan may provide restrictions on the circumstances under which you may later receive a distribution of the rollover amount or may require spousal consent to any subsequent distribution. Check with the plan administrator of that plan before making your decision.

Change in tax treatment resulting from a direct rollover

The tax treatment of any payment from the eligible employer plan or eligible IRA receiving your direct rollover might be different than if you received your benefit in a taxable distribution directly from the plan.

For example, if you were born before January 1, 1936, you might be entitled to 10-year averaging or capital gain treatment. These special rules are described in *IRS Publication 575, Pension and Annuity Income*. However, if you have your benefit rolled over to a section 403(b) tax-sheltered annuity, a governmental 457 plan, or an eligible IRA in a direct rollover, your benefit will no longer be eligible for that special treatment. See "Additional 10 percent early distribution tax if you are under age 59½," pg. 6.

Payments That Can and Cannot Be Rolled Over

Payments from the plan may be eligible rollover distributions. This means that generally they can be rolled over to an eligible IRA or to an eligible employer plan that accepts rollovers. Payments from the plan cannot be rolled over to a Simple 401(k) plan or a Coverdell Education Savings Account.

The following three types of payments, which do or may apply to TRS, **cannot** be rolled over:

1. Payments spread over long periods

   You cannot roll over a payment if it is part of a series of equal (or almost equal) payments that are made at least once a year and that will last for:

   - your lifetime (or a period measured by your life expectancy), or
   - your lifetime and your beneficiary's lifetime (or a period measured by your joint life expectancies), or
   - a period of 10 years or more.

2. **Required minimum payments**

   Beginning when you reach age 70½ or retire, whichever is later, a certain portion of your payment cannot be rolled over because it is a required minimum payment that must be paid to you.

3. **Corrective distributions**

   A distribution that is made because legal limits on certain contributions were exceeded cannot be rolled over.

Special rules if payment includes after-tax contributions

You may roll over after-tax contributions from TRS to another plan using a direct rollover **if the other plan accepts the rollover and provides separate accounting for amounts rolled over, including separate accounting for the after-tax employee contributions and earnings on those contributions.**

You **cannot** roll over after-tax contributions to a governmental 457 plan. If you want to roll over your after-tax contributions to an employer plan that accepts these rollovers, you cannot have the after-tax contributions paid to you first. You must instruct the plan administrator of this plan to make a direct rollover on your behalf. Also, you cannot first roll over after-tax contributions to a traditional IRA and then roll over that amount into an employer plan.

After-tax contributions included in a payment are not taxed. If a payment is only part of your benefit, an allocable portion of your after-tax contributions is included in the payment, so you cannot take a payment of only after-tax contributions. However, if you have pre-1987 after-tax contributions maintained in a separate account, a special rule may apply to determine whether the after-tax contributions are included in a payment. In addition, special rules apply when you do a rollover, as described below.

You may roll over to an IRA a payment that includes after-tax contributions through either a direct rollover or a 60-day rollover. You must keep track of the aggregate amount of the after-tax contributions in all of your IRAs (in order to determine your taxable income for later payments from the IRAs).

If you do a direct rollover of only a portion of the amount paid from the plan and at the same time the rest is paid to you, the portion directly rolled over consists first of the amount that would be taxable if not rolled over. For example, assume you are receiving a distribution of $12,000, of which $2,000 is after-tax contributions. In this case, if you directly roll over $10,000 to an IRA that is not a Roth IRA, no amount is taxable because the $2,000 amount not directly rolled over is treated as after-tax contributions.

If you do a 60-day rollover to an IRA of only a portion of a payment made to you, the after-tax contributions are treated as rolled over last. For example, assume you are receiving a distribution of $12,000, of which $2,000 is after-tax contributions, and no part of the distribution is directly rolled over. In this case, if you roll over $10,000 to an IRA that is not a Roth IRA in a 60-day rollover, no amount is taxable because the $2,000 amount not rolled over is treated as being after-tax contributions.

You may roll over to an employer plan all of a payment that includes after-tax contributions, but only through a direct rollover (and only if the receiving plan separately accounts for after-tax contributions and is not a governmental section 457(b) plan). You can do a 60-day rollover to an employer plan of part of a payment that includes after-tax contributions, but only up to the amount of the payment that would be taxable if not rolled over.

Payments Made to You

If your payment can be rolled over and the payment is made to you in cash, it is subject to 20 percent federal income tax withholding on the taxable portion (state tax withholding may also apply). The payment is taxed in the year you receive it unless, within 60 days, you roll it over to an eligible IRA or an eligible employer 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 your payment can be rolled over under the previous "Payments That Can and Cannot Be Rolled Over" section on pg. 4 and you do not elect to make a direct rollover, the plan is required by law to withhold 20 percent of the taxable amount. This amount is sent to the IRS as federal income tax withholding.

For example, if you can roll over a taxable payment of $10,000, only $8,000 will be paid to you because the plan must withhold $2,000 as income tax. However, when you prepare your income tax return for the year, unless you make a rollover within 60 days (see "60-day rollover option" on this page) you must report the full $10,000 as a taxable payment from the plan. You must report the $2,000 as tax withheld, and it will be credited against any income tax you owe for the year. There will be no income tax withholding if your payments for the year are less than $200.

Voluntary withholding

If any portion of your payment is taxable but cannot be rolled over, the mandatory withholding rules previously described do not apply. In this case, you may elect not to have withholding apply to that portion. If you do nothing, 10 percent will be taken out of this portion of your payment for federal income tax withholding. To elect out of withholding, ask the plan administrator for the election form and related information. Also, as discussed in the "Direct rollover to a Roth IRA" section on pg. 3, you may elect voluntary withholding from a distribution that you are directly rolling to a Roth IRA.

60-day rollover option

If you receive a payment that can be rolled over, you can still decide to roll over all or part of it to an eligible IRA or to an eligible employer plan that accepts rollovers. If you decide to roll over, you must contribute the amount of the payment you received to an eligible IRA or eligible employer plan within 60 days after you receive the payment. The portion of your payment that is rolled over to a traditional IRA or an eligible employer plan will not be taxed until you take it out of the traditional IRA or eligible employer plan. Amounts rolled into a Roth IRA will be taxable as discussed in the "Direct rollover to a Roth IRA" on pg. 3.

You can roll over up to 100 percent of your payment that can be rolled over, including an amount equal to the 20 percent of the taxable portion that was withheld. If you choose to roll over 100 percent, you must find other money within the 60-day period to contribute to the eligible IRA or the eligible employer plan, to replace the 20 percent that was withheld. However, if you decide to roll over only the 80 percent of the taxable portion that you received, you will be taxed on the 20 percent that was not rolled over.

Example:

Your payment that can be rolled over 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 tax withholding. Within 60 days after receiving the $8,000, you may roll over the entire $10,000 to an eligible IRA or an eligible employer plan.

To do this, you roll over the $8,000 you received from the plan, 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 traditional IRA or an eligible employer plan. If you roll over the entire $10,000, when you file your income tax return you may get a refund of part or all of the $2,000 withheld.

If you roll over only $8,000, the $2,000 you did not roll over 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 percent early distribution tax if you are under age 59½ and receive a distribution from an eligible employer retirement plan

If you receive a payment before you reach age 59½ 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 percent of the taxable portion of the payment. The additional 10 percent tax generally does not apply to (1) payments that are paid after you separate from service with your employer during or after the year you reach age 55, (2) payments that are paid because you retire due to disability, (3) payments that are paid as equal (or almost equal) payments over your life or life expectancy (or your and your beneficiary's lives or life expectancies), (4) payments that are paid directly to the government to satisfy a federal tax levy, (5) payments that are paid to an alternate payee under a qualified domestic relations order, (6) payments that do not exceed the amount of your deductible medical expenses. See IRS Form 5329 for more information on the additional 10 percent tax (without regard to whether you itemize your deductions for the taxable year), (7) payments made after your death, (8) corrective distribution of contributions that exceed tax law limitations, (9) certain payments made while you are on active duty if you were a member of a reserve component called to duty after September 11, 2001, for more than 179 days, and (10) payments made for certain distributions relating to federally declared disasters.

Additional 10 percent early distribution tax if you are under age 59-1/2 and receive a distribution from an IRA

If you receive a payment from an IRA when you are under age 59½, you will have to pay the 10 percent additional income tax on early distributions from the IRA, unless an exception applies. In general, the exceptions to the 10 percent additional income tax for early distributions from an IRA are the same as the exceptions listed above for early distributions from a plan. However, there are a few differences for payments from an IRA, including:

- No exception for payments made after separation from service in a year in which you are at least age 55.
- The exception for qualified domestic relations orders (QDROs) does not apply (although a special rule applies under which, as part of a divorce or separation agreement, a tax-free transfer may be made directly to an IRA of a spouse or former spouse).
- The exception for payments made at least annually in equal or close-to-equal amounts over a specified period applies without regard to whether you have had a separation from service.
- Additional exceptions exist for (1) payments for qualified higher education expenses, (2) payments up to $10,000 used in a qualified first-time home purchase, and (3) payments for health insurance premiums after you have received unemployment compensation for 12 consecutive weeks (or would have been eligible to receive unemployment compensation but for self-employed status).

Special-tax treatment if you were born before January 1, 1936

If you receive a payment from TRS and you do not roll it over to an eligible IRA or an eligible employer plan, the payment will be taxed in the year you receive it. However, if the payment qualifies as a lump-sum distribution, it may be eligible for special-tax treatment. See *IRS Publication 575, Pension and Annuity Income,* for the rules regarding this special tax treatment.

State income taxes

This notice does not describe any state or local income tax rules (including withholding rules).

Missed the 60-day rollover deadline

Generally, the 60-day rollover deadline cannot be extended. However, the IRS has the limited authority to waive the deadline under certain extraordinary circumstances, such as when external events prevented you from completing the rollover by the 60-day rollover deadline. Under certain circumstances, you may claim eligibility for a waiver of the 60-day rollover deadline by making a self-certification. Otherwise, to apply for a waiver, you must file a private letter ruling request with the IRS. Private letter ruling requests require the payment of a nonrefundable user fee. For more information, see IRS Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs).

Payments Made to Surviving Spouses and Other Beneficiaries

In general, the rules summarized above for payments to TRS members also apply to payments to surviving spouses of TRS members and to spouses or former spouses who are alternate payees. Under federal tax law, payments to civil union partners are treated as payments to other beneficiaries. You are an alternate payee if your interest in the plan results from a qualified domestic relations order, which is an order issued by a court, usually in connection with a divorce or legal separation.

If you are a surviving spouse or an alternate payee, you may choose to have a payment that can be rolled over, paid in a direct rollover to an eligible IRA, or to an eligible employer plan or paid to you. If you have the payment paid to you, you can keep it or roll it over yourself to an eligible IRA or to an eligible employer plan. Thus, you have the same choices as the employee.

If you are a beneficiary other than a surviving spouse or an ex-spouse alternate payee or you are a surviving civil union partner, or ex-civil union partner alternate payee, you may choose to have a payment that can be rolled over, or rolled to an IRA that is treated as an "inherited IRA" under IRS rules. Distributions from an inherited IRA must be made in accordance with certain minimum distribution rules. Generally, these require that the benefit be paid out of the inherited IRA by the end of the fifth calendar year following the TRS member's death or over your life expectancy (using IRS tables) provided your payments begin by the end of the calendar year following the calendar year in which the TRS member died. See *IRS Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs)* for more details.

If you are a surviving spouse, an alternate payee, or another beneficiary, your payment is generally not subject to the additional 10 percent tax described in the "Payments Made to You" section (see pg. 5) even if you are younger than age 59½.

If you are a surviving spouse, an alternate payee, or another beneficiary, you may be able to use the special-tax treatment for lump-sum distributions, as described in the "Payments Made to You" section. If you receive a payment because of the employee's death, you may be able to treat the payment as a lump-sum distribution if the employee met the appropriate age requirements, whether or not the employee had five years of participation in the plan.

Summary

There are two ways you may be able to receive a plan payment that is eligible for rollover:

1. Certain payments can be made directly to an eligible IRA that you establish or to an eligible employer plan that will accept it and hold it for your benefit (direct rollover); or
2. The payment can be paid to you.

If you choose a direct rollover of the entire taxable amount:

- Except with respect to a rollover to a Roth IRA, your payment will not be taxed in the current year and no income tax will be withheld.
- You choose whether your payment will be made directly to your eligible IRA or to an eligible employer plan that accepts your rollover. Your payment cannot be rolled over to a Simple 401(k) or a Coverdell Education Savings Account.

- Except with respect to a rollover to a Roth IRA, the taxable portion of your payment will be taxed later when you take it out of the traditional IRA, inherited IRA, or eligible employer plan. Depending on the type of plan, the later distribution may be subject to different tax treatment than it would be if you received a taxable distribution from this plan.

If you choose to have a plan payment that is eligible for rollover paid to you:

- You will receive only 80 percent of the taxable amount of the payment, because the plan administrator is required to withhold 20 percent of that amount and send it to the IRS as income tax withholding to be credited against your taxes.
- Except with respect to a rollover to a Roth IRA, the taxable amount of your payment will be taxed in the current year unless you roll it over. If you roll over your payment to a Roth IRA, it will be taxed as discussed in the "Direct rollover to a Roth IRA" section. Under limited circumstances, you may be able to use special tax rules that could reduce the tax you owe. However, if you receive the payment before age 59½, you may have to pay an additional 10 percent early distribution tax.
- You can roll over all or part of the payment by paying it to an eligible IRA or to an eligible employer plan that accepts your rollover within 60 days after you receive the payment. Except with respect to a rollover to a Roth IRA, the amount rolled over will not be taxed until you take it out of the traditional IRA or the eligible employer plan.
- If you want to roll over 100 percent of the payment to an eligible IRA or an eligible employer plan, you must find other money to replace the 20 percent of the taxable portion that was withheld. If you roll over only the 80 percent that you received, you will be taxed on the 20 percent that was withheld and that is not rolled over. If you roll over your payment to a Roth IRA, the entire amount will be taxable.

Your right to waive the 30-day notice period

Generally, neither a direct rollover nor a payment can be made from the plan until at least 30 days after your receipt of this notice. Thus, after receiving this notice, you have at least 30 days to consider whether or not to have your withdrawal directly rolled over. If you do not wish to wait until this 30-day notice period ends before your election is processed, you may waive the notice period by making an affirmative election indicating whether or not you wish to make a direct rollover. Your withdrawal will then be processed in accordance with your election as soon as practical after it is received by TRS.

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 the plan administrator or a professional tax advisor before you take a payment of your benefits from your plan.

Numerous IRS publications with specific information about the tax treatment of payments from qualified pension plans are referenced throughout this notice. For more information, visit **www.irs.gov** or call 1-800-TAX-FORM.

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

2815 W. Washington St. | P.O. Box 19253 | Springfield, IL 62794-9253
877-927-5877 (877-9-ASK-TRS) | TDD: 800-526-0844 (or 711)
members@trsil.org | https://www.trsil.org

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