WAC 415-104-202 What are my LEOFF Plan 1 retirement benefit options? (1) **What are flexible survivor benefit options?** RCW 41.26.164 allows a retiree to provide a survivor option for a spouse who is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161. The survivor option will provide a lifetime benefit for the spouse after the retiree's death.

(2) **How will my monthly retirement benefit be affected by selecting a flexible survivor option?** Your monthly retirement benefit will be actuarially reduced beginning the first month following the month in which the department receives the completed form.

(3) **What are the flexible survivor option choices?**

(a) **Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, the department will pay your surviving spouse a monthly benefit equal to the gross monthly retirement benefit you were receiving.

(b) **Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your surviving spouse will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(c) **Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your surviving spouse will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(4) **Do I qualify to add a flexible survivor option?** You may select a flexible survivor option if:

(a) Your current spouse is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161;

(b) Some portion of your monthly retirement benefit is payable to you, after any reduction pursuant to a property division obligation under RCW 41.50.670; and

(c) You meet the deadline and application requirements in subsection (5) of this section.

(5) **How do I add a flexible survivor option?** You may select a flexible survivor option and name your current spouse as your survivor beneficiary, provided that:

(a) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of the marriage, or as otherwise authorized by law;

(b) You provide a copy of your certified marriage certificate to the department;

(c) You provide proof, satisfactory to the department, of your current spouse's birthdate; and

(d) You file the properly completed forms with the department in a timely manner.

(6) **May I remove the flexible survivor option in the future?** You may remove your flexible survivor option under the following circumstances:

(a) Your spouse dies before you. Your benefit may be increased as described in WAC 415-02-380 (6)(a)(ii).

(b) You and your spouse divorce. If you choose to remove your former spouse as your survivor, your benefit will increase to the amount you would have received had you not chosen a flexible survivor option plus any cost-of-living adjustments (COLA) you received prior to removing your survivor.

(7) **What happens to my eligible surviving children's share if I select a flexible survivor option?** There is ***no*** impact to the benefit

provided under RCW 41.26.160 or 41.26.161 to surviving children if you select a flexible survivor option.

(8) **Actuarial information.** See chapter 415-02 WAC starting with WAC 415-02-300 for information on how the department uses actuarial factors and schedules to calculate retirement benefits.

(9) **Terms used in this section:**

(a) Child or children - RCW 41.26.030(7).

(b) Eligible surviving child - RCW 41.26.160 and 41.26.161.

(c) Eligible surviving spouse - RCW 41.26.161 and 41.26.162.

(d) Surviving spouse - RCW 41.26.030(6).

[Statutory Authority: RCW 41.50.050. WSR 20-06-040, § 415-104-202, filed 2/27/20, effective 3/29/20. Statutory Authority: RCW 41.50.050(5). WSR 17-02-033, § 415-104-202, filed 12/28/16, effective 1/28/17; WSR 13-18-034, § 415-104-202, filed 8/28/13, effective 10/1/13. Statutory Authority: RCW 41.50.050(5), 41.26.164. WSR 05-22-110, § 415-104-202, filed 11/2/05, effective 12/3/05. Statutory Authority: RCW 41.50.050(5), 41.26.162, 41.26.164, chapter 41.45 RCW. WSR 03-12-014, § 415-104-202, filed 5/27/03, effective 7/1/03.]