

## **Information for PSERS Members Regarding PSERS Operations Amid the COVID-19 Pandemic**

The Public School Employees' Retirement System (PSERS) has received many questions about the stay at home order's impact on PSERS ability to continue to serve its members. Rest assured, PSERS is open for business and staff are working diligently to serve our members. Although our physical offices and call center are closed, much of PSERS operations are back to business as usual with staff working remotely from home to communicate with you, process transactions, and prudently invest the funds of the System.

We have also received some questions on Act 13 of 2020 that was signed into law by the Governor on March 27, 2020, and its impact on PSERS and your retirement benefits. This legislation adds a new section (1508.1) to the Public School Code addressing the impact of the COVID-19 pandemic of 2020. Some FAQs of this legislation are included below.

### **Questions Regarding PSERS Processes:**

**1. Does PSERS anticipate any delays in serving its members due to the pandemic?**

PSERS does not anticipate delays in providing services to our members for most processes. PSERS is focused on processes essential to the core mission of providing benefits to our members. Monthly benefit payments will continue to be paid each month to our retirees without interruption. There may be times, however, as we adjust to our new work environment, that some requested transactions take longer than others. Requests for retirement benefits, death benefits, and most other transactions are expected to be processed within our published [time frames](#). That being said, the processing of Refunds for terminated members may take longer than the published time frame of three to four months from receipt of all necessary information by PSERS.

**2. How can I contact PSERS?**

The call center is not currently operational, but staff are responding promptly to thousands of emails and letters that are received every week. Completed forms and documents can still be faxed (1.717.772.3860) or mailed (5 N. 5th St., Harrisburg, PA 17101) to PSERS. At this time, large group educational sessions continue to be cancelled. PSERS has transitioned its small, in-person group Retirement Exit Counseling sessions for members who are retiring to online sessions. These online counseling sessions will be conducted through the month of May.

**3. How can I get a PSERS form?**

All forms, except refund and disability applications, are available in a member's PSERS Member Self-Service (MSS) account or on the PSERS website. To acquire a refund or disability application you will need to email or write to PSERS. As a reminder, you can also conduct many transactions for yourself in your [Member Self-Service \(MSS\)](#) account without needing to complete and submit a form to PSERS.

**4. I'm on a disability retirement and am scheduled for a renewal of my disability pension. How am I affected?**

All disability renewal reviews for 2020 will be deferred until 2021. PSERS recognizes that due to the COVID-19 pandemic you may be unable to get the necessary paperwork from your physician by the deadline for your renewal. As a result, PSERS has decided to defer the review of 2020 renewal applications until 2021. Additional information is provided in a notice mailed to disability annuitants. If you did not receive a notice and believe you should have, please email or write to PSERS.

**5. I'm on a disability retirement. Do I still have to file my Annual Earnings Statement?**

Yes, you must still complete and submit the Annual Earnings Statement for calendar year 2019. The deadline to file the statement has not been extended.

**Questions Regarding Active Members**

**1. Will the use sick leave or extended FMLA leave under the Families First Coronavirus Response Act (FFRCA) accrue service time for PSERS members during the leave?**

Leave under the FFCRA is not creditable, unless the member is approved for a Special Sick Leave. The leave provisions of the FFCRA do not fit any of the approved leave of absences in the Retirement Code. Thus, while lawful, PSERS is unable to recognize it as an approved leave in which the member receives credited service. Although Section 1508.1 was added to the School Code to require a member to be reported and receive no more or less compensation and service credit with PSERS had the pandemic not occurred, the pay under this new leave provision would not have been available but for the pandemic and does not pay the member the same rate of pay. A member, however, will be able to receive credit with PSERS under the Special Sick Leave Policy, but the member would need to use this leave for the member's own medical condition.

**2. Can I take a loan from the retirement funds I have with PSERS?**

No, neither the Defined Benefit nor Defined Contribution retirement plans within PSERS allow for loans. Under the law, we cannot allow you to receive any contributions and interest from your account without terminating all Pennsylvania public school employment. Additionally, your funds in PSERS may not be attached, assigned, or used for collateral and are excluded from the bankruptcy estate under section 541(c)(2) of the Bankruptcy Code.

**Questions Regarding Active Members Nearing Retirement**

**1. Have there been any changes in the process of retiring from PSERS during this pandemic?**

PSERS is still processing paperwork it receives per our normal process. At this time, PSERS is not meeting with members in person and the call center is currently closed. PSERS, however, is responding to emails and written correspondence. All forms except refund and disability applications are available in a member's PSERS Member Self-Service (MSS) account or on the PSERS website. Members considering retirement within the next 12 months should still request a PSERS staff-prepared estimate and attend a Retirement Exit Counseling session. PSERS' in-person Retirement Exit Counseling sessions have been cancelled due to facility closures, but these sessions will now be conducted online through the month May.

Large group educational sessions (Foundations for Your Future Seminars) are temporarily cancelled in the interest of reducing possible exposure, but members may view the presentation slides and overview on the PSERS website at [FFYF Presentation](#).

**2. If I am retiring at the end of the school year, what will my date of retirement be?**

Your last day of employment will be the last day you would normally work in the school year. If a school does extend its school year, then your last day of employment for the school year will reflect that extension.

- 3. I have a meeting scheduled with a PSERS representative. I know that many of the Retirement Exit Counseling sessions that PSERS conducts as part of the retirement process are conducted in public facilities. With many facilities being closed, what should I do to receive counseling?**

If you are planning to retire soon, you should contact PSERS by email using our [PSERS online contact form](#) to schedule a PSERS counseling session or to check on the status of a session that you are attending. At this time, the sessions scheduled for April and May will be held through online webinars.

### **Questions Regarding Act 13 of 2020**

- 1. What does the legislation mean to me?**

Act 13 of 2020 was signed into law by the Governor on March 27, 2020. This legislation adds a new section (1508.1) to the Public School Code, addressing the impacts of the COVID-19 pandemic of 2020. Specifically, as it may impact public school employees and members of the Public School Employees' Retirement System (PSERS), Section 1508.1 provides that:

**Waiver of 180-day Instructional Requirement:** The 180-day requirement for school entities to remain open for instruction for the 2019-2020 school year is waived. The Secretary of Education was also empowered to take certain enumerated actions, including ordering the closure of schools, increasing the number of flexible instructional days, and waiving the minimum number of hours for a career and technical education program or the minimum number of days for pre-kindergarten instruction.

**Payment to School Employees:** School employees who were employed as of March 13, 2020, are to receive no more or less compensation than they would have been entitled to receive from their public school employer had the closure of schools or the shortened school year not occurred.

**PSERS Service Credit/Contributions:** School employees who were employed as of March 13, 2020, are to receive no more or less retirement service credit and contribute no more or less to PSERS than they otherwise would have had the closure of schools or the shortened school year not occurred.

- 2. Is there a limit on the amount of service credit or salary that can be reported for a school employee?**

For school employees who were employed as of March 13, 2020, Section 1508.1 provides that any employee of a school entity cannot: (1) receive any more, or any less, salary, (2) earn any more or less service credit, or (3) contribute any more or less than they would have to PSERS had the COVID-19 pandemic not been a factor or the Secretary of Education not taken action.

- 3. Are part-time hourly and/or per diem employees covered by this legislation?**

Yes. In all cases, the employer is to pay and report compensation in an amount no more and no less than the employee would have been entitled to receive had the COVID-19 pandemic not occurred or the Secretary of Education not taken action.

- 4. I am a part-time coach. How would this affect my pension as it relates to salary and service?**

If you, as a coach, would have been working during the school closure and were or would have been paid, then the amount of service you should have earned during that closure should be reported to PSERS. If you are not paid, then nothing can be reported to PSERS.

**5. I'm a retiree who has been approved to work in a Pennsylvania Public School in an emergency capacity. Do I still get paid even though the schools have closed?**

Yes. You remain as an annuitant working in an emergency capacity and get paid, but receive no service credit. You receive no more or less pay than you would have received had the COVID-19 pandemic not occurred.

**6. What if I received unemployment compensation benefits or other payments?**

If, in compliance with Section 1508.1, an employer is required to pay a school employee who was receiving unemployment compensation (UC), the employer must report the employee's full contracted salary and remit the full amount of member and employer retirement contributions.

**7. Do the provisions of Section 1508.1 regarding retirement credit apply to all PSERS members?**

No. If a PSERS member is employed by a community college or a university, Section 1508.1 does not apply. The provisions regarding the crediting of service and remitting of contributions apply to a "school entity" that is defined as "Any school district, intermediate unit, area career and technical school, charter school, cyber charter school or regional charter school a child attends in order to fulfill the compulsory attendance requirements of the Public School Code."

**8. If my employer already completed a pay cycle and did not deduct my PSERS contributions, what happens?**

Your employer will correct the amounts reported to PSERS and your contributions will be forwarded to PSERS. Your employer has been instructed on the proper procedures for making the corrections.

**9. I worked one week of the pay period before the closure but not the other due to the closure, but otherwise would have worked. How will my information be reported to PSERS?**

If you were paid for both weeks, then both weeks will be reported to PSERS with contributions withdrawn. If contributions were not withheld for both weeks then the initial week will be reported with contributions withheld and your employer will correct the reporting for the week where contributions were not withheld.

**10. If my employer chose to not withhold and remit my contributions to PSERS, will the adjustments be made?**

Yes. Your employer will be required to submit an adjustment to report the wages and remit the employer contributions. You will be billed for your member contributions.

**11. If I am working remotely, will my contributions, service, and wages/salary be reported to PSERS?**

Yes. Regardless of the enacted legislation, employees reported to PSERS by the employer as rendering school service, whether remotely or onsite, are entitled to receive credited service. Your wages/salary and your contributions for this service will be reported to PSERS.

**12. If I performed work during the school closure and was compensated with extra pay beyond my normal salary for the work performed, will this be retirement-covered and count towards my pension?**

No. Section 1508.1 requires no more and no less payment or crediting of service to employees than what they would have been entitled to receive. Extra pay may be paid, but the law does not permit PSERS to recognize such pay as retirement-covered compensation (RCC). If, however, an employee performs additional duties above and beyond the employee's regular workload and responsibilities

(such as a teacher assisting in providing meals), then the payment may be recognized as RCC. The employee, however, will likely not be entitled to additional service credit in such circumstances.

**13. Will reimbursements for expenses incurred by working remotely, e.g. printing or copying from a personal computer, be counted toward my PSERS retirement accounts(s)?**

No. Section 1508.1 does not require such payment, nor does it amend the definition of “compensation” in the Retirement Code that excludes from Retirement-Covered Compensation any reimbursements for expenses that are incidental to employment. Unvouchered expense allowances that may be paid are also excluded from being reporting to your PSERS retirement account; this applies to both the defined benefit and defined contribution portions of a PSERS account.

**14. If I was on an unpaid leave, will this time period be retirement covered?**

No. Section 1508.1 requires no more and no less payment or crediting of service to employees than what they would have been entitled to receive. Regardless of the reason, an employee who was previously placed on an **unpaid** leave and who was not expected to work after March 13, 2020 is not entitled to service credit or contributions reported under Section 1508.1. Thus, any payment the employer may decide to pay to you will be considered non-retirement-covered compensation and is not reportable to PSERS.

**15. If I am on a contributing sabbatical during the school closure, how is the reporting of my sabbatical for that time period affected and what happens with my return requirements?**

Your sabbatical is reported as if school was in session and you will receive the full PSERS credit you would have received regardless of the closure of the schools or the shortened school year. The return requirements were not changed by Section 1508.1 and remain in place for you to get credit for the sabbatical.

**16. With the requirement of 180 days being waived, what is the last day of employment for an employee for the school year?**

The Pennsylvania Department of Education’s (PDE) current guidance is that schools are not required to adjust their calendars. Unless a school does extend its calendar to provide for additional instructional days, based on PDE’s current guidance, the last day of employment will be the last day the employee would normally work in the school year. If a school does extend its school year, then the last day of employment for a school year will reflect that extension.