MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION (MPERA)
100 North Park Avenue, Suite 200 ~ PO BOX 200131
HELENA MT 59620-0131
(406) 444-3154 or (877) 275-7372

REFUND APPLICATION - TERMINATED EMPLOYEE

Member Information (please print)

____ ____________________
Last Name   First Name   MI   Other Last Names   Social Security Number*

____ (_______)______________
Mailing Address   Home Phone Number

____ (_______)______________
City   State   ZIP   Work Number

*Used for tax purposes *26 USC § 6401A and 6109*

Incomplete applications will be returned, causing processing delays.

To Be Completed by Employing Agency

__________ ____________________ ____________________ __________
Termination Date   Retirement System   Agency   Agency #

This employee will receive their final paycheck, including all accumulated sick and annual leave and any severance pay, on _______________________.

Payment will be reported on the ___1st ___2nd ___3rd report for ________________________________.
(Check one)   **(Month)**

The above employee terminated employment and will not be reemployed by this agency for 30 days and, to the best of my knowledge, is not employed by any other agency covered by this retirement system. **The final payment includes all accumulated sick and annual leave and any severance pay.**

I certify that this agency has no agreement for re-employment with this employee.

____________________ __________ ____________________ __________
Signature of Authorized Officer   Phone Number   Printed Name   Date

To Be Completed by Employee

Withdrawal Options

The rules governing withdrawals from a 401(a) plan are complex. Please read the attached tax notice and consult a tax professional before choosing a withdrawal option.

Check **one** of the following options.

_____ **Direct Rollover**. I am rolling my accumulated contributions directly into another eligible retirement plan that will accept it. I am not required to pay federal and state taxes or a penalty on my accumulated contributions at this time. (**Complete Sections A and B on back of application.)**

_____ **Lump-sum Payment.** My accumulated contributions will be paid directly to me in a lump sum. However, MPERA is required to withhold 20% of any taxable amount for federal taxes. I may also be required to pay a 10% penalty for early withdrawal when I pay my income taxes. **(Complete Section B on back of application.)**

____ **Lump-sum Payment of Taxed Contributions/Direct Rollover of Pre-tax Contributions and Tax-deferred Interest.** My taxed contributions will be paid directly to me in a lump sum. I am rolling my pre-tax contributions and tax-deferred interest directly into another eligible retirement plan that will accept it. I am not required to pay federal and state taxes or a penalty on the pre-tax contributions and interest at this time. **(Complete Sections A and B on back of application.)**

Section A

To Be Completed by Eligible Retirement Plan or IRA Accepting the Rollover

I certify that this rollover request complies with applicable plan provisions and federal law.

Plan: 401(a) __ 401(k) __ 403 (a) __ 403(b) __ 457 (b) __ IRA 408(a) or (b) __ Roth IRA 408A__

Will this plan accept taxed money? Yes ___ No ____

Make Check Payable to ____

Account Number ____

Mail Check to ____

______________________________ ________ ____________
City State ZIP

______________________________ (______)______________
Financial Institution or Plan Administrator Contact (please print) Phone Number

____
Financial Institution or Plan Administrator Contact Signature

Section B

To Be Completed by Employee

- I understand the withdrawal process and have read the IRS special tax notice regarding this withdrawal.
- I am terminating my employment with this agency. I will **not** be employed by this or any agency covered by this retirement system for at least 30 days.
- I understand that processing my refund cannot be completed until 30 days after my termination.
- I understand that my membership ceases upon withdrawal of my accumulated contributions and I will not be entitled to any benefits provided by the system.
- I understand that MPERA cannot process this application until my employer submits my final payroll information. This may take up to four weeks after I receive my last paycheck.
- I understand that if I return to MPERA-covered employment, my Guaranteed Annual Benefit Adjustment, if any, will be determined based on my new hire date.
- **I certify that I have not established an agreement for re-employment in a position covered by the retirement system providing this refund.**

______________________________ ____________
Employee's Signature Date

Incomplete applications will be returned, causing processing delays.

The MPERA will mail you an IRS (1099R) tax form separately. **Please keep that form for your State and Federal tax records.** You will not receive another 1099R form at year-end.

SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS UNDER GOVERNMENTAL 401(a) PLANS

This notice contains important information you will need before you decide how to receive your lump sum withdrawal (refund) of member contributions and interest from your Montana Public Employee Retirement Administration System (MPERA System). If you have received this notice electronically, you may request a paper copy from MPERA at no charge to you.

MPERA is providing this notice to you because all or part of the payment that you will soon receive from the MPERA System **may** be eligible for rollover by you or MPERA to a traditional or Roth IRA or to an eligible employer plan. A rollover is a payment by you or MPERA of all or part of your benefit to another eligible employer plan or IRA that allows you to continue to postpone taxation until that benefit is paid to you. An "eligible employer plan" includes a plan qualified under section 401(a) of the Internal Revenue Code (IRC), including a 401(k) plan, profit-sharing plan, defined benefit plan, stock bonus plan, and money purchase plan; a 403(a) annuity plan; a 403(b) tax-sheltered annuity; and an eligible 457(b) plan maintained by a governmental employer (governmental 457 plan).Your payment cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account (formerly known as an education IRA).

For a distribution made after December 31st, 2007, your payment can be rolled over to a section 408A Roth IRA subject to the same limits that apply to rollovers from a traditional IRA to a Roth IRA (i.e., for tax years prior to January 1, 2010, your adjusted gross income cannot exceed $100,000 and you must not be married filing separately).

An “eligible employer plan” is not legally required to accept a rollover. Before you decide to roll over your payment, determine whether the eligible employer plan accepts rollovers, the types of distributions it accepts as rollovers and documents required. Even if an eligible employer 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 IRA or split your rollover amount between the employer plan in which you will participate and an 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 MPERA System. Check with the administrator of the plan(s) about plan rules and required documents prior to making the rollover.

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I. SUMMARY

There are two ways you may be able to receive a MPERA System payment that is eligible for rollover.

(1) Certain payments can be made directly to an IRA that you establish, or to an eligible employer plan that will accept it and hold it for your benefit (DIRECT ROLLOVER). Special Rules for Rollovers to Roth IRAs are addressed in the fourth bullet below.

- Your payment to a **traditional** IRA or eligible employer plan 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 **traditional** IRA or to an eligible employer plan that accepts your rollover. Your payment cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account because these are not traditional IRAs.

- The taxable portion of your payment will be taxed later when you take it out of the **traditional** IRA or the 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 the MPERA System.

- Your payment to a **Roth** IRA will be taxed in the year distributed. See the following special rules.

  Special Rules for Rollovers to Roth IRAs. You can choose a direct rollover to a Roth IRA subject to the same limits that apply to rollovers from a traditional IRA to a Roth IRA (i.e., for tax years prior to January 1, 2010, your adjusted gross income cannot exceed $100,000 and you must not be married filing separately). If you make a rollover of your distribution to a Roth IRA, the amount of your distribution will be included in your taxable income (except for any portion of the distribution that represents a return of your after-tax contributions to the MPERA System). You may be able to elect to delay recognizing the distribution as part of your taxable income until 2011 and 2012 if you elect a direct rollover to a Roth IRA in the 2010 taxable year. A rollover of your distribution to a Roth IRA avoids the 10% tax on early distributions received prior to the date you reach age 59-1/2, become disabled, or retire under the terms of the MPERA System, subject to rules on conversion.

  MPERA is not responsible for assuring your eligibility to make a rollover to a Roth IRA (IRS Notice 2008-3). Consult your tax advisor if you are interested in rolling over your distribution to a Roth IRA.

(2) Payment eligible for rollover can be paid directly to you (PAID TO YOU).

- You will receive only 80% of the taxable amount of the payment. MPERA is required to withhold 20% of that amount and send it to the IRS as income tax withholding to be credited against your income taxes.

- The taxable amount of your payment will be taxed in the year paid to you unless you roll it over. 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 59-1/2, you may have to pay an additional 10% tax. See special note below for qualified public safety employees.

- Within 60 days after you receive the payment, you can roll over all or part of the payment to your IRA or to an eligible employer plan that accepts your rollover. The amount rolled over to a traditional IRA or eligible employer plan 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% of the payment to a traditional IRA or an eligible employer plan, you must find other money to replace the 20% of the taxable portion that was withheld. If you roll over only the 80% that you received, you will be taxed on the 20% that was withheld and not rolled over.

Qualified Public Safety Employees. On and after August 18, 2006, if you are a "qualified public safety employee" who terminates employment in the calendar year in which you are age 50 or older, and receive an eligible rollover distribution, you will not have to pay the additional 10% tax on a payment that is eligible for rollover and PAID TO YOU. You are a "qualified public safety employee" if you are an employee of a State or political subdivision of a State (such as a city or county) whose principal duties include services requiring specialized training in the area of police protection, fire-fighting services, or emergency medical services for an area within the jurisdiction of the State or political subdivision.

Your Right to Waive the 30-Day Notice Period. Generally, neither a DIRECT ROLLOVER nor a payment can be made from the MPERA System 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 MPERA.

II. PAYMENTS THAT CAN AND CANNOT BE ROLLED OVER

Payments from your MPERA System may be "eligible rollover distributions." This means that they can be rolled over to a traditional IRA or to an eligible employer plan that accepts rollovers. Beginning January 1, 2008, they can be rolled over to a Roth IRA. Payments cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account. MPERA will be able to tell you what portion of your payment is an eligible rollover distribution.

After-tax Contributions. If you made after-tax contributions to your MPERA System, these contributions may be rolled into either a traditional IRA or to certain employer plans that accept rollovers of the after-tax contributions. The following rules apply:

(1) ***Rollover to a Traditional IRA.*** You can roll over your after-tax contributions to a traditional IRA either directly or indirectly. MPERA will be able to tell you how much of your payment is the taxable portion and how much is the after-tax portion.

If you roll over after-tax contributions to a traditional IRA, it is your responsibility to keep track of, and report to the IRS, the amount of these after-tax contributions. This will enable the nontaxable amount of any future distributions from the traditional IRA to be determined.

Once you roll over your after-tax contributions to a traditional IRA, those amounts CANNOT later be rolled over to an employer plan.

(2) ***Rollover to an Employer Plan.*** Beginning January 1, 2007, you can roll over after-tax contributions from an employer plan that is qualified under IRC section 401(a) to another such plan or to an IRC section 403(b) annuity contract using a DIRECT ROLLOVER. The receiving plan or annuity contract (defined contribution or defined benefit) must provide separate accounting for amounts rolled over, including separate accounting for the after-tax employee contributions and earnings on those contributions.

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 MPERA to make a DIRECT ROLLOVER on your behalf.

You can also roll over after-tax contributions from your MPERA System to a traditional IRA. Once you roll over your after-tax contributions to a traditional IRA, those amounts CANNOT later be rolled over to an employer plan.

You CANNOT roll over after-tax contributions to a governmental 457 plan.

The following types of payments *cannot* be rolled over:

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

Required Minimum Payments. Beginning when you reach age 70-1/2 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.

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

III. DIRECT ROLLOVER

A DIRECT ROLLOVER is a direct payment of the amount of your Plan benefits to an 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, as described in Part II above. No income tax withholding is required for any taxable portion of your DIRECT ROLLOVER. With the exception of a DIRECT ROLLOVER to a Roth IRA on or after January 1, 2008, you are not taxed on any taxable portion of your DIRECT ROLLOVER until you later take it out of the traditional IRA or eligible employer plan. You may not choose a DIRECT ROLLOVER if your annual distribution is less than $200.

DIRECT ROLLOVER to an IRA. A DIRECT ROLLOVER can be received by an existing or new traditional IRA, or beginning January 1, 2008, a Roth IRA. If you choose to have your payment made directly to an IRA, contact the IRA sponsor (usually a financial institution). If you are unsure of how to invest your money, you can temporarily establish an IRA to receive the payment. You may wish to make sure that the IRA you choose allows you to move all or a part of your payment to another IRA at a later date, without penalties or other limitations. See IRS Publication 590, Individual Retirement Arrangements, for more information on IRAs (including limits on how often you can roll over between IRAs).

DIRECT ROLLOVER to a Plan. If your new employer has an eligible employer plan, and you want a DIRECT ROLLOVER to that plan, ask the plan administrator of that plan if it will accept your rollover. An eligible employer plan is not legally required to accept a rollover. If the employer plan accepts your rollover, it may restrict the circumstances under which the rollover amount is later distributed or require spousal consent to any subsequent distribution. Check with the plan administrator before making your decision. If your new employer's plan does not accept a rollover, you can choose a DIRECT ROLLOVER to an IRA.

DIRECT ROLLOVER of a Series of Payments. If you receive a payment that can be rolled over to an IRA or an eligible employer plan that will accept it, and it is paid in a series of payments for less than 10 years, your choice to make or not make a DIRECT ROLLOVER for a payment will apply to all later payments in the series until you change your election. You may change your election for any later payment in the series.

Change in Tax Treatment Resulting from a DIRECT ROLLOVER. The tax treatment of any payment from the eligible employer plan or IRA receiving your DIRECT ROLLOVER might be different than if you received your benefit in a taxable distribution directly from the MPERA System. For example, if you were born before January 1, 1936, you might be entitled to ten-year averaging or capital gain treatment, as explained below. However, if you have your benefit rolled over to a section 403(b) tax-sheltered annuity, a governmental 457 plan, or an IRA in a DIRECT ROLLOVER, your benefit will no longer be eligible for that special treatment. See the sections below entitled "Additional 10% Tax if You Are under Age 59-1/2 " and "Special Tax Treatment if You Were Born before January 1, 1936."

IV. PAYMENT PAID TO YOU

If your payment can be rolled over (see Part II) and the payment is made to you in cash, it is subject to 20% federal income tax withholding on the taxable portion. The payment is taxed in the year you receive it unless, within 60 days, you roll it over to an IRA or an eligible employer plan that accepts rollovers. If you do not roll it over, special tax rules may apply. (MPERA does not withhold Montana state taxes).

Mandatory Income Tax Withholding. If any portion of your payment can be rolled over under Part II above and you do not elect to make a DIRECT ROLLOVER, MPERA is required by law to withhold 20% 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 MPERA 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 "Sixty-Day Rollover Option"), you must report the full $10,000 as a taxable payment. You must report the $2,000 as tax withheld, and it will be credited against any income tax you owe for the year.

Note: There will be no income tax withholding if your annual payments are less than $200.

Voluntary Income Tax Withholding. If any portion of your payment is taxable but cannot be rolled over under Part II above, the mandatory withholding rules described above do not apply. In this case, you may elect to not have withholding apply to that portion. If you do nothing, 20% will be taken out of this portion of your payment for federal income tax withholding. To elect not to withhold, ask MPERA for the election form and related information.

Sixty-Day Rollover Option. If you receive a payment that could have been rolled over under Part II above (except after-tax amounts), you can still roll over all or part of it to an IRA or to an eligible employer plan that accepts rollovers. If you decide to roll over, the amount of the payment you received must, within 60 days after you received the payment, be rolled over to an IRA or eligible employer plan. The rollover will not be taxed until you take it out of the traditional IRA or eligible employer plan. However, if you roll over to a Roth IRA, the distribution will be included in your taxable income for the year in which it was paid to you.

As explained under Part II above, you can roll over up to 100% of a payment you received to a traditional IRA or eligible employer plan, including an amount equal to the 20% that was withheld. If you choose to roll over 100%, you must find other money within the 60-day period to contribute to the traditional IRA or the eligible employer plan, to replace the 20% that was withheld. If you roll over only the 80% of the taxable portion that you received, you will be taxed on the 20% that was withheld.

> ***Example:*** The taxable portion of your payment that can be rolled over under Part II above 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 a traditional IRA or an eligible employer plan. To do this, you roll over the $8,000 you received from the MPERA System, 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% Tax If You Are under Age 59-1/2. If you receive a payment before you reach age 59-1/2 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% of the taxable portion of the payment. The additional 10% 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) after you separate from service,

(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,

(7) payments to a qualified public safety employee who separates from service during or after the year reaching age 50, or

(8) a qualified reservist distribution from a deemed IRA or attributable to elective deferrals under a 401(k) plan or 403(b) annuity.

See IRS Form 5329 for more information on the additional 10% tax.

Special Tax Treatment If You Were Born before January 1, 1936. If you receive a payment from a plan qualified under IRC section 401(a) that can be rolled over under Part II and you do not roll it over to a traditional 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. A lump sum distribution is a payment, within one year, of your entire balance under the MPERA System (and certain other similar plans of the employer) that is payable to you after you have reached age 59-1/2 or because you have separated from service with your employer (or, in the case of a self-employed individual, after you have reached age 59-1/2 or have become disabled). For a payment to be treated as a lump sum distribution, you must have been a participant in the MPERA System for at least five years before the year in which you received the distribution. The special tax treatment for lump sum distributions that may be available to you is described below.

10-Year Averaging. If you receive a lump sum distribution and you were born before January 1, 1936, you can make a one-time election to figure the tax on the payment by using "10-year averaging" (using 1986 tax rates). Ten-year averaging often reduces the tax you owe.

Capital Gain Treatment. If you receive a lump sum distribution and you were born before January 1, 1936, and you were a participant in the MPERA System before 1974, you may elect to have the part of your payment that is attributable to your pre-1974 participation in the MPERA System taxed as long-term capital gain at a rate of 20%.

There are other limits on the special tax treatment for lump sum distributions. For example, you can generally elect this special tax treatment only once in your lifetime, and the election applies to all lump sum distributions that you receive in that same year. You may not elect this special tax treatment if you rolled amounts into the MPERA System from a 403(b) tax-sheltered annuity contract, a governmental 457 plan, or from an IRA not originally attributable to a qualified employer plan. If you have previously rolled over a distribution from the MPERA System (or certain other similar plans of the employer), you cannot use this special averaging treatment for later payments from the MPERA System. If you roll over your payment to an IRA, governmental 457 plan, or 403(b) tax-sheltered annuity, you will not be able to use special tax treatment for later payments from that IRA, plan, or annuity. Also, if you roll over only a portion of your payment to an IRA, governmental 457 plan, or 403(b) tax-sheltered annuity, this special tax treatment is not available for the rest of the payment. See IRS Form 4972 for additional information on lump sum distributions and how you elect the special tax treatment.

V. SURVIVING SPOUSES AND ALTERNATE PAYEES

In general, the rules summarized above that apply to payments to employees also apply to payments to surviving spouses of employees and to spouses or former spouses who are "alternate payees." A spouse for federal tax law purposes must be a person of the opposite sex to whom you are married. You are an alternate payee if your interest in the MPERA System results from a "Family Law Order" or "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, as described in Part II above, paid in a DIRECT ROLLOVER to an 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 IRA or to an eligible employer plan. Thus, you have the same choices as the employee.

VI. OTHER BENEFICIARIES

If you are a beneficiary other than a surviving spouse or an alternate payee and receive a distribution on or after January 1, 2007, you can choose to be paid in a DIRECT ROLLOVER to a **traditional** IRA established solely for the purpose of receiving the death benefit distribution. This IRA will be treated as an inherited IRA subject to the minimum distribution rules applicable to beneficiaries. You may also choose a DIRECT ROLLOVER to an **inherited Roth** IRA. You cannot choose a DIRECT ROLLOVER to an eligible employer plan, and you cannot roll over the payment yourself.

If you choose to have the distribution PAID TO YOU, the mandatory withholding rules described in Part IV above do not apply to you.

VII. SPECIAL RULES FOR SURVIVING SPOUSES, ALTERNATE PAYEES, AND OTHER BENEFICIARIES

If you are a surviving spouse, an alternate payee, or other beneficiary, your payment is generally not subject to the additional 10% tax described in Part IV above, even if you are younger than age 59-1/2.

If you are a surviving spouse, an alternate payee, or other beneficiary, you may be able to use the special tax treatment for lump sum distributions, as described in Part IV above. 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 MPERA System.

VIII. HOW TO OBTAIN 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 a professional tax advisor *before* you take a payment of your benefits from the MPERA System. Also, you can find more specific information on the tax treatment of payments from qualified employer plans in IRS Publication 575, *Pension and Annuity Income*, and IRS Publication 590, *Individual Retirement Arrangements*. These publications are available from your local IRS office, on the IRS's Internet Web Site at www.irs.gov, or by calling 1-800-TAX-FORMS.

STATE TAXES ARE NOT WITHHELD AND ARE YOUR RESPONSIBILITY.