

# EMPLOYER REQUEST FOR FORFEITURE OF MEMBER BENEFITS



**VIRGINIA RETIREMENT SYSTEM**  
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1. Social Security Number
2. Employer Code

Complete this form to notify VRS that a member has been convicted of a felony for misconduct associated with the member's performance of job duties and that all VRS related benefits must be forfeited. This form is submitted to VRS after any appeals the member may make in regards to the termination of employment are closed.

Additional information about employer responsibilities is attached.

## PART A. MEMBER INFORMATION

3. Name	(First, Middle Initial, Last)
4. Address	(Street, City, State and Zip+4)

## PART B. EMPLOYER AUTHORIZATION

The member referenced above has been convicted of a felony for misconduct associated with the member's performance of job duties with this employer.

I understand that submitting this form will cancel the following:

- 1) Payment of all future VRS retirement benefits including the health insurance credit.
- 2) Basic group life insurance. This also makes the member ineligible to convert the policy, if it has not already been converted to a personal policy and the member has not already retired.
- 3) Optional group life insurance, if it has not already been converted to a personal policy.
- 4) Retiree health insurance eligibility.
- 5) Eligibility to receive any Defined Contribution Plan funds paid by a VRS-participating employer.
- 6) Virginia Sickness and Disability Program (VSDP) benefits if the member is receiving benefits at the time of notification of the conviction.
- 7) Any open VSDP long-term care claims and the right to retain future coverage.

I certify the employee was provided notice of this employer's determination and an opportunity to be heard regarding this employer's decision. I certify further that any appeals process was completed and a final determination was made.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date



## ABOUT THE REQUEST FOR FORFEITURE OF MEMBER BENEFITS

If an employee is convicted of a felony for misconduct occurring on or after July 1, 2011 and you have determined that the felony was in association with the performance of the employee's job duties, you may request the employee forfeit all VRS benefits including all benefits administered by VRS and benefits of the Optional Retirement Plans (ORP) administered by certain colleges and universities as authorized by VRS.

Prior to VRS being notified of a forfeiture of benefits, a final determination of whether the felony conviction arose out of the performance of the employee's job duties must be made.

The member is allowed to appeal your determination, including a judicial review, before the termination of benefits may be considered final. The process for the appeal is as follows:

You must provide the employee with written notification that you are reviewing the circumstances surrounding the felony conviction to determine if the conviction was associated with the performance of the employee's job. You must also allow the employee a reasonable opportunity to be heard during this review process.

Within five business days of your determination that the employee's felony conviction was associated with the performance of the employee's job, you must notify the employee in writing of the decision and the process to follow for filing an appeal. The employee will have five business days after receiving the notification of the decision to file an appeal.

If the employee does not appeal, your determination becomes final.

If the employee notifies you of an appeal:

- You must submit a copy of the records to the clerk of the circuit court in the jurisdiction in which the decision was made. You must provide this information within five business days of the employee's notification that they wish to appeal.
- The Court, on motion of the employee, may issue a writ of certiorari requiring the employer to transmit the record on or before a certain date.
- Within 30 days, the court (sitting without a jury) must affirm or reverse your determination and render its decision within 15 days from the conclusion of the hearing. The court's decision becomes the final determination.

Once a final determination is made that the felony conviction was associated with the employee's job, complete this form and send it to VRS.

**Note:** If at any time the employee's felony conviction is overturned, you must contact VRS to ensure the employee's VRS benefits are reinstated.

## **VRS BENEFITS AFFECTED BY THIS REQUEST**

### **Defined Benefit Plans**

#### Retirement

The employee forfeits the right to a retirement benefit.

#### Refunds

If the employee is vested at the time of termination, a refund of the contributions and interest credited to the employee's member contribution account will be available. Non-vested employees are eligible for a refund of member-paid contributions and interest and any contributions an employer may have contributed on the behalf of the employee prior to July 1, 2010.

If the employee is re-employed in a covered position, the refunded service may not be purchased.

If a refund has not been paid and the employee is re-employed in a covered position, the service cannot be used to determine:

- Future retirement benefits,
- Eligibility for the Virginia Sickness and Disability Program (VSDP),
- Plan 1 or Plan 2 designation,
- Age to use for VSDP Long Term Care premium (state employees only),
- Group life coverage amounts or retention of coverage after termination from the subsequent employment, and
- Health insurance credit if the employee retires from his subsequent employer or goes on long-term disability.

#### Health Insurance Credit

The employee is not eligible for the health insurance credit. If the employee is paid any health insurance credit prior to notification of the final determination, VRS will not recover payments made from the start of payment to the date notified of the final determination.

### **Defined Contribution Plans**

The employee forfeits the employer-paid contributions and earnings on those contributions. Only employee-paid contributions and earnings remain in the participant's account.

### **Optional Retirement Plans**

The employee forfeits the employer-paid contributions and earnings on those contributions. Only employee-paid contributions and earnings remain in the participant's account.

### **457 Deferred Compensation Plan**

Employer non-elective (discretionary) contributions and earnings are forfeited. The employee retains the employee-paid contributions and earnings.

### **Cash Match Plan**

Employer-paid contributions and earnings are forfeited.

### **Virginia Supplemental Retirement Plan**

Employer-paid contributions and earnings are forfeited.

### **Basic Group Life Insurance**

Coverage is forfeited unless the employee converted the basic group life insurance to a personal policy prior to the notification of the final determination.

**Optional Group Life Insurance**

Coverage is forfeited unless the employee has converted the optional group life insurance to a personal policy prior to the notification of the final determination.

**Health Insurance (State Employees)**

The employee is not eligible for retiree health insurance.

**Virginia Sickness and Disability Program (VSDP)**

If the employee is receiving VSDP benefits at the time of notification of the final determination, the benefit stops. VRS will not recover claim payments made from the date of the claim approval to the date of the final determination. If the employee is rehired into a VSDP eligible position, VSDP benefits will be based on the new employment period.

**VSDP Long-Term Care Plan**

If the employee is in claim at the time of the final determination, the benefit stops and coverage is canceled with no coverage retention availability. VRS will not recover claim payments made from the date of the claim approval to the date of the final determination. If the employee has already converted coverage prior to notification of the final determination, the employee is ineligible to retain the employer-paid coverage. Premiums from the date of converting to the date notified of the final determination are not refunded.

**Commonwealth of Virginia Voluntary Group Long-Term Care Insurance**

The employee is eligible to retain coverage.

**VOLSAP**

The employee is not entitled to benefits under VOLSAP.