



Baden-Württemberg

LANDESAMT FÜR BESOLDUNG UND VERSORGUNG

Merkblatt zum Altersgeld - *Information Sheet on Old-Age Benefit*

The legal basis for the payment of old-age benefit (Altersgeld) and survivor's allowance (Hinterbliebenengeld) is defined in the third part of the civil service benefits act of the Land of Baden-Württemberg (LBeamTVGBW).

What are the requirements to be entitled to old-age benefit?

If the civil servant status ends by dismissal, there is no entitlement to retirement pension. Civil servants who *requested* dismissal from their civil servant status keep their pension entitlement, i.e. they are granted old-age benefit instead of a supplementary insurance (Nachversicherung). If the requirements for old-age benefit are not met, the civil servant receives a supplementary insurance in the statutory pension insurance scheme or in an occupational pension fund according to section 186 of the Sixth Social Code (SGB VI) for the duration of his/her civil servant status. In this case, the civil servant does not receive supplementary pension (e.g. from VBL or ZVK).

The above-mentioned regulations apply accordingly to temporary civil servants who retire from their position after the end of their term of office and are not entitled to receive pension according to the regulations governing the civil service.

Civil servants who have requested to be dismissed from their civil servant status are entitled to old-age benefit, if

- there is no reason for deferral of supplementary insurance (section 184 subsection 2 SGB VI) and
- they have completed a period of service of at least five years to be taken into account for entitlement to old-age benefit.

Civil servants who are reappointed to serve in the civil service according to section 29 subsections 2 and 3 of the act on the status of civil servants (BeamStG) are not entitled to old-age benefit.

These principles and the following information LBV apply for judges and public prosecutors accordingly.

How do I need to proceed to get old-age benefit?

- You do not need to apply for the determination the old-age benefit, this is done by virtue of office, **unless:**
- You make use of the possibility to waive your right to receive old-age benefit. In this case, supplementary insurance will be taken out. The waiver is irrevocable!
- You need to justify that you waive your right to receive old-age benefit at the payment office (Zahlstelle) within one month after ending your civil servant status.

How is old-age benefit calculated?

Old-age benefit is calculated according to the same rules as pension regarding remunerations and periods of service to be taken into account.

Remunerations to be taken into account for determining the entitlement to old-age benefit are

- the base salary,
- other types of remuneration that are defined as pensionable according to the laws on remuneration,
- merit-based bonuses.

Remunerations to be taken into account for determining the entitlement to old-age benefit are multiplied by the factor 0.984.

Please note: In case of remunerations to be taken into account for determining the entitlement to old-age benefit, family benefit is not taken into account.

Periods of service to be taken into account for determining the entitlement to old-age benefit are

- periods of service under civil service status, or comparable,
- periods of military or civilian service.

Please note:

Periods for which entitlements in other pension insurance schemes have been acquired as well as periods of employment before entering the civil service and periods of vocational training / academic education (section 23 LBeamtVGBW) cannot be taken into account.

Old-age benefit amounts to 1.79375 percent of the remunerations to be taken into account for the entitlement to old-age benefit (counted for each year of the period of service taken into account for determining the entitlement to old-age benefit). The maximum amount of old-age benefit possible equals 71.75 percent of the remunerations to be taken into account for determining the entitlement to old-age benefit.

Old-age benefit is adjusted dynamically in line with your pension adjustments.

Example of the calculation of old-age benefit:

<u>Professional career: determining the entitlement to old-age benefit:</u>		<u>Periods of service to be taken into account for</u>
Military service	1 year	0 years (taken into account in the DRV)
Studies	4 years	0 years (period not to be taken into account)
Civil servant on probation	2 years	0 years (supplementary insurance by DRV)
Employee in public service	5 years	0 years (period not to be taken into account)
Tenured civil servant	15 years	15 years (period to be taken into account)
		- <i>The waiting period in the statutory pension insurance scheme has been fulfilled.</i>
		- <i>DRV = German compulsory pension scheme (Deutsche Rentenversicherung)</i>

In the aforementioned example, the period of service to be taken into account for determining the entitlement to old-age benefit amounts to 15 years.

Calculation of the entitlement to old-age benefit:

Periods of service to be taken into account for determining the entitlement to old-age benefit x 1.79375 = old-age benefit rate
Remunerations to be taken into account for determining the entitlement to old-age benefit x old-age benefit rate = amount of old-age benefit paid to you

The old-age benefit rate in the aforementioned example amounts to 26.91 percent (15 years x 1.79375 percent).

Consequently, in case of a remuneration of EUR 3500 to be taken into account for determining the entitlement to old-age benefit, your old-age benefit payment amounts to EUR 941.85.

Where can I get further information?

The Landesamt für Besoldung und Versorgung provides information on the amount of old-age benefit you are entitled to. In case you waive your right to old-age benefit and choose supplementary insurance instead and have questions about the amount of pension this entails, please contact your pension insurance provider. You will need a statement listing the supplementary insurance fees (provided by the Landesamt für Besoldung und Versorgung upon request).

What should I know if I receive old-age benefit?

- As a rule, old-age benefit is not counted towards any remuneration.
- The entitlement to old-age benefit cannot be compensated.
- If a person requests his/her dismissal from the civil service, the employer is no longer obliged to provide for the person and the person is no longer entitled to Beihilfe, a minimum old-age benefit or other family-related benefits.

What are the consequences for my survivors if I decide to claim old-age benefit?

- The survivors of a former civil servant with an entitlement to old-age benefit receive survivor's allowance in line with the regulations of the laws on survivor's pension.
Survivor's allowance includes:
 - the remuneration for the month of death,
 - widow/widower benefit,
 - widow/widower compensation,
 - orphan's pension.
- Survivor's allowance is calculated based on the amount of old-age benefit the deceased former civil servant was entitled to. Widows/widowers or registered partners receive 55 percent of the deceased person's old-age benefit, double orphans receive 20 percent, and single orphans 12 percent.
- There is no entitlement to a minimum amount of widow/widower benefit or orphan's pension.
- Death benefit is not granted.
- In case of remarriage, survivor's allowance is compensated with a one-time payment 24 times worth the monthly amount.

When is old-age benefit paid?

Determination of the entitlement:

- The entitlement to old-age benefit arises at the end of the day on which your civil servant status within the territorial reach of the LBeamtVGBW ends by dismissal upon request, as far as there is no reason for deferral.
- Old-age benefit is determined by virtue of office by the payment office within three months after the entitlement arose. The determination is subject to future changes relating to the factual and legal situation. If you acquire entitlements in a different pension insurance scheme after determination of your entitlement to old-age benefit, old-age benefit is determined without taking into account these periods.
- The regular payment of old-age benefit is suspended until the end of the month in which the civil servant has reached the legal age to draw his/her pension according to SGB VI.

This translation is provided by the University of Mannheim and serves informational purposes only. English forms are not legally binding and will not be accepted by the L BV, please fill in the German forms. In the event of any conflict between the English and German text, its structure, meaning or interpretation, the German text, its structure, meaning or interpretation shall prevail.

Begin of benefit payment:

- The regular payment of old-age benefit begins when the employee reaches the legal age to draw his/her pension according to SGB VI. In case of an earlier claim of old-age benefit, the benefit payment is reduced by an advance.
- Old-age benefit is only granted upon request. The request is to be submitted to the payment office. Old-age benefit must be requested within three months after the end of suspension of the entitlement to old-age benefit. In case of a request after more than three months, old-age benefit is only granted from the month in which the request has been submitted.

What are the consequences of a pension rights adjustment?

If a pension rights adjustment has been carried out due to a decision made by the family court, old-age benefit or survivor's allowance is to be reduced accordingly, if applicable.

Your
Landesamt für Besoldung und
Versorgung Baden-Württemberg