

we are the county of
los angeles

flex



Important Notice

On April 20, 1999, the Board of Supervisors adopted a Resolution implementing Section 31461.4 of the Government Code which allows employees like you who are in the “pensionable” *Flexible (Flex)* Benefits Plan to sign a WAIVER and thereby:

- 1. Get all their unspent *Flex* benefits allowance added to their monthly paycheck as taxable cash (also known as taxable pay) while at the same time,**
- 2. Retain part of their *Flex* benefits allowance as pensionable income.**

To understand what this means, it is necessary to understand how the pensionability and taxable cash features of your *Flex* benefits allowance work.

The Pensionability of Your *Flex* Benefits Allowance

An employee’s pension at retirement is a percentage of his or her final compensation (typically related to his or her monthly salary). The percentage differs among employees because it is

based on each employee’s age, retirement plan and length of service.

Being in the pensionable *Flex* Benefits Plan simply means that all or part of your monthly *Flex* benefits allowance will be added to your salary when your pension is calculated at the time you retire. In general terms, for example, if at the time you retire, your final compensation is \$5,000 per month and you are entitled to a pension of 60%, your monthly pension will be \$3,000. If the pensionable part of your *Flex* benefits allowance is \$442, then \$265 (60% of \$442) per month will be added to your pension for a total of \$3,265, an increase of \$265 per month.

The part of your *Flex* benefits allowance that is pensionable today depends on when you became a *Flex* Benefits Plan participant. Specifically:

- If you were a *Flex* Benefits Plan participant before January 1, 1995, the entire *Flex* benefits allowance amount in effect on December 31, 1994 is pensionable.
- If you changed your enrollment from the *MegaFlex* Benefits Plan to the *Flex* Benefits Plan in 1995 or 1996, the pensionable amount of your monthly benefits allowance is either \$442 or 10% of your monthly salary in effect on December 31, 1994, whichever amount is greater.

In both cases, this pensionable amount is reduced by the single party premium rate for the lowest priced *Flex* Benefits Plan medical coverage. Any benefits allowance increases you receive will offset this premium rate reduction on a dollar-for-dollar basis.

Taxable Cash and its Relationship to the Pensionable Part of Your Flex Benefits Allowance

Your unspent Flex benefits allowance (if any) is added to your paycheck each month as taxable cash. There is a limit to the amount of unspent allowance that can be added to your paycheck, however. This “taxable cash limit” is the same as your maximum pensionable amount. It is shown on page 1 of your *Personalized Enrollment Worksheet*. If you have any unspent allowance that exceeds this limit, it will be forfeited. For example:

If your Flex benefits allowance is \$859 and you spend \$309 on benefits, \$550 remains unspent. If the pensionable part of your allowance is \$442, you will forfeit \$108, because your taxable cash limit is \$442 (\$550 - \$442 = \$108).

Non-Pensionable Flex Benefits Plan

Until the Board of Supervisors approved the waiver option, the only way employees could avoid this forfeiture was to voluntarily elect to change from the pensionable Flex Benefits Plan to the Non-Pensionable Flex Benefits Plan. While electing to make this change allowed them to receive all their unspent allowance as taxable cash,

simultaneously, they gave up the pensionability of any part of their Flex benefits allowance.

Waiver Option

On April 20, 1999, the Board of Supervisors approved a *voluntary* option which allows you to preserve the pensionability of your Flex benefits allowance. It requires you to sign a waiver. Specifically, by signing the waiver, you: 1) ensure all your unspent allowance will be added to your paycheck each month as taxable cash; 2) retain the right to the pensionability of your allowance; and 3) acknowledge that any allowance you receive which is more than your taxable cash limit is *not* pensionable. For example:

If your benefits allowance is \$859, you spend \$309 on benefits, and your pensionability is \$442, then:

1. The remaining unspent allowance of \$550 (\$859 - \$309) will be added to your paycheck as taxable cash.
2. At the time of your retirement, \$442 will be added to your final compensation before your pension is calculated.
3. The \$108 taxable cash you receive which is the amount in excess of your pensionable amount of \$442, is *not* pensionable.

A waiver form is printed on the next page. You may sign the waiver at any time. If your signed waiver is received by the 15th of any month, it will become effective on the first of the following month. If you do not sign the waiver, you will continue your enrollment in the pensionable Flex Benefits Plan with a limit on taxable cash.

Please Note

If you are currently receiving taxable cash that is close to your taxable cash limit and you do not sign a waiver, you may be at risk to forfeit some of your unspent allowance if you receive a salary increase such as a step advance or a promotion. The following example illustrates this point:

Mary’s allowance is \$859 per month. The pensionable part of her allowance is \$442. According to the rule, this amount of \$442 is also her taxable cash limit. If the monthly cost of the benefits she elects is \$475, she will have \$384 of unspent allowance each month (\$859 - \$475 = \$384). This \$384 will be added to her paycheck each month as taxable cash. If, however, during the year she receives a salary increase and her allowance increases to \$1,000, her unspent allowance will increase to \$525 (\$1,000 - \$475 = \$525). In this case, because she has a taxable cash limit of \$442, she will forfeit \$83 each month (\$525 - \$442 = \$83).

flex benefits plan waiver of pensionability

Print Requested Information:

Employee Name (Last, First, Middle Initial)		Employee Number	
Social Security Number			
Street Address		Home Phone	
City	State	Zip Code	Work Phone

Requirements: To remove the taxable cash limit under the pensionable Flex Benefits Plan you must sign and return this *Waiver of Pensionability* form.

Deadline: Your *Waiver of Pensionability* form must be signed and received by the Benefits Plan Administrator by the 15th of the month for it to affect your next month’s paycheck. Unless you sign, date and return this waiver, there will be a limit on the amount of taxable cash you can receive; as a result, you may forfeit a portion of your Flex benefits allowance.

Waiver

My County benefits allowance as of December 31, 1994, also known as my pension “cap” amount, will be added to my salary for the purpose of calculating my pension at retirement. I hereby elect to waive as pensionable income, any taxable cash amounts above my pension “cap.” As a result, I understand that:

1. There is no limit on the amount of taxable cash I can receive from my County benefits allowance.
2. Any taxable cash I receive over my pension “cap” will not be added to my salary to calculate my pension when I retire.

Employee Signature _____ Date _____

Submit your completed form to the Benefits Plan Administrator by:

- **Document Upload:** Use the “Upload New Document” link in the Available Links section of your enrollment homepage at www.mylacountybenefits.com
- **Email:** Attach scanned documents to an email and send to documents@mylacountybenefits.com
- **Fax:** 310-788-8775



taxable cash limit worksheet

Sample Calculation

1. Benefits allowance	\$ 859.00
2. Benefits costs:	
Medical insurance	\$ 272.00
Dental insurance	11.06
AD&D insurance	0
LTD health insurance	0
Spending accounts	20.00
Tobacco user premium	0
Administrative fee.....	5.00
Less total benefits cost.....	-\$ 308.06
3. Unspent benefits allowance.....	\$ 550.94
4. Taxable cash limit	-\$ 442.00
5. Monthly benefits allowance loss	\$ 108.94

Your Calculation

1. Benefits allowance	\$ _____
2. Benefits costs:	
Medical insurance	\$ _____
Dental insurance	_____
AD&D insurance	_____
LTD health insurance	_____
Spending accounts	_____
Tobacco user premium	_____
Administrative fee.....	5.00
Less total benefits cost.....	-\$ _____
3. Unspent benefits allowance.....	\$ _____
4. Taxable cash limit	-\$ _____
5. Monthly benefits allowance loss	\$ _____

instructions for using this worksheet

1. **Look at your *Personalized Enrollment Worksheet* to find the amount of your current monthly benefits allowance.** The benefits allowance amount is shown on page 2 (the upper left side of the worksheet). Record this dollar amount next to “benefits allowance” on this worksheet. *Remember, a salary increase in 2019 may increase your monthly benefits allowance.*
2. **Use the benefits and amounts shown on your mid-month paycheck under *Cafeteria Benefits Information* to find out what you are currently paying for each benefit.** Record the amounts next to “benefits costs” on this worksheet. (If you want your worksheet to be based on next year’s benefits costs, you can find that information on page 2 of your *Personalized Enrollment Worksheet*.)
3. **Add all the monthly costs for benefits.** If the total you spend on benefits is smaller than your benefits allowance, subtract the total benefits cost from your benefits allowance amount. After subtracting, record the remaining dollar amount next to “unspent benefits allowance.”
4. **Record your “taxable cash limit” amount.** You can find your taxable cash limit on page 1 of your *Personalized Enrollment Worksheet*.
5. **If the “taxable cash limit” amount is smaller than your “unspent benefits allowance,” subtract it.** The remaining dollar amount is your “monthly benefits allowance loss.”