



The Provincial Judges and Applications Judges  
Registered and Unregistered Pension Plans

# Member Handbook

Revised May 2023

# Member Handbook

## Using the Handbook

This handbook provides a basic overview of the Provincial Judges and Applications Judges (Registered) Pension Plan (Judges Registered Pension Plan) and the Provincial Judges and Applications Judges (Unregistered) Pension Plan (Judges Unregistered Pension Plan) collectively referred to as the “Judges Pension Plan” or “the Plan”. Words in **bold** are defined in the glossary beginning on page 19.

For a complete description of the Judges Pension Plan, please refer to:

- a) *Provincial Judges and Applications Judges Registered and Unregistered Pension Plans*, AR 196/2001, as amended
- b) *Provincial Judges and Applications Judges Compensation Regulation*, AR 176/1998, as amended
- c) *Court of Justice Act*, RSA 2000, c C-30.5;
- d) *Court of King's Bench Act*, RSA 2000, c C-31;
- e) *Financial Administration Act*, RSA 2000, c F-12; and
- f) *Interpretation Act*, RSA 2000, c I-8

This handbook provides general information only. Should anything in this handbook conflict with the governing legislation, the legislation shall apply.

Inquiries can be directed to the Member Services Centre at:

**Judges Pension Plan**

5103 Windermere Blvd. SW  
Edmonton, AB T6W 0S9

**Phone:** 1-800-358-0840 (toll-free in North America)

**Fax:** 780-421-1652

**Electronically:** send a secure message through Your Pension Profile at [jpp.apsc.ca](http://jpp.apsc.ca)

## Log In to Your Pension Profile

Visit [jpp.apsc.ca](http://jpp.apsc.ca) and log in to Your Pension Profile for secure, mobile-friendly access to personal pension information, self-serve options and pension management tools.

- Help the environment and eliminate paper waste by signing up to Go Green and receiving an e-mail when important pension documents are available in Your Pension Profile.
- Request information or send pension documents to the Member Services Centre electronically.
- View and save important pension documents, such as annual statements and tax slips.
- Receive notifications when new pension documents are available or when information is required.
- Update contact information, communications preference, beneficiaries, banking information, and more.

Please contact the Member Services Centre if there are questions about information contained in this handbook.

# Member Handbook



## Table of Contents

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<b>Using the Handbook</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>5</b>
<b>Joining the Plan</b> .....	<b>6</b>
Contributions .....	6
Interest on Contributions .....	6
<b>Pensionable Service</b> .....	<b>7</b>
Leave Without Salary .....	7
<b>Leaving the Plan Before Retirement</b> .....	<b>8</b>
<b>Retirement Benefits</b> .....	<b>8</b>
Unreduced Pension .....	8
Reduced Pension .....	9
Deferred pension .....	9
Steps to Commence to Receive a Pension .....	9
Example: Unreduced Pension .....	10
Example: Reduced Pension .....	11
<b>Pension Partner</b> .....	<b>12</b>
Pension Partner Protection .....	12
Pension Partner Waiver .....	12
<b>Pension Options</b> .....	<b>13</b>
<b>Joint Lifetime Pension Options</b> .....	<b>13</b>
Joint Lifetime with Reduced Survivor Benefit .....	13
Joint Lifetime .....	13
Joint Lifetime Guaranteed at Least 5 Years .....	13
Joint Lifetime Reduced by 1/3 Guaranteed At Least 5 Years .....	14
Joint Lifetime Reduced by 1/4* .....	14
<b>Single Lifetime Pension Options</b> .....	<b>15</b>
Single Lifetime (no guaranteed term) .....	15
Single Lifetime Guaranteed at Least 5 Years .....	15
Single Lifetime Guaranteed at Least 10 Years .....	15
Single Lifetime Guaranteed at Least 15 Years .....	15
<b>Cost-of-Living Adjustments</b> .....	<b>16</b>
<b>Disability Benefits</b> .....	<b>16</b>

# Member Handbook



<b>Disability Pensions .....</b>	<b>16</b>
Disability pension upgrades and downgrades .....	17
<b>Death Before Retirement .....</b>	<b>17</b>
Death benefit payable to your pension partner .....	17
Death benefit payable to your designated beneficiary or estate (no pension partner) .....	17
<b>Death After Retirement .....</b>	<b>18</b>
<b>Review of Administrative Decisions.....</b>	<b>18</b>
<b>Glossary .....</b>	<b>19</b>

# Member Handbook

## Introduction

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### Welcome to the Judges Pension Plan!

The Plan was established in 2001 with provisions retroactive to April 1, 1998. The Plan is made up of a registered pension plan component (the Judges Registered Pension Plan) and an unregistered pension plan component (the Judges Unregistered Pension Plan). Effective September 1, 2022, the name of the Plan was amended from the Provincial Judges and Masters in Chambers Registered and Unregistered Pension Plans to the Provincial Judges and Applications Judges Registered and Unregistered Pension Plans.

The Judges Pension Plan replaced the Provincial Judges and Masters in Chambers Pension Plan (PJMCPP) which was established September 1, 1988. Prior to September 1988, **Judges** were contributing members of the Public Service Management Pension Plan (PSMPP). Pensionable service under PJMCPP, including pensionable service transferred from PSMPP to PJMCPP, is considered pensionable service under the Judges Pension Plan.

All **Judges** with pensionable service on or after January 1, 1992, automatically became members of the Judges Unregistered Pension Plan when it was established. PJMCPP members who **terminated** or died between January 1, 1992 and March 31, 1998 did not participate in the Judges Unregistered Pension Plan, however, these members or their survivor(s), as applicable, became entitled to retroactive benefits under the Judges Unregistered Pension Plan when it was established. Since April 1, 1998, all **Judges** have participated in both the Judges Registered Pension plan and the Judges Unregistered Pension Plan.

The Judges Registered Pension Plan provides benefits up to certain maximums allowed for registered pension plans under the *Income Tax Act* and *Income Tax Regulations*. The Judges Unregistered Pension Plan is a retirement compensation arrangement (RCA) under the *Income Tax Act* and *Income Tax Regulations* that provides benefits in excess of those maximums. Unless otherwise specified, descriptions of benefits in this handbook are intended to be in reference to a member's combined benefit from both the Judges Registered Pension Plan and the Judges Unregistered Pension Plan.

Actuarial valuations of the Plan are conducted at least every three years. The Plan is financed by contributions and investment earnings. To accommodate this, the Provincial Judges and Applications Judges (Registered) Pension Plan Fund was established to fund the Judges Registered Pension Plan, and the RCA Fund and the Provincial Judges and Applications Judges Reserve Fund (Reserve Fund) were established to fund the Judges Unregistered Pension Plan. The payment of benefits under the Judges Pension Plan is guaranteed by the Government of Alberta.

The President of Treasury Board and Minister of Finance (the Minister) is the legal trustee for the Judges Pension Plan and is responsible for management of the Plan. On behalf of the Minister, Alberta Pensions Services Corporation (APS) is the Plan's pension benefit administrator. Investment of the funds is managed by Alberta Investment Management Corporation (AIMCo). The Plan is audited annually by the Auditor General of Alberta.

The Judges' Pension Plan Advisory Committee provides advice to the Minister on administration of the Plan. The Judges' Pension Plan Investment Committee approves investment policies and oversees investment of the Plan's funds.

# Member Handbook

## Joining the Plan

The Plan is a defined benefit pension plan. Once a member is **vested**, this means that they will be eligible to receive a lifetime pension commencing at retirement based on a formula which considers their **salary** and years of pensionable service. The lifetime pension is not impacted by how much a member has contributed to the Plan or the returns on pension fund investments.

All full-time, salaried **Judges** of the Court of Justice and **Applications Judges** in Alberta are automatically enrolled in the Plan.

Supernumerary Judges, part-time Judges, ad hoc **Applications Judges**, half-time **Applications Judges**, and part-time **Applications Judges** are not eligible to participate in the Plan.

## Contributions

Date of Contributions	Percentage
April 1, 1998 – March 31, 2000:	9% of salary
April 1, 2000 – present:	7% of salary

Member contributions are:

- tax deductible and made through payroll deductions;
- not made after attaining the **maximum benefit accrual date**; and
- not made while in receipt of benefits from the Long-Term Disability Income Continuance Plan except if the member is also earning a **salary** under a rehabilitation employment program.

The Government of Alberta pays the remaining cost of the Plan, including the full cost of benefits if a member is earning no **salary** while in receipt of benefits from the Long-Term Disability Income Continuance Plan.

### Interest on Contributions

Effective April 1, 1998, interest is applied to member contributions annually at the five-year personal fixed-term chartered bank deposit rates (CANSIM Series V80691336).

**The amount of contributions made to the Plan only affects the benefit payable from the Plan if that benefit is a refund of the member contributions with interest. For more information, see the section Leaving the Plan Before Retirement.**

# Member Handbook

## Pensionable Service

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For the period after March 31, 1998, pensionable service refers to the period of years where contributions are made to the Plan, including contributions towards an eligible leave without **salary**. Pensionable service also includes years in which benefits are received from the Long-Term Disability Income Continuance Plan. Partial years are included in pensionable service as the portion of a full year, calculated to four decimal places.

**Judges** who were active participants in the Public Service Management Pension Plan (PSMPP) on August 31, 1988, were transferred to the Provincial Judges and Masters in Chambers Pension Plan (PJMCPP) effective September 1, 1988. Service that was pensionable service under the PSMPP at that time was transferred to PJMCPP, which remained in effect until March 31, 1998. All service that was pensionable service under the PJMCPP, including service transferred into that plan from the PSMPP, is considered pensionable service under the Judges Pension Plan.

Pensionable service accrues under both the Judges Registered Pension Plan and Judges Unregistered Pension Plan concurrently until:

- the member reaches the **latest pension accrual date**, after which service will only accrue under the Judges Unregistered Pension Plan; or
- the member reaches the **maximum benefit accrual date**, after which pensionable service ceases to accrue under the Plan.

## Leave Without Salary

If a member takes a leave without **salary**, they may be eligible to add that period to their pensionable service. Members can have a maximum of two years of leave without **salary** credited under the Plan during their tenure as a **Judge** or **Applications Judge**.

The cost to a member to purchase a period of leave without **salary** is one times the member contributions for the first year of leave purchased, and two times the member contributions for the second year of leave purchased. If a member wants to purchase a leave without **salary**, contributions must be made while they are on leave.

Members should contact their pay and benefits department prior to taking a leave without salary for more information about making contributions while on leave.

# Member Handbook

## Leaving the Plan Before Retirement

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Members who **terminate** from the Plan before they are **vested** will receive a refund of their member contributions with interest. If the Judges Registered Pension Plan member contributions with interest are transferred to a registered retirement savings plan (RRSP), subject to the tax rule limits, income tax will not be withheld.

Members who **terminate** from the Plan after they are **vested** but prior to age 55 are entitled to receive either a deferred pension commencing as early as age 55, or a refund of their member contributions with interest. If the Judges Registered Pension Plan member contributions with interest are transferred to an RRSP, subject to the tax rule limits, income tax will not be withheld.

## Retirement Benefits

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To be eligible to commence to receive a pension, a member must be **vested**, have **terminated** from the Plan, and be at least 55 years of age.

The annual pension payable from the Judges Registered Pension Plan and the Judges Unregistered Pension Plan collectively (before any reduction for early retirement, cost-of-living adjustment, or **actuarial upgrade**, if applicable) is equal to:

$((2\% \times \mathbf{A}) + (2.67\% \times \mathbf{B}) + (3\% \times \mathbf{C})) \times \mathbf{highest\ average\ salary}$ , where

**A** = Pensionable service before April 1, 1998

**B** = Pensionable service from April 1, 1998, to March 31, 2000

**C** = Pensionable service after March 31, 2000

## Unreduced Pension

Members who are **vested** and **terminate** from the Plan after March 31, 1998, are entitled to an unreduced pension on **pensionable service before April 1, 1998** if they have attained age 55.

Members who are **vested** and **terminate** from the Plan after March 31, 1998, are entitled to an unreduced pension on pensionable service after March 31, 1998, if they have attained age 60 and the sum of their age and **judicial service** equals 80, or if they have attained their **latest pension accrual date**.

For example, if a member is 60 with 20 years of **judicial service** they are eligible to retire with an unreduced pension (age 60 + 20 years of **judicial service** = 80). The same would apply to a 61-year-old with 19 years of **judicial service**, a 62-year-old with 18 years of **judicial service** and so on.

**Note:** should a member commence their pension on or after December 31 of the year in which they reach age 71, they will receive an unreduced pension.

An example of an unreduced pension calculation is provided on page 10.



# Member Handbook

## Reduced Pension

Where the criteria to receive an unreduced pension has not been met, members who are **vested**, **terminate** from the Plan after March 1, 1998, and have attained age 55 are entitled to a reduced pension on pensionable service after March 31, 1998.

A pension will be reduced by three per cent for each year (with a proration for the portion of any partial year) that the member's pension commencement date falls short of the later of the following:

- a) The date on which they reach age 60, and
- b) The date on which their age plus their years of **judicial service** equal the number 80 or, if sooner, their **latest pension accrual date**.

An example of a reduced pension calculation is provided on page 11.

## Deferred Pension

**Vested** members that **terminate** from the Plan prior to age 55 are not eligible to commence their pension immediately but may defer until a later date. During the period of deferral, cost-of-living adjustments will be applied. Deferred members who delay their pension commencement beyond age 55 will also receive an **actuarial upgrade** on any portion of their pension associated with pensionable service from prior to 1992.

- Members who **terminate** from the Plan on or after their **latest pension accrual date**, or who are appointed as a part-time **Judge** or half-time **Application Judge**, must commence their pension the day following their termination date from the Plan.

The Judges Registered Pension Plan pension must commence by the later of:

- December 31 of the year the member attains age 71, or
- The day following the date the member **terminated** from the Plan.

The Judges Unregistered Pension Plan rules require that benefits payable from both plan components commence at the same time.

# Member Handbook

## Steps to Commence to Receive a Pension

To avoid delays, a *Retirement Application Form* should be submitted three months before the preferred pension commencement date.

- Members who have not yet **terminated** from the Plan should send their completed application to Alberta Justice and Solicitor General, who will then forward it to the Plan's pension benefit administrator, APS.
  - A letter from the Chief Justice of the Alberta Court of Justice, or the Chief Justice of the Court of King's Bench, as applicable, can be submitted in lieu of a *Retirement Application Form*.
  - Members should ensure their **pension partner** information is up-to-date by contacting their pay and benefits department or by calling the Plan's Member Services Centre.
- Members who have **terminated** from the Plan should send a completed *Retirement Application Form* directly to APS.

## Example: Unreduced Pension

Judge commenced to receive a pension on April 1, 2022, at age 60 with 23 years of judicial service.

<b>Three-year highest average salary</b>	\$315,500.00
<b>A – Before April 1, 1998</b>	0.0000
<b>B – From April 1, 1998 to March 31, 2000</b>	1.0000
<b>C – After March 31, 2000</b>	22.0000
<b>Years before member reaches age 60, or the difference between the number 80 and the member's age plus years of judicial service; whichever is greater</b>	0
<b>Early retirement reduction</b>	None

Annual pension (Normal form):

\$315,500.00	×	2.00%	×	A	=	\$0.00
\$315,500.00	×	2.67%	×	B	=	\$8,423.85
\$315,500.00	×	3.00%	×	C	=	\$208,230.00
<b>Total</b>						<b>\$216,653.85</b>

# Member Handbook

## Example: Reduced Pension

A Judge commenced to receive a pension on April 1, 2022, at age 55 with 14 years of judicial service.

**Three-year highest average salary** \$315,500.00

**A – Before April 1, 1998\*** 0.0000

**B – From April 1, 1998 to March 31, 2000** 0.0000

**C – After March 31, 2000** 14.0000

### Early Retirement Evaluation

The later of A or B where:

**A) The date the member reaches age 60:** April 1, 2027

**B) The earlier of the date the member’s age and service equal 80 or the member’s latest pension accrual date:** April 1, 2033

**The latter of A or B is April 1, 2033, and the member is retiring 11 years early**

**Early retirement reduction** (3.00% x 11.0000) = 33.00%

*\* Per legislation, the early retirement reduction is not applicable to the benefit on pensionable service earned before April 1, 1998. The benefit on pensionable service represented by “A” (in this case, 0) is calculated separately with no early retirement reduction applied. The combined benefit on pensionable service represented by “B” (in this case, 0) and “C” is subject to the early retirement reduction.*

Annual pension (Normal form):

\$315,500.00 × 2.00% × A = \$0.00

\$315,500.00 × 2.67% × B = \$0.00

\$315,500.00 × 3.00% × C = \$132,510.00

**Subtotal** **\$132,510.00**

\$132,510.00 × 67.00% × = \$88,781.70

**TOTAL** (100% - 33%) **\$88,781.70**

# Member Handbook

## Pension Partner

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### Pension Partner Protection

If a member has a **pension partner** on their pension commencement date, they are required to select a Joint Lifetime pension option with their **pension partner** as the **nominee**.

This pension partner protection provision does not apply if:

- a) The **pension partner** completes the prescribed *Pension Waiver of Pension Partner as at Pension Commencement* statutory declaration (pension partner waiver),
- b) there is a Family Property Order (FPO) affecting the pension, or
- c) the member and their pension partner are legally married but the member completes the prescribed *Exclusion of Long-separated Non-dependant Spouse from Pension Benefits* statutory declaration at pension commencement stating:
  - the member has been separated from their legal spouse for at least three years; and
  - the member's legal spouse is not financially dependent on them; and
  - the member is not aware of any FPO or similar order affecting their pension; and
  - to the member's knowledge, their spouse will not be claiming an interest in their pension.

### Pension Partner Waiver

A member's **pension partner** has the option of completing a pension partner waiver that gives up their right to any lifetime survivor benefits if the member passes away after they begin collecting their pension. The pension partner waiver:

- must be completed no more than 90 days prior to the pension commencement date, and
- must be completed before a Commissioner for Oaths, without the member present.

If a member's **pension partner** completes a pension partner waiver, the member can choose one of the following:

- A Single Lifetime pension option, with or without a guaranteed term; or
- A Joint Lifetime pension option, with or without a guaranteed term, and with a chosen **nominee**, other than their **pension partner**, who is eligible under the Plan and the tax rules for **lifetime** survivor benefits.
  - The Plan's pension benefit administrator, APS, can provide more information about who qualifies as a **nominee**.
  - Members must notify APS at the time they apply to retire if they would like to be provided with Joint Lifetime pension options with a **nominee** who is not their **pension partner**.

# Member Handbook

## Pension Options

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There are several different forms of pension available to suit personal circumstances. The monthly pension amount varies from option to option because of the different guaranteed terms and survivor benefits available under these different options.

The pension options available will depend on whether a member has a **pension partner** or a **nominee** at their pension commencement and, if they have a **pension partner**, whether their **pension partner** completes a pension partner waiver.

If the **nominee** is the **pension partner**, the Joint Lifetime pension options with a **nominee** are all actuarially equivalent to the Joint Lifetime with Reduced Survivor Benefit pension option.

If the **nominee** is not the **pension partner**, the Joint Lifetime pension options with a **nominee** are all actuarially equivalent to the Single Lifetime pension option with no guaranteed term (described below).

The Single Lifetime pension options with a guaranteed term are actuarially equivalent to the Single Lifetime pension option with no guaranteed term.

## Joint Lifetime Pension Options

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### Joint Lifetime with Reduced Survivor Benefit

This is the Normal Form of pension for members with a **pension partner** who has not completed a pension partner waiver.

This pension option is paid to a member for as long as they live. If the member's **pension partner** passes away before the member, the member will continue to receive the same pension amount. If the member passes away before their **pension partner**, their **pension partner** will receive a survivor pension benefit for the rest of their lifetime that is payable at 75% of the pension amount that was payable to the member.

### Joint Lifetime

This option will be paid to a member for their lifetime. If the member's **nominee** passes away before the member, the member will continue to receive the same pension amount. If the member passes away before their **nominee**, the same amount of pension will be paid to the nominee for the remainder of their lifetime.

### Joint Lifetime Guaranteed at Least 5 Years

This option will be paid to a member for their lifetime. If the member's **nominee** passes away before the member, the member will continue to receive the same pension amount. If the member

# Member Handbook

passes away before their **nominee**, the same amount of pension will be paid to the nominee for the remainder of their lifetime.

If both the member and their **nominee** pass away within five years of the pension commencement date, a benefit will be paid to the designated **beneficiary**(ies) or estate. The **beneficiary**(ies) will have the option to choose between continuing to receive their share of the monthly pension payable for the remainder of the guaranteed term or receiving a one-time payment of the lump sum present value of those monthly pension payments.

## Joint Lifetime Reduced by $\frac{1}{3}$

This option will be paid to the member for their lifetime. If the member passes away before their **nominee**, the pension will then be paid to the **nominee** for the remainder of their lifetime.

Upon the death of either the member or their **nominee**, the pension benefit will be reduced by  $\frac{1}{3}$ . This reduced pension will continue to be paid to the survivor for the remainder of their lifetime. This means that if the **nominee** passes away before the member, the member's pension will be reduced to  $\frac{2}{3}$  of the original pension amount.

## Joint Lifetime Reduced by $\frac{1}{3}$ Guaranteed At Least 5 Years

This option will be paid to the member for their lifetime. If the member passes away before their **nominee**, the pension will then be paid to the **nominee** for the remainder of their lifetime.

Upon the death of either the member or their **nominee**, the pension benefit will be reduced by  $\frac{1}{3}$ . This reduced pension will continue to be paid to the survivor for the remainder of their lifetime. This means that if the **nominee** passes away before the member, the member's pension will be reduced to  $\frac{2}{3}$  of the original pension amount.

If both the member and their **nominee** pass away within five years of the pension commencement date, a benefit will be paid to the designated **beneficiary**(ies) or estate. The **beneficiary**(ies) will have the option to choose between continuing to receive their share of the reduced monthly pension payable for the remainder of the guaranteed term or receiving a one-time payment of the lump sum present value of those monthly pension payments.

## Joint Lifetime Reduced by $\frac{1}{4}$ \*

This option will be paid to the member for their lifetime. If the member's **nominee** passes away before the member, the member will continue to receive the same pension amount. If the member passes away before their **nominee**, the monthly payment to the **nominee** will be reduced by  $\frac{1}{4}$ . This reduced pension will continue to be paid for the remainder of their lifetime.

\*If a member has a **pension partner** at the time they apply to commence their pension, this option will not be shown on their *Retirement Benefit Statement*. For more information about this pension option, please contact APS, the Plan's pension benefit administrator.

# Member Handbook

## Single Lifetime Pension Options

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These options can only be chosen if a member does not have a **pension partner** on their pension commencement date, or if their **pension partner** chooses to complete a pension partner waiver giving up any right to a lifetime survivor benefit.

### Single Lifetime (No Guaranteed Term)

This option is the Normal Form of pension for members without a **pension partner** or whose **pension partner** has completed a pension partner waiver. This pension option is paid to the member for as long as they live. No further payments will be made after the member's death.

### Single Lifetime Guaranteed at Least 5 Years

This option will be paid for the member's lifetime. If the member passes away before the end of the guaranteed term of 5 years, a benefit will be paid to their designated **beneficiary**(ies) or estate. The **beneficiary**(ies) will have the option to choose between continuing to receive their share of the monthly pension payable for the remainder of the guaranteed term or receiving a one-time payment of the lump sum present value of those monthly pension payments

### Single Lifetime Guaranteed at Least 10 Years

This option will be paid for the member's lifetime. If the member passes away before the end of the guaranteed term of 10 years, a benefit will be paid to their designated **beneficiary**(ies) or estate. The **beneficiary**(ies) will have the option to choose between continuing to receive their share of the monthly pension payable for the remainder of the guaranteed term or receiving a one-time payment of the lump sum present value of those monthly pension payments

### Single Lifetime Guaranteed at Least 15 Years

This option will be paid for the member's lifetime. If the member passes away before the end of the guaranteed term of 15 years, a benefit will be paid to their designated **beneficiary**(ies) or estate. The **beneficiary**(ies) will have the option to choose between continuing to receive their share of the monthly pension payable for the remainder of the guaranteed term or receiving a one-time payment of the lump sum present value of those monthly pension payments.

# Member Handbook

## Cost-of-Living Adjustments

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The Plan provides a cost-of-living increase to help offset the impact of inflation. Increases are applied in relation to periods of deferral and to all pensions in pay.

For members who **terminated** from the Plan before April 1, 2009, deferred pensions and pensions payable are increased each year on January 1 by an amount equal to 60% of the average increase to the Alberta Consumer Price Index.

For members who **terminated** from the Plan after March 31, 2009, deferred pensions and pensions payable are increased each year on January 1 by an amount equal to 100% of the average increase to the Alberta Consumer Price Index.

For members who **terminate** from the Plan part-way through a calendar year, the cost-of-living increase for that year is prorated based on the number of complete months between the termination date and the end of the year.

## Disability Benefits

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Members in receipt of benefits from the Long-Term Disability Income Continuance Plan remain a member of the Plan and continue to accrue pensionable service.

## Disability Pensions

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If a member is disabled and not in receipt of benefits from the Long-Term Disability Income Continuance Plan, they may be eligible for a disability pension.

Disability pensions may commence at any time prior to an eligible **vested** member attaining age 55.

- A **vested** member that has **terminated** from the Plan and satisfies the Judicial Council that they are totally disabled as they are suffering from a physical or mental impairment that can reasonably be expected to last for the remainder of their lifetime and that prevents them from engaging in the duties of a **Judge** is eligible to commence a total disability pension, which provides for an early unreduced pension.
- A **vested** member that has **terminated** from the Plan and satisfies the Judicial Council that they are partially disabled as they have become incapable of effectively performing the regular duties of their work as a result of mental or physical impairment is eligible to commence a partial disability pension, which provides for an early reduced pension.



# Member Handbook

## Disability Pension Upgrades and Downgrades

Members in receipt of a partial disability pension who, prior to age 55, are reassessed as being totally disabled are eligible to have their partial disability pension upgraded to a total disability pension. Members in receipt of a total disability pension who, prior to age 55, are reassessed as being partially disabled will have their total disability pension downgraded to a partial disability pension.

Prior to age 55, if a member in receipt of a partial or total disability pension is reassessed as no longer being disabled, payment of the disability pension will cease. Upon reaching age 55, a member whose disability pension has ceased will be eligible to apply to receive a non-disability pension.

## Death Before Retirement

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If a member passes away before they begin collecting their pension, the Plan will pay a benefit to either their **pension partner**, designated **beneficiary**(ies), or estate, as applicable. If the member has a **pension partner**, they receive special protection under the Plan and are automatically the only **beneficiary** if the member passes away before they begin collecting their pension.

If a member does not have a **pension partner**, a death benefit will be payable to their designated **beneficiary**(ies) or estate. The death benefit will depend on the member's age and whether they were **vested** at the time of death.

### Death Benefit Payable to a Pension Partner

If a member passes away before they are **vested**, their **pension partner** will receive an amount equal to the member contributions with interest.

If a **vested** member passes away before commencing to receive a pension, their **pension partner** can choose to receive a lifetime survivor pension. Alternatively, the **pension partner** can choose to receive a term-certain benefit payable for 5, 10 or 15 years, or the corresponding lump sum present value of one of the term-certain options. No early retirement reduction will be applied in the determination of the survivor benefits payable to the **pension partner**.

### Death Benefit Payable to a Designated Beneficiary or Estate (No Pension Partner)

If a member passes away before they are **vested**, their designated **beneficiary(ies)** or estate will receive an amount equal to the member contributions with interest.

If a **vested** member passes away before age 55, their designated **beneficiary(ies)** or estate will receive the member contributions with interest.

If a **vested** member passes away after age 55 and before commencing to receive a pension, they will be deemed to have chosen the *Single Lifetime Guaranteed at Least 10 Years* pension option.

# Member Handbook

Their designated **beneficiary(ies)** will be entitled to receive a monthly pension, commencing the day after death, for the duration of the 10-year guaranteed term. Alternatively, the **beneficiary** may choose to be paid the lump sum present value of those monthly pension payments.

It is very important to keep **pension partner** and **beneficiary** information up to date. The Plan encourages members to update designated **beneficiary** information directly online through Your Pension Profile at [jpp.apsc.ca](http://jpp.apsc.ca). Alternatively, the *Designation of Beneficiary(ies)* form can be completed and returned to the Plan. Please contact APS immediately in the event of a marriage, divorce or separation.

## Death After Retirement

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After a member's death, the amount of the survivor pension, if any, will depend on the type of pension option chosen at retirement. Therefore, it is beneficial to keep a copy of the completed *Retirement Benefit Statement* with your records to assist your family or executor. This provides a record of the member's account under the Plan and awareness of what happens to the pension benefit after the member's death.

At retirement, the explanation of benefits included in the *Retirement Benefit Statement* explains the pension options in detail and includes information about the survivor benefit features of each option.

## Review of Administrative Decisions

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A person, aggrieved by a decision arising out of the administration of the Plan, may appeal that decision by serving the Minister with a notice of appeal within 30 days of being notified in writing of the decision appealed against. The notice of appeal must specify the decision appealed against and the grounds of appeal. Within 30 days of being served the notice of appeal, a three-member appeal board will be appointed by the Minister to hear the appeal. The appeal board may confirm, vary or vacate the decision.

The appeal board, appointed by the Minister, will consist of:

- one member nominated by the Minister of Justice and Solicitor General
- one member nominated by the Alberta Provincial Judges Association; and
- one member appointed on the joint nomination of the two members noted above.

## Glossary

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**Actuarial Upgrade** Actuarial upgrade provides for an increase to a member's pension at commencement such that the amount payable is actuarially equivalent to the amount that would have been payable had the member chosen to commence their pension on the earliest date they became eligible to receive an unreduced pension.

Actuarial upgrade is applied to the benefit associated with service prior to 1992, for the period during which a pension is deferred, between:

- the later of the date the member was first entitled to an unreduced pension, or the date the member **terminated** from participating in the Plan, and
- the actual pension commencement date.

The benefit on pensionable service after 1991 is not eligible for actuarial upgrade.

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**Applications Judge** For the purposes of the Plan, this refers to an Applications Judge appointed under the *Court of King's Bench Act*.

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**Beneficiary** When a member passes away, their beneficiary(ies) may be entitled to receive death benefits. If a member has a **pension partner**, they are automatically first in line for any death benefits if the member dies before commencing to receive a pension.

If a member is not survived by a **pension partner**, a beneficiary is the person(s) or charitable organization the member designates to receive a benefit if they pass away as an active or deferred member, or after starting to receive a pension if that pension has a guaranteed term that has not yet expired. If a member does not designate a beneficiary, the benefit will go to their estate. Choosing and changing designated beneficiaries can be a significant part of financial and estate planning. This should be done in consideration of the terms of an existing or future will, and of any existing beneficiary designations previously made.

- If a member would like to designate a minor who is under 18 years of age as a beneficiary, it is recommended to name an adult over the age of 18 as trustee.

If a member chooses to designate the beneficiary(ies) of any Judges Pension Plan benefit entitlement using a will instead of the *Designation of Beneficiary(ies)* form, the designation must specifically relate to the Judges Pension Plan benefit.

# Member Handbook

## Highest Average Capped Salary (HAC)

The maximum average **salary** set with reference to the Judges Registered Pension Plan in order to ensure that the benefit related to pensionable service after 1991 does not exceed the Income Tax Act defined benefit limit.

For members that **terminated** on or after April 1, 2006, the average of the capped salaries in the three consecutive years over which the **salary** cap was the highest.

The following periods are considered in determining a member's HAC:

- a) the member's pensionable service; and
- b) any further service that would be pensionable but only for that service occurring in the period between the **maximum benefit accrual date** and the **latest pension accrual date**.

Partial years are considered if pensionable service credit in the year is less than 1.0000. If a member has fewer than three years of pensionable service, the salary caps associated with all years of pensionable service will be considered.

### Example:

Year End >	03/31 2018	03/31 2019	03/31 2020	03/31 2021	03/31 2022
Salary Cap (\$) >	146,092.00	148,222.00	152,100.00	156,501.00	164,429.00
Salary (\$) >	296,382.00	302,304.00	309,500.00	318,500.00	318,500.00

**HAC = \$157,677.00**

# Member Handbook



**Highest Average Salary (HAS)**

For members that **terminated** on or after April 1, 2006, the average of the member’s annual salaries in the three consecutive years over which salaries were the highest. The following periods are considered in determining a member’s HAS:

- a) the member’s pensionable service; and
- b) any further service that would be pensionable but only for that service occurring after the **maximum benefit accrual date**.

Partial years are considered if pensionable service credit in the year is less than 1.0000. If a member has fewer than three years of pensionable service, the **salary** associated with all years of pensionable service will be considered.

**Example:**

Judges have salaries that are prescribed by the *Provincial Judges and Applications Judges Compensation Regulation*, (AR 176/1998).

Note: the following example reflects the prescribed **salary** of a non-administrative Judge. Administrative Judges will have their prescribed **salary** increase reflected in the highest average salary calculation.

<b>Year End &gt;</b>	<b>03/31 2018</b>	<b>03/31 2019</b>	<b>03/31 2020</b>	<b>03/31 2021</b>	<b>03/31 2022</b>
<b>Salary (\$) &gt;</b>	296,382.00	302,304.00	309,500.00	318,500.00	318,500.00

**HAS = \$315,500.00**

**Judge**

For the purposes of the Plan, a Judge is defined as a Judge under the *Court of Justice Act* and includes a Chief Justice, Deputy Chief Justice and an Assistant Chief Justice, or an **Applications Judge** appointed under the *Court of King's Bench Act*; but does not include a supernumerary Judge of the Court of Justice or a part-time Judge, ad hoc Applications Judge, half-time Applications Judge or part-time Applications Judge.

**Judicial Service**

Judicial service refers to periods as, or otherwise occupying the position of, a Judge.

# Member Handbook

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## Latest Pension Accrual Date

December 31 of the year that a member attains age 71 is the last date as of which a participant of the Judges Registered Pension Plan is permitted to accrue pensionable service under the *Income Tax Act*. Members who are active participants in the Plan after this date will continue to make contributions and accrue pension benefits under the Judges Unregistered Pension Plan unless or until they have reached their **maximum benefit accrual date**. Where a member remains an active participant in the Plan after their latest pension accrual date, their pension commencement date must be the day following their termination from the Plan. Members must commence their benefit from both the Judges Registered Pension Plan and the Judges Unregistered Pension Plan components on the same date.

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## Maximum Benefit Accrual Date

The maximum benefit accrual date is the date a member attains a maximum benefit accrual percentage of maximum benefit accrual percentage of 70. Contributions to both the Judges Registered Pension Plan and the Judges Unregistered Pension Plan cease when the member reaches the maximum benefit accrual date.

### Example:

Member commenced April 1, 1995:

April 1, 1995 – March 31, 1998:  $3 \times 2\% = 6\%$

April 1, 1998 – March 31, 2000:  $2 \times 2.67\% = 5.34\%$

April 1, 2000 – October 19, 2019 =  $19.5533 \times 3\% = 58.66\%$

Total service: 24.5533, total benefit = 70% benefit limit

**Salaries** associated with the period after a member reaches their maximum benefit accrual date will be considered in determining the **highest average salary** used to calculate the Judges Unregistered Pension Plan benefit, and if applicable, the **highest average salary** and **highest average capped salary** used to calculate the Judges Registered Pension Plan benefit.

Members that reach their maximum benefit accrual date must still **terminate** their active participation in the Plan before they are eligible to commence to receive a benefit from the Plan.

# Member Handbook

## Nominee

The person a member names at pension commencement to receive the lifetime survivor benefit on a joint lifetime pension upon the member's death. In alignment with the *Income Tax Act* and the plan rules, a nominee can be a:

- current spouse who is the **pension partner**,
- current spouse who is not the **pension partner** because of a separation of three or more years,
- former spouse,
- current common-law partner who is the **pension partner**,
- current common-law partner who does not meet the plan rule definition of **pension partner**, or
- former common-law partner.

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## Pension Partner

A “pension partner” is:

- (i) a person who, at the relevant time, was married to a participant or former participant and
  - (A) was not judicially or otherwise separated from him or her, or
  - (B) if so separated, was wholly or substantially dependent on him or her,
- (ii) if there is no person to whom subclause (i) applies, a person who, as at and up to the relevant time, had lived with the participant or former participant in a conjugal relationship
  - (A) for a continuous period of at least 3 years, or
  - (B) of some permanence, if there is a child of the relationship by birth or adoption,and was, during that period or that relationship, as the case may be, held out by the participant or former participant in the community in which they lived as being in that conjugal relationship, or
- (iii) if there is no person to whom subclause (i) or (ii) applies, a person who was married to but separated from the participant or former participant and not wholly or substantially dependent on him or her at the relevant time.

# Member Handbook

## Salary

The applicable salary is set out under *the Provincial Judges and Applications Judges Compensation Regulation, (AR 176/98)*, as amended, or any predecessor of that regulation.

For members receiving Long-Term Disability Income Continuance or those who are on a leave without salary, it is the salary that the member would have received had that person remained in active **judicial service** in the capacity in which he or she served immediately before becoming disabled or going on leave without salary, as the case may be.

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## Terminate

A member ceases active membership in the Plan when they cease to be a **Judge**.

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## Vested

If a member has earned two\* or more years of pensionable service they are considered vested in the plan and entitled to a lifetime pension at pension commencement.

\* Prior to April 1, 2013, members were required to accumulate at least five years of pensionable service to be vested.

Members of the Plan are vested immediately if they are contributing to the Plan on or after December 31 of the calendar year they reach age 71.

Whether a member is vested will also impact the benefits payable in the event that they pass away prior to interest are transferred to a pension commencement.