



Baden-Württemberg

LANDESAMT FÜR BESOLDUNG UND VERSORGUNG

Merkblatt zum Altersgeld – Information Sheet on Old-Age Benefits

The legal basis for the payment of old-age benefits (Altersgeld) and survivors' benefits (Hinterbliebenengeld) is defined in the third part of the act on civil service benefits of the Land of Baden-Württemberg (*Landesbeamtenversorgungsgesetz, LBeamtVGBW*).

What requirements do I need to fulfill to be entitled to old-age benefits?

If the civil servant status ends due to dismissal, there is no entitlement to a civil service pension. Civil servants who *requested* dismissal from their civil servant status keep their pension entitlement, i.e. they are granted old-age benefits instead of a supplementary insurance (Nachversicherung). If the requirements for old-age benefits 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 Book VI of the Social Code (*Sechstes Buch Sozialgesetzbuch, SGB VI*) for the duration of their 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 requested to be dismissed from their civil servant status are entitled to old-age benefits, 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 benefits.

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

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

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

- You do not need to apply for the determination of 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 benefits. In this case, supplementary insurance will be taken out. The declaration of waiving the right to receive old-age benefits is irrevocable!
- You need to inform the payment office (Zahlstelle) about waiving your right to receive old-age benefits within one month after your civil servant status ends.

How is the old-age benefit calculated?

The old-age benefit is calculated according to the same rules as the civil service pension by taking into account relevant remunerations and periods of service.

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

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

Remunerations to be taken into account for determining the entitlement to old-age benefits 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 benefits, family benefits are not taken into account.

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

Old-age benefits are adjusted dynamically in line with your pension adjustments.

Example of the calculation of old-age benefits:

Professional career:

Military service	1 year
Studies	4 years
Civil servant on probation	2 years
Employee in public service	5 years
Civil servant with life tenure	15 years

Periods of service to be taken into account for determining the entitlement to old-age benefits:

- 0 years (taken into account in the DRV)
- 0 years (period not to be taken into account)
- 0 years (supplementary insurance with DRV)
- 0 years (period not to be taken into account)
- 15 years (period to be taken into account)
- *The waiting period in the statutory pension insurance scheme has been fulfilled.*
- *DRV = German statutory pension insurance provider (Deutsche Rentenversicherung)*

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

Calculation of the entitlement to old-age benefits:

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

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

Consequently, in case of a remuneration of EUR 3,500 to be taken into account for determining the entitlement to old-age benefit, your old-age benefit payment is 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 receive old-age benefits 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 do I need to keep in mind if I receive old-age benefits?

- As a rule, old-age benefits are not deducted from any payments from other pension schemes.
- The entitlement to old-age benefits cannot be compensated.
- If a person requests their 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 benefits?

- The survivors of a former civil servant with an entitlement to old-age benefits receive survivors' benefits in line with the regulations of the laws on survivors' pension.
Survivors' benefits include:
 - the remuneration for the month of death,
 - widow/widower benefits,
 - widow/widower compensation,
 - orphans' pension.
- Survivors' benefits are calculated on the basis of 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 benefits, double orphans receive 20 percent, and single orphans receive 12 percent.
- There is no entitlement to a minimum amount of widow/widower benefit or orphan's pension.
- Funeral benefits are not granted.
- In case of remarriage, survivors' benefits are compensated with a one-time payment 24 times worth the monthly amount.

When are old-age benefits paid?

Determination of the entitlement:

- The entitlement to old-age benefits 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. If there is a reason for deferral, the entitlement arises once the reason ceases to exist.
- The 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 system after your entitlement to old-age benefits was determined, the old-age benefit is redetermined without taking into account these periods.
- The regular payment of old-age benefits is suspended until the end of the month in which the civil servant has reached the legal age to draw their pension according to SGB VI.

Begin of benefit payment:

- The regular payment of old-age benefits begins when the civil servant reaches the legal age to draw their pension according to SGB VI. In case old-age benefits are claimed earlier, the benefit payment is reduced by an advance.

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- Old-age benefits are only granted upon request. The request must be submitted to the payment office. Old-age benefits must be requested within three months after the end of suspension of the entitlement to old-age benefits. In case old-age benefits are requested after more than three months, old-age benefits are 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 benefits or survivors' benefits are to be reduced accordingly, if applicable.

Sincerely,
Landesamt für Besoldung und
Versorgung Baden-Württemberg