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Public Employee Pension Forfeiture Act

The right of a person to receive any retirement benefit from PSERS is subject to forfeiture as provided by the Public Employee Pension Forfeiture Act ("Forfeiture Act"). The law mandates that all service and benefits payable to a PSERS member be forfeited if the member is found guilty of, or enters a plea of guilty or nolo contendere to, any crime identified in the Forfeiture Act, when the crime is committed through the member's position as a public employee or official or when the member's public employment places the member in a position to commit the crime(s).

All Pennsylvania criminal offenses that are classified as felonies or punishable by a term of imprisonment exceeding five years are forfeitable offenses. Several misdemeanor crimes also are forfeitable offenses. By way of example, the list of forfeitable Pennsylvania crimes includes, but is not limited to: theft by unlawful taking or disposition; theft by deception; theft of services; theft by failure to make required disposition of funds received; forgery; tampering with records; bribery; perjury; misapplication of entrusted property and property of government or financial institutions; tampering with public records or information; criminal attempt, solicitation and conspiracy; murder; voluntary manslaughter; involuntary manslaughter; aggravated assault; retail theft; identity theft; corruption of minors; unlawful contact with minor; distribution of computer virus; bomb threats; and the sexual offenses listed in Chapter 31, Subchapter B of the Pennsylvania Crimes Code.

In addition, any crime set forth in Federal law or the laws of any other state is a forfeitable offense, if the crime is substantially the same as any forfeitable Pennsylvania crime. **Employers, therefore, are required to notify PSERS when they become aware that one of their employees is charged with a forfeitable offense.**

Upon forfeiture, a member is entitled to a return of the member's DB contributions without interest. A member's DB contributions and interest shall be used to pay any court-ordered restitution, provided the monies have not been withdrawn by the member prior to forfeiture. If a member is receiving a benefit, the member will owe PSERS any amounts that were paid to the member after forfeiture. Forfeiture is not stayed or affected by the filing of an appeal or an attack on a plea, verdict, or order.

Pension Forfeiture (DC Plan)

The right of a person to receive any retirement benefit from PSERS is subject to forfeiture as provided by the Forfeiture Act (refer to Pension Forfeiture Overview section). A member forfeits all accumulated employer contributions and investment earnings, if any, on those contributions in the member's DC account. A member's contributions to the DC Plan, including all mandatory employee, voluntary contributions, and all amounts rolled-over into the DC plan with all investment earnings, if any, on all such contributions, shall be available for restitution.

If you need additional information about the Pension Forfeiture Act and how it relates to PSERS retirement benefits, or need to report a potential pension forfeiture matter to PSERS, please contact your PSERS' Employer Service Center representative.

This article is intended to give a general overview of the Pension Forfeiture Act. To the extent there is a conflict between what is stated here and the Pension Forfeiture Act, the terms of the Pension Forfeiture Act, the Retirement Code, and PSERS' administrative interpretations and court decisions will govern the payment of benefits, and not any conflicting statements made in this article.

Keep Your Contacts in ESS Updated

It is the responsibility of the employer to designate an individual who will be responsible to set up and maintain user accounts in the Employer Self-Service (ESS) Portal. Usually this will be the staff member with the “Monthly Reporting” role, as they enter ESS more than most. PSERS recommends there be at least three staff members with access to the ESS Portal just in case the primary staffer is suddenly unavailable. This will ensure that there are no gaps in reporting or payments to PSERS.

It is essential to keep all contacts’ information up to date, including their email address and assigned ESS Role. MFA security log-in uses the information from employer contacts to identify and secure users. If any of their information is incorrect or not updated, it could prohibit their entry to ESS.

How to Remove a Contact

If any staff member with ESS access leaves district employment or changes to another position that does not require access, this person’s access to the system needs to be deactivated by sending an account deletion request using the *PSERS Employer Security Authorization (PSRS-1270)* form.

To remove a contact’s ESS access, fill out the *PSERS Employer Security Administrator Authorization* form and check the box marked “Delete” next to PSERS (and Voya if contact has Voya access). Once the form is completed, it may be faxed to PSERS at 717.772.3860.

It is the responsibility of the employer to end date the contact’s “Role” on the Employer Information page, as PSERS does not know the staff member’s last day of employment with the district. Contacts may be filtered on the Employer Information page by Name or Role, making it easier to locate the contact to be end dated. Double click on the contact to edit dates.

How to Add a Contact

To establish the new contact, fill out the *PSERS Employer Security Administrator Authorization (PSRS-1270)* form

and check the box marked “Create” next to PSERS (and Voya if contact requires Voya access). Once the form is completed, and the User Certification and Employer certification sections are signed, it may be faxed to PSERS at 717.772.3860.

If the new contact is urgent, contact your ESC Representative or PSERS’ Employer Service Center by telephone at 1.866.353.1844.

The employer should create the new contact in ESS under the Employer Information page before submitting the *PSERS Employer Security Authorization* form for access. To add a new contact the employer will click “add Contact” and follow the wizard to complete the next five screens.

Important Note When Updating Contact Roles and Email Addresses

When employers are updating contact roles, keep in mind each “Role” may only have one staff member assigned. Each contact should be assigned the “Role” closest to their responsibilities. In a case where access is required but there is no corresponding “Role,” select a “Role” that is not assigned to another contact.

If an employer is replacing one contact with another in the same “Role,” a stop date for the contact in that “role” will need to be entered prior to adding the new contact for that role.

Example: Your new staff person Betty will be taking the Monthly Reporting role. Crystal is currently listed as the Monthly Reporting contact. You must update Crystal’s contact information by entering a stop date before you enter Betty as a new contact for this role.

Employers should update email addresses and phone numbers for all contacts as they change, keeping in mind that this information is vital for the MFA security login.

Generate Your Total Service Credit Report On-Demand

Through Employer Self-Service (ESS) employers can generate a report of the total credited PSERS service as of the end of the previous fiscal year (2021). This on-demand report includes the member’s rate, class, and qualification status. The report should be generated for your records at least once every year, typically in December. You can also run this report as needed throughout the year.

After-Tax Contributions to the DC Plan

PSERS members in Class T-G, Class T-H, and Class DC can elect to make voluntary after-tax contributions to the Defined Contribution (DC) component of their benefit directly with Voya. So, how will this impact your payroll submissions? Here's what you need to know about the process and using the Voya Data Gateway for uploading after-tax contributions.

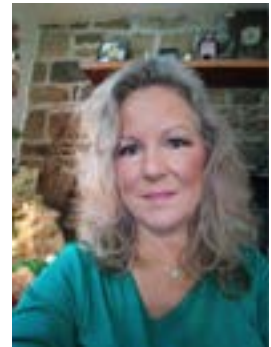
- If an employee with an after-tax contribution elects to stop making those contributions, you will receive the Voya Data Gateway error deferral rate not on file when submitting the after-tax contribution. If you have an after-tax contribution that was taken before the employee stopped the after-tax election, you must call the Employer Payroll Help Line at 1.877.806.5652 weekdays from 9:00 a.m. – 5:00 p.m. to have the work order manually processed.
- Voya's system validation will look for the max amount of ATC that can be remitted to Voya. To confirm, the maximum amount of an ATC is determined by multiplying [RCC less contributions] times [the elected ATC percentage]. However, because of deductions of "mandated contributions," the amount remitted could be a smaller amount.
- If an Employer fails to make a mandated deduction prior to an ATC, no adjustment will be made by the employer to the participant's account with Voya. The Employer will be solely responsible for the error and will not be permitted to recoup the money for the participant's account with Voya.

For additional questions about submitting after-tax contributions through the Voya Data Gateway or to address payroll upload errors of after-tax contributions, please contact the Employer Payroll Help Line.

August's refresher training session from PSERS and Voya Financial on the PSERS DC Plan payroll submission process has also been posted online. The presentation will assist you with the upload and submission process. Please visit <https://voyadelivers.com/psers/refresh-training.html> to watch the presentation on-demand at any time.

Introducing Employer Service Center Supervisor

ESC is excited to announce the promotion of ESC Region 7 Representative, Lynn Wadley, to Regional Office Administrator. Lynn came to PSERS three years ago from the Pennsylvania Municipal Retirement System (PMRS) where she developed a passion for helping members and employers achieve their pension goals. Lynn has been serving Region 7 employers with enthusiasm and enjoys educating and training employers. "PSERS reporting isn't always an easy task. My favorite part of the day is my ESC Help line phone shift. This is where I get to help employers navigate ESS and simplify their job" stated Lynn of her regional responsibilities. "I look forward to assisting employers on a new level and helping the entire ESC team love their job!"



Prior to working for PMRS, Lynn served as a Public Relations and Marketing Director for several industries across the state. Her background includes the Pennsylvania Department of Agriculture, The Governor's Heritage Affairs Committee, Penn National Thoroughbred Horse Racetrack, and what is now Xfinity Cable Company. "Changing industries allowed me to develop a wide array of knowledge." explains Lynn. "I have always loved a challenge and learning new things so this new position is just another avenue for growth!"

Lynn enjoys her extended, blended family and spends as much of her free time in their company as possible. In addition to family time, Lynn takes time to play with her two fur babies and helps with chores on the farm. Crafting of all kinds rounds out her spare time.

Please help PSERS and ESC congratulate Lynn on her promotion.