



Employees' Retirement System Communicator

August 2012

No. 8

From the Desk of the ERS Manager

Hello Milwaukee County Retirees!

Summer is winding down. I hope you have had plenty of opportunity to enjoy all of the benefits this time of year offers — festivals, outdoor concerts, flowers, and my favorite, the smell of freshly mowed lawns. As fall approaches, we are beginning to prepare for end of year activities. Open Enrollment is just around the corner.

Planning for and discussing death with our loved ones is not easy for most people. The hard fact is eventually we are all going to die. And, there are ways you can spare your family additional pain and heartbreak. A friend of mine (an attorney) passed away unexpectedly a couple of weeks ago. He had always talked about what he wanted done with his prized sports memorabilia and artwork. The problem? He never put anything in writing. The probate court will now decide how his estate will be divided. The article “Where There’s a Will — What You Need to Know” offers valuable information you can use to have your plan in place.

If you have dependents covered under our health plan, you likely have received communication from ACS HR Solutions (ACS). If you have questions regarding the information they are requesting on behalf of Milwaukee County, **please contact ACS at 1-855-471-4834**. Additional information regarding the Dependent Eligibility Verification is on Page 4.

Please call our office at any of the numbers listed in the shaded box to the left if you have questions regarding your pension or healthcare benefits. We are here to help!

Marian Ninneman
ERS Manager

WHERE THERE’S A WILL – WHAT YOU NEED TO KNOW

What do famed artist Pablo Picasso, U. S. Congressman and former entertainer Sonny Bono, eccentric billionaire Howard Hughes, rock guitarist Jimi Hendrix, murdered NFL quarterback Steve McNair and our nation’s 16th President Abraham Lincoln have in common? They all died “intestate” – without a valid will. Even the rich, famous and powerful can fail to plan ahead when it comes to their estate.

This situation isn’t unusual. According to AARP, 2 out of 5 Americans over the age of 45 don’t have a will. It may be natural to feel somewhat uncomfortable about writing one. You are not only acknowledging your own mortality but actually planning for it. But a will is the most practical first step in estate planning; it makes clear how you want your property to be distributed after you die. *The Communicator* has compiled some basic information you should know about writing a will.

What is a will?

A will is a legal document in which you (the **testator**) declare who is to receive your property at death, who will administer your estate and, if applicable, appoints trustees and guardians. Your estate can consist not only of accounts and assets with high monetary worth but also

Contact Information

Employees’ Retirement System

From the Milwaukee
area: 414-278-4207
Toll Free: 877-652-6377
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Life & Health Benefits

Phone: 414-278-4198.
Email: bene-fits@milwcnty.com

New Retirees

Marion Anderson
Christine Buch
John Davis
Ruby Dillon
Jean Donkle
Linda Dotson
David Echols
Jan Eder
Mary Hagie
James Hennen
Hildred Holley
Peter Jaskulski
Christopher Keen
Stanley Konegni
Gail Mason
Pamela Miller
Bridget Murray
Rai Nelson
Brenda Nembhard

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small items and memorabilia that might have only sentimental value. The person (or persons) named to manage your estate is called the **executor**.

All wills must meet certain legal requirements to be considered valid. These can vary from state to state.

Property that has named beneficiaries, like insurance policies and retirement accounts, generally are not covered by a will. You should have designated beneficiaries when you took out the policies or opened the accounts. Be sure you keep these beneficiaries up to date because the person who is named will receive these assets regardless of what you say in your will.

What happens if you die without a will?

If you die without a valid will, you become **intestate**. That means your estate will be settled based on the laws of your state of residence at death. Each state has laws that outline who inherits what. For example, most states have a "pecking order" of spouse, children, siblings and other relatives as heirs. But who gets what and by what percentage varies by state. **Probate** is the legal process of transferring the property of a deceased person to the rightful heirs. The probate court has the authority to take inventory, make appraisals of property, settle outstanding debt and then distribute remaining assets of an estate.

When you die intestate, the court appoints an independent **administrator** to serve as executor. The administrator must comply with the probate laws of your state and, in doing so, may make decisions that wouldn't necessarily reflect your wishes or those of your heirs.

Do you need an attorney to prepare your will?

As long as your will meets the legal requirements of your state, it is valid whether a lawyer drafted it or you wrote it yourself. In most states, you must be a minimum of 18 years of age and the document must clearly state that it is your will. A will's author must have exhibited sound judgment and mental capacity at the time the document was written. "Do-it-yourself" will kits can be found both online (i.e. legalzoom.com) and in bookstores. Will-writing guides are available in many libraries. While not required, an experienced attorney can also provide useful advice on other estate planning strategies that may benefit you and your heirs. Such a consultation may be beneficial depending on your circumstances.

Who should act as witness to a will?

Generally, a will must be signed in the presence of at least two witnesses who will also sign the document. Any person can act as a witness to your will. It is preferable to select a **disinterested witness** (someone who is not a beneficiary) so there is no potential for a conflict of interest if your will is challenged in probate court.

Consider having your witnesses sign a **self-proving affidavit** in the presence of a notary to go along with your will. This document will allow a probate court to easily accept it as your true will. The self-proving affidavit makes it unnecessary for your witnesses to appear in court to affirm your will's validity after your death. This could save your beneficiaries and witnesses considerable inconvenience.

Where should you keep your will?

A probate court requires your original will, not a copy, before it will process your estate, so it is important to keep the document safe yet accessible. A bank safe deposit box is a logical choice but make sure you are not the only

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one who can get into it. Otherwise your family might need to obtain a court order to gain access. Another alternative is a fireproof/waterproof safe in your home — but make sure your executor knows the combination or has a key.

What does it mean to contest a will?

Contesting a will refers to challenging the legal validity of all or part of the document. Anyone who wants to contest (or revise) a will in probate court must establish one of the following four legal grounds:

<u>Undue influence.</u>	Was the deceased unduly pressured by someone to change the will to benefit them?
<u>Fraud or coercion.</u>	Was the will's author tricked or intimidated into signing the will as written?
<u>Improper execution.</u>	Was the will prepared or executed properly under the laws of the state in which it was created?
<u>Lack of capacity.</u>	Was the author of sound mind at the time that the will was written?

The key to successfully contesting a will is finding legitimate legal fault with it. The chances of success are generally slim. The best defense is a clearly drafted and validly executed will.

What are other estate planning documents you should consider?

In addition to a will, the following documents should be completed given the possibility you may become incapacitated in the future.

<u>Living Will:</u>	specifies your wishes for medical care in the event that you become incapable of making or communicating those wishes.
<u>Power of Attorney:</u>	authorizes someone of your choosing to make financial decisions on your behalf.
<u>Health Care Power of Attorney:</u>	authorizes someone of your choosing to make health care decisions on your behalf.

Since forms and laws vary from state to state, it's essential to understand the laws of the state where you live.

A will is important because it enables you to specify not only which assets you want to give and to whom, but also who you want to administer your estate. If you don't have a will, you're risking unwanted outcomes and potential expense and hassles for your heirs. Documenting your preferences now could make a big difference for them as well as help ensure that your legacy is handled according to your wishes.

Benefits Update

Dependent Eligibility Verification

As part of Milwaukee County's ongoing efforts to control cost increases under the health plan provided to employees and retirees, Milwaukee County has partnered with ACS HR Solutions (ACS) to conduct a dependent eligibility verification. Dependent eligibility verification is a process that verifies the eligibility status of dependents currently participating in Milwaukee County's health benefit plan. This step will assist in our obligation to administer our benefit plan accurately by ensuring that plan participants are covering only those individuals who meet the plans' definition of eligible dependents.

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If you are currently enrolled in family medical coverage, on August 17th, 2012 an eligibility verification packet was mailed to the home address we have on file. If you have questions regarding the packet of information you received or if you have not received your packet by Friday August 31st, **please contact ACS at 1-855-471-4834.**

MEDICARE PREMIUM REIMBURSEMENT REMINDER

Employees hired before 1/1/1994 who retire with at least 15 years of Milwaukee County pension service credit are **generally** eligible for County-paid health insurance and reimbursement for the cost of Medicare Part B premiums. (This provision may vary for former bargaining unit employees and non-represented employees who retired after March 31, 2011) If you are eligible for Part B premium reimbursement and/or you are required to pay anything other than the standard Medicare Part B premium, it is your responsibility to notify the Division of Employee Benefits. Premiums will be reimbursed directly on your pension check starting the month after the Division of Employee Benefits is notified in writing.

OPEN ENROLLMENT

The benefits Open Enrollment will be **November 5, 2012 through November 16, 2012**. Milwaukee County will be hosting three informational sessions (dates and times to be determined). Flu shots will be available at the informational sessions to all Milwaukee County Retirees and their covered adult dependents at no cost to the retiree.

New Retirees (Continued from Pg 1)

*Eldora Smith
Joan Smith
Cheri Sonnenberg*

*Jean Tisonik
Russell Yancey*

In Memoriam

Please keep the families of these recently deceased retirees and spouses in your thoughts:

*Cecilia Barron
Lynn Braun
June Brown
Lorraine Kinski
Bernadette Klapinski
Yolanda Konsionowski*

*Colleen Korber
Theresa Moriarty
Russell Moudry
Eileen Novara
Richard Piskula
Gloria Poedel*

*Samuel Rich
James Schaefer
Charles Semmelhack
Eliza Sykes
John Thoennes
Lydia Thorstensen*

*Creasie White
Doris Wilson
Hazel Wilson
Daniel Witkowski
Robert Wojczlis*