PSERS Pension Forfeiture

Year	Cases Investigated	Cases Closed with Forfeiture
2011-Present	354	129
2015-Present	209	89
2020-Present	25	10

Example of Pension Forfeiture Guidance Provided to PSERS Members

Pension Forfeiture

Your career in public education is a noble endeavor. By your example and leadership, you have the power to shape the minds, behaviors, and attitudes of children and adults in your care. But that power does not mean your public retirement benefit is not in jeopardy when you commit a crime.

The Public Employee Pension Forfeiture Act ("Forfeiture Act" or "Act 140") requires the forfeiture of your retirement benefits when you commit a crime in your capacity as a public employee, or when your public employment puts you in a position to commit a crime. PSERS has no discretion with respect to forfeiture.

The list of forfeitable crimes in the law captures all offenses classified as felonies, some misdemeanor crimes, and anything punishable by a term of imprisonment exceeding five years. The list includes, but is not limited to: various theft statutes; 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; bomb thefts; distribution of a computer virus; corruption of minors; unlawful contact with minors; and the sexual offenses listed in Chapter 31, Subchapter B of the Pennsylvania Crimes Code.

The list of forfeitable crimes doesn't stop at Pennsylvania's borders. The Forfeiture Act includes all federal criminal offenses and another state's laws that are substantially the same as any forfeitable Pennsylvania crime.

Committing the crime outside your PSERS-related workplace can also lead to forfeiture. In 2002, the Commonwealth Court found that a member forfeited her PSERS benefits even though her crime was related to her public employment position as a tax collector and not her school employment. Public School Employees' Retirement Board v. Matthews, 806 A.2d 971 (Pa. Cmwlth. 2002). The ruling, cited in other forfeiture cases, states: "Act 140 contains no requirement that the pension benefits that are forfeited be necessarily connected to the public employment related to [the] crime the public employee committed."

Therefore, PSERS reminds you: Don't do the crime if you don't want to lose the time (and your retirement benefit)

PSERS Sources for Tracking Possible Forfeitable Crimes

- PSERS compares the data feed from the Administrative Office of Pennsylvania Courts (AOPC) through the Pennsylvania Justice Network (JNET) against our member database.
- School employers alerting PSERS to possible include pension forfeiture cases via PSERS' Employer Service Center.
- The C.A.R.E. (Communicating Anonymously Retirement Errors) line, a toll-free number which employers can use to inform PSERS on pension-related issues.
- PSERS' Regional Offices – PSERS has seven Regional Offices located strategically throughout the Commonwealth.
- Monthly reviews of The Department of Education Professional Certification Bureau, which lists recent teacher certification actions, including suspensions and revocations on its website.
- Media (newspapers, TV, radio, internet) stories about alleged crimes that could possibly include pension forfeiture cases.

Visit PSERS.PA.GOV for more information on Pension Forfeiture.