



FROM THE DESK OF

JOHN BRAGG
LABOR MEMBER



U.S. Railroad Retirement Board

For Publication
May 2024

Railroad Retirement Spouse Annuities

In addition to the railroad retirement annuities payable to railroad employees, the Railroad Retirement Act, like the Social Security Act, provides for direct payment of spouse annuities to the wives and husbands of retired employees. Divorced spouses may also qualify for annuities.

The following questions and answers describe the annuities payable to spouses and their eligibility requirements. Information regarding divorced spouse annuities begins with Question 9.

1. What are the age requirements for a railroad retirement spouse annuity?

The age requirements for a spouse annuity depend on the employee's age, date of retirement, and years of railroad service.

If a retired employee with 30 or more years of railroad service is age 60 or older, the employee's spouse is eligible for an annuity the first full month the spouse is age 60. Certain early retirement reductions are applied to the spouse annuity if the employee first became eligible for an annuity July 1, 1984, or later and retired at ages 60 or 61 before 2002. If the employee was awarded a disability annuity, has attained age 60 and has 30 years of railroad service, the spouse can receive an unreduced annuity the first full month she or he is age 60, regardless of whether the employee annuity began before or after 2002, as long as the spouse's annuity beginning date is after 2001.

If a retired employee with less than 30 years of service is age 62 or older, the employee's spouse is eligible for an annuity the first full month the spouse is age 62. Early retirement reductions are applied to the spouse annuity if the spouse retires prior to full retirement age. Full retirement age - the earliest age at which someone can begin receiving a railroad retirement annuity that is not reduced for early retirement - is determined by the year a person was born and is gradually rising to age 67, just as for an employee.

2. What if the spouse is caring for a child of the retired employee?

A spouse of a railroad employee who is receiving an age and service annuity (or a spouse of a disability annuitant who is otherwise eligible for an age and service annuity) is eligible for a spouse annuity at **any age** if caring for the employee's unmarried child and the child is under age 18 or a disabled child of any age who became disabled before age 22.

(More)

3. What are some of the other general eligibility requirements for a railroad retirement spouse annuity?

The employee must have been married to the spouse for at least one year, unless the spouse is the natural parent of their child, or the spouse was eligible or potentially eligible for a railroad retirement widow(er)'s, parent's or disabled child's annuity in the month before marrying the employee or the spouse was previously married to the employee and received a spouse annuity.

4. Can the same-sex spouse of a railroad employee file for a railroad retirement spouse annuity?

Yes, if the same-sex spouse meets spouse annuity eligibility requirements and follows application procedures.

5. Can a spouse receive a railroad retirement spouse annuity if she or he also receives a non-railroad retirement benefit based on her or his own work and earnings?

Yes. Some spouses *incorrectly* believe that they cannot receive a railroad retirement spouse annuity if they are also receiving a non-railroad retirement benefit based on their own work and earnings, such as a social security benefit or a public service pension. **While receipt of non-railroad retirement benefits can reduce the amount of a railroad retirement spouse annuity, it is still financially advantageous to file for a railroad retirement spouse annuity.**

6. How are railroad retirement annuities computed?

Railroad retirement annuities are computed under a two-tier formula.

The tier I component of an employee's annuity is based on both railroad retirement credits and any social security credits that the employee has earned. Computed using social security benefit formulas, an employee's tier I component approximates the social security benefit that would be payable if all of the employee's work were performed under the Social Security Act.

The tier II component of the employee's annuity is based on railroad retirement credits only and is comparable to the retirement benefits paid over and above social security benefits to workers in other industries.

The spouse annuity formula is based on percentages of the employee's tier I and tier II amounts. The first tier of a spouse annuity, before any applicable reductions, is 50 percent of the railroad employee's unreduced tier I amount. The second-tier amount, before any reductions, is 45 percent of the employee's unreduced tier II amount.

If a spouse is receiving an age-reduced spouse annuity, age reduction percentages are applied separately to the tier I and tier II components. The maximum reduction is 35 percent. However, the tier II portion of a spouse annuity will not be reduced beyond 25 percent if the employee had any creditable railroad service before August 12, 1983. Age reductions are not applied to spouse annuities based on the spouse's caring for the employee's child.

7. How does a railroad retirement spouse annuity amount compare to a social security spouse benefit rate?

The average annuity amount awarded to spouses in fiscal year 2023, excluding divorced spouses, was \$1,235 a month, while the average monthly social security spouse benefit was \$865.

8. Are spouse annuities subject to offset for the receipt of other benefits?

Yes. The tier I component of a spouse annuity is reduced for any social security entitlement, regardless of whether the social security benefit is based on the spouse's own earnings, the employee's earnings or the earnings of another person. This reduction follows principles of social security law which, in effect, limit payment to the higher of any two or more benefits payable to an individual at one time.

The tier I component of a spouse annuity may also be reduced for receipt of any federal, state or local government pension separately payable to the spouse based on the spouse's own earnings. The reduction generally does not apply if the employment on which the public service pension is based was covered under the Social Security Act throughout the last 60 months of public employment. Most military service pensions and payments from the Department of Veterans Affairs will not cause a reduction. Pensions paid by a foreign government or interstate instrumentality will also not cause a reduction. For spouses subject to a public service pension reduction, the reduction to the tier I component is equal to 2/3 of the amount of the public service pension.

In addition, there may be a reduction in the employee's tier I component for receipt of a public pension based, in part or in whole, on employment not covered by social security or railroad retirement after 1956. If the employee's tier I component is offset for a noncovered service pension, the spouse tier I amount is 50 percent of the employee's tier I amount **after the offset**.

The spouse tier I component may also be reduced if the employee is under full retirement age and is receiving a disability annuity as well as worker's compensation or public disability benefits.

While these offsets can reduce or even eliminate the tier I component otherwise payable to a spouse, they do **not** affect the tier II component potentially payable to that spouse.

9. How do the eligibility requirements and benefits differ for a divorced spouse?

A divorced spouse annuity may be payable to the divorced wife or husband of a retired employee if their marriage lasted for at least 10 consecutive years, both have attained age 62 for a full month, and the divorced spouse is not currently married. A divorced spouse can receive an annuity even if the employee has not retired, provided that they have been divorced for a period of not less than 2 years, the employee and former spouse are at least age 62, and the employee is fully insured under the Social Security Act using combined railroad and social security earnings. Early retirement reductions are applied to the divorced spouse annuity if the divorced spouse retires prior to full retirement age - the earliest age at which someone can begin receiving a railroad retirement annuity that is not reduced for early retirement. Full retirement age for a divorced spouse is gradually rising to age 67, depending on the year of birth.

(More)

A divorced spouse is also eligible for an annuity at any age if caring for the employee's unmarried child and the child is under age 18 or a disabled child of any age who became disabled before age 22, **if the employee is deceased.**

Unlike a regular railroad retirement spouse annuity, the divorced spouse annuity does not have a tier II component. The amount of a divorced spouse's annuity is, in effect, equal to what social security would pay in the same situation (tier I only) and therefore less than the amount of the regular spouse annuity (tier I and tier II). The average divorced spouse annuity being paid in the final quarter of fiscal year 2023 was \$831.58.

10. Would the award of an annuity to a divorced spouse affect the amount of the railroad retirement annuity payable to a retired employee and/or the current spouse?

No. If a divorced spouse becomes entitled to an annuity based on the employee's railroad service, the award of the divorced spouse's annuity would **not** affect the amount of the employee's annuity or the amount of the railroad retirement annuity that may be payable to the current spouse.

11. If both individuals in a marriage were railroad employees, how does that affect the monthly spouse or divorced spouse annuity rate?

If **both** the employee and spouse or divorced spouse started railroad employment **after** 1974, the amount of any spouse or divorced spouse annuity is reduced by the amount of the employee annuity to which the spouse or divorced spouse is also entitled. If **either** the employee and spouse or divorced spouse had some railroad service **before** 1975, the spouse or divorced spouse tier I amount is reduced by the amount of the railroad employee tier I to which the spouse or divorced spouse is entitled. The spouse or divorced spouse tier I amount cannot be reduced below zero. The initial reduction is restored in the spouse tier II amount. Since divorced spouses are not entitled to a tier II component, they are not eligible to have the reduction restored.

12. Are railroad retirement annuities subject to legal partition or garnishment?

Yes. Under a legal partition order, *select* components of a railroad retirement *employee* annuity are characterized as marital property and divided, with a portion of those annuity components being paid on a regular, monthly basis directly to a former spouse, in court proceedings related to divorce or annulment, or spouse, in cases of legal separation.

According to the Railroad Retirement Act, the tier I component of a railroad retirement employee annuity is **not** subject to partition. However, the tier II component of a railroad retirement employee annuity and a railroad retirement supplemental annuity may be subject to partition with a portion of **both** benefits being paid to the former spouse or spouse - unless partition is restricted by the court order to **either** the tier II or the supplemental annuity.

The Railroad Retirement Act also permits payment of a partition award when a railroad employee, whether alive or deceased, is not entitled to a railroad retirement annuity. However, these partition payments may not begin before the month in which the following conditions are met: the employee has completed 10 years of railroad service (or 5 years of railroad service after 1995); the former spouse is age 62; and the employee is also 62, or if deceased, would have been 62.

(More)

Under an order of garnishment, certain percentages of a railroad retirement *employee, spouse, divorced spouse, or survivor* annuity may be subject to legal process (garnishment), up to a maximum percentage amount, **solely** to enforce an obligation for child support and/or alimony payments. Sickness and unemployment benefits paid under the Railroad Unemployment Insurance Act may also be subject to garnishment for this purpose.

13. How can a person get more information about railroad retirement spouse and divorced spouse annuities?

Individuals with questions about railroad retirement spouse and divorced spouse annuities can call an RRB field office toll-free at 1-877-772-5772. Agency field offices also offer in-person service. While persons seeking in-office assistance are encouraged to schedule an appointment with their local field office by calling the agency's toll-free number, individuals without appointments will not be refused service. However, they may be asked to schedule an appointment for a later time if there is no immediate availability. Individuals should bring a photo ID when visiting a field office. Field office addresses can be found by clicking on the **Field Office Locator** tab at **RRB.gov** or by calling 1-877-772-5772. RRB field offices are generally open Monday through Friday from 9:00 a.m. to 3:00 p.m., except for federal holidays.

###