Windfall Elimination Provision (WEP) and Government Pension Offset (GPO)
Frequently Asked Questions

Q1. When did they start?
A. The Windfall Elimination Provision (WEP) was enacted in 1983 but implementation was delayed for a couple of years.

The Government Pension Offset (GPO) was enacted in 1977 and spousal benefit reductions started in December 1982 and were amended to be a lesser penalty in 1983.

Q2. Who does it affect?
A. They affect public service workers who are entitled to a public pension in a public retirement system that is not covered by Social Security.

In California, CalSTRS is not covered by Social Security but CalPERS California state employees are mostly covered by Social Security. The current estimate is 54% of California public employees are affected by either the WEP, the GPO, or both.

Q3. Are there other states where this happens to public employees?
A. Yes. Every state has some public employees affected by the WEP and GPO penalties but the percent affected varies by state. New York has a low percentage of affected workers, while Massachusetts has a very high percentage.

Only 15 states have public school teachers affected by the penalties.

Q4. How much money do I stand to lose?
A. Under the WEP, approximately 50% of your earned Social Security benefit based on your qualified Social Security lifetime earnings. Under the GPO you will lose a portion, and probably all, of the spousal benefit, including the survivor benefit, earned for you by your spouse.

The Social Security payment reduction is $2 for every $3 you receive from CalSTRS defined benefit pension.

Q5. What is CalRTA doing about it?
A. Government Relations Committee representatives are organizing Division members to advocate on a regular basis. The Committee sends out 3 Legislative Alerts each month: Take Action Tuesday, Wake Up Wednesday and Tell Your Legislator Thursday. The alerts
request co-sponsors and action on H.R. 141 and the addition of an amendment for repeal of the WEP and GPO to H.R. 860. The CalRTA Advocacy Action section of the website has been updated to provide copies of Legislative Alerts, how to locate your elected officials, informational handouts and advocacy activities. The Committee meets via virtual meetings each month and the WEP/GPO subcommittee also meets monthly to update and organize advocacy. The WEP/GPO subcommittee is providing a monthly calendar of structured advocacy activities and is organizing a “call to action” week in October.

Q6. Why is it taking so long?
A. Only about 2 million current retirees are affected by the penalties. While this is a large, and growing, number, Congress has not heard from enough affected retirees and senior representative organizations to move them from their normal inertia. We need every affected retiree and their spouse to engage in fighting the penalties. For more information on how you can join the fight, please visit www.calrta.org.

Q7. If it is repealed, will retroactive benefits be paid?
A. Unfortunately, the answer is retroactive benefits probably will not be paid. Congress almost never makes retroactive payments.

Q8. How come nobody told me about this?
A. When Social Security annually mailed member benefit statements there was a couple of sentences that said some public employees might be affected, but they were not specific. However, even this minimal and confusing information is not now easily available because Social Security ended the annual statement mailing after 2011.

As part of the public school teacher hiring process, new teachers have to be told about the WEP and GPO. However, this is a relatively new requirement and many current educators have not been adequately informed.

Q9. What is going on with current legislation?
A. -Two full repeal bills have been introduced: H.R. 141 and S. 521.
-H.R. 3934, modifying the WEP has been introduced.
-Two Social Security reform bills have been introduced that do not include WEP and GPO repeal: H.R. 860 and S. 269.
-CalRTA supports and is actively lobbying to enact H.R. 141 and S. 521. We also are actively lobbying to amend H.R. 860 and S. 269 to include WEP and GPO repeal.