



New York State and Local Retirement System  
Mail completed form to:

NEW YORK STATE AND LOCAL RETIREMENT SYSTEM  
110 STATE STREET - MAIL DROP 5-9  
ALBANY NY 12244-0001

Receipt Date

# Tiers 3, 4, 5 & 6 Loan Application

(For Members Covered by Articles 14, 15 or 22)

## RS 5025-A

(Rev. 6/16)

Please see pages 4 and 5 for instructions on completing this form. We cannot accept faxed loan applications. If you are not sure you are eligible for a loan, please call us toll-free at (866) 805-0990 or (518) 474-7736 in the Albany, New York area.

**You must answer all questions in ink and the application must be signed and notarized, or it will be rejected.**

**① Personal Information**

<b>A. Social Security Number</b>	Registration Number (if known)	<input type="checkbox"/>	Employees Retirement System (ERS)
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="checkbox"/>	Police and Fire Retirement System (PFRS)
Last Name		First Name	
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	
Permanent Mailing Address			
Street Address (Street or PO Box)			Unit or Apt #
<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Street Address			
<input style="width: 100%;" type="text"/>			
City		State	Zip Code
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Home Phone	Work/Cell Phone	Extension	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
<b>B. Address to which you want your check sent (only if different from permanent mailing address)</b>			
<input style="width: 100%;" type="text"/>			
Street Address (Street or PO Box)			Unit or Apt #
<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
City		State	Zip Code
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

**② Required Information– Must be Completed** (See page 3 for instructions)

If you participate in another retirement plan offered through your employer (such as a 457 deferred compensation plan, 403-a qualified annuity plan, 403-b tax sheltered annuity plan or 401 qualified trust), and have an existing loan through that plan, you must disclose this information or this loan application will be rejected. If you have memberships in both PFRS and ERS, and have an existing loan in one System at the time you apply for a loan in the second, you do not have to include this information below. The balances required will be included automatically when you apply for your loan. The Internal Revenue Code requires us to consider these loan balances when we calculate the taxability of a loan from our System. Note that this may result in significant tax consequences on your loan from this System. (See tax information on page 4.)

<b>A.</b> Do you have an outstanding loan balance with your current employer through any of the retirement plans noted above?	
<input type="checkbox"/> No– Go to <b>③</b>	
<input type="checkbox"/> Yes– You must answer the following (If you have loan balances outstanding with more than one employer retirement plan, please provide the combined total of these balances in each section below):	
<b>B.</b> How much money do you currently have invested in the retirement plan(s) from which your loan(s) was issued?	\$ <input style="width: 100%;" type="text"/>
<b>C.</b> What is your current total balance outstanding on your plan loans(s)?	\$ <input style="width: 100%;" type="text"/>
<b>D.</b> In the past 12 months, what was your highest loan balance through this plan(s)?	\$ <input style="width: 100%;" type="text"/>

See pages 4 and 5 for important information and instructions. Before choosing a loan type, call our automated information phone line toll-free at (866) 805-0990 or (518) 474-7736 in the Albany, New York area. Once you access the loan menu, you can receive specific information relating to your account for multiple and refinanced loans.

**3) Loan Type– You must select ONLY ONE of the following or we cannot accept your application.**

<b>A.</b> <input type="checkbox"/> <b>Loan Type 1</b> – Check here if you want a loan and do NOT have an existing loan with us.
<b>B.</b> <input type="checkbox"/> <b>Loan Type 2</b> – (This is called a multiple loan.) Check here if you already have a loan with us and want to take another loan. <b>The single repayment amount for multiple loans is higher than a single repayment on a refinanced loan.</b>
<b>C.</b> <input type="checkbox"/> <b>Loan Type 3</b> – (This is called a refinanced loan.) Check here if you already have a loan with us and want to add to it. <b>WARNING! The taxable amount for a refinanced loan will always be greater than for a multiple loan, unless the entire amount of the refinanced loan is non-taxable. To avoid severe tax consequences, verify your taxable amount using our automated information line.</b> <input type="checkbox"/> <b>I am aware of the possible tax consequences of taking a refinanced loan and authorize the Retirement System to process my application as indicated.</b>

**4) Loan Amount**

<b>A. I am applying for</b> (Choose only one): i. <input type="checkbox"/> A maximum <b>NON-TAXABLE</b> loan      ii. <input type="checkbox"/> A loan of: \$ <table style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr></table> iii. <input type="checkbox"/> A maximum loan												
<b>B. Loan Repayment Amount</b> (per pay period) <div style="display: flex; align-items: center; justify-content: space-between;"> <div style="margin-right: 50px;"> <input type="checkbox"/> Minimum    OR    \$ <table style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr></table> </div> <div style="margin-left: 50px;"> <input type="checkbox"/> Higher Than Minimum                 </div> </div> <div style="font-size: small; margin-top: 5px;">                     If you want to pay higher than the minimum required, and choose Loan Type 2 (multiple loans), your payroll loan deduction will remain the same until all loans are paid or a new loan is taken.                 </div>												
<b>C. U.S. Citizenship Status</b> (Choose only one): <input type="checkbox"/> Citizen* <input type="checkbox"/> Resident Alien* <input type="checkbox"/> Non-Resident Alien** <small>*If you are a <b>U.S. Citizen</b> or <b>Resident Alien</b>: This form will be used as a substitute for the W-9 tax form. By completing and signing this form you are agreeing to the certification statements outlined below.</small>  <b>Under penalty of perjury, I certify that:</b> 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined in the instructions) and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. (Note: This item does not apply for the loan application.) <small>**If you are a <b>Non-Resident Alien</b>: You must submit a W-8BEN tax form with your loan application. Please refer to the instructions section for directions to obtain this form. Loan applications received without a W-8BEN tax form will be rejected. Federal Taxes must be withheld for Non-Resident Aliens (skip section 4D).</small>												
<b>D. Federal Tax Withheld</b> – If your loan is taxable, Federal law requires us to withhold 10 percent of the taxable amount of this loan, <b>unless</b> you check the box below (you may incur additional taxes and/or penalties if your withholding is insufficient). Federal withholding can significantly reduce the loan amount payable to you.  <input type="checkbox"/> Do not deduct 10 percent withholding tax.  <b>Note:</b> If you are a <b>U.S. Citizen</b> or <b>Resident Alien</b> living outside of the United States, we are required to deduct 10 percent federal withholding tax from your loan.  <b>Note:</b> If you are a <b>Non-Resident Alien</b> , we are required to deduct withholding from your loan in accordance with the tax treaty between the United States and your country. In many instances, the amount withheld will exceed 10 percent and will result in the issuance of a loan check in an amount considerably less than the loan you are issued.												

**5) Payroll Information**

<b>A. Employer</b> (Employer payroll from which loan repayments will be deducted) <div style="border: 1px solid black; height: 25px; width: 100%;"></div>												
<b>B. Annual Salary</b> \$ <table style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr></table>												
<b>C. Payroll Frequency</b> (Check one box only) <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Semi-Monthly <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual												
<b>D. Employment Term</b> (Check one box only) <input type="checkbox"/> I am a 12-Month Employee <input type="checkbox"/> I am a 10-Month Employee <input type="checkbox"/> I am a Seasonal Employee												

**6 TO THE COMPTROLLER OF THE STATE OF NEW YORK:**

I am applying for a loan from the Retirement System as shown above. I agree to deductions being taken from my salary for each future payroll period until the total due, including interest and loan insurance premiums, is repaid. I agree that the rate of interest on this loan will be fixed by the Comptroller as provided for in the Retirement and Social Security Law.

**The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.**

\_\_\_\_\_  
**Signature (must be signed in ink and acknowledged by a notary)**

**7 ACKNOWLEDGEMENT TO BE COMPLETED BY A NOTARY PUBLIC**

State of \_\_\_\_\_ County of \_\_\_\_\_ On the \_\_\_\_ day of \_\_\_\_\_  
in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_,  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s)  
whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument,  
the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

<b>Notary Stamp</b>

\_\_\_\_\_  
**NOTARY PUBLIC (Please sign and affix stamp)**

**PERSONAL PRIVACY PROTECTION LAW**

In accordance with the Personal Privacy Law, you are hereby advised that pursuant to the Retirement and Social Security Law, the Retirement System is required to maintain records. The records are necessary to determine eligibility for and to calculate benefits. Failure to provide information may result in the failure to pay benefits. The System may provide certain information to participating employers. The official responsible for maintaining these records is the Director of Member & Employer Services, New York State and Local Retirement System, 110 State Street, Albany, NY 12244-0001; Telephone Number (518) 474-4608.

**SOCIAL SECURITY DISCLOSURE REQUIREMENT**

In accordance with the Federal Privacy Act of 1974, you are hereby advised that disclosure of the Social Security Account Number is mandatory pursuant to Sections 11 and 34 of the Retirement and Social Security Law. The number will be used in identifying retirement records and in the administration of the Retirement System.

**BANKRUPTCY INFORMATION**

A loan from the Retirement System based on a member's contributions is not a debt and, therefore, is not dischargeable in bankruptcy.

**Instructions and Information For Filling Out Loan Application****① Personal Information***Instructions*

- A. Complete the entire section.
- B. Complete this section only if you want your check sent to an address other than your permanent mailing address. Give the name of the person (or employer) the check should be mailed to in care of, otherwise it will be returned to us.

**② Required Information – Must be Completed***General Information*

- **Your employer is a participating employer in The New York State & Local Retirement System (System). The System is a Section 401(a) qualified trust. In addition to membership in the System, your employer may offer other types of retirement plans. Before we can issue a loan to you, the Internal Revenue Service requires us to inquire whether you have outstanding loans in other retirement plans offered by your employer. For this purpose, include loans from plans sponsored by the employer upon which your System membership is based.**

**Loans from private sector employer plans or retirement accounts are not included.**

Two common employer-sponsored retirement savings plans are:

- Section 457, a deferred compensation plan, is a voluntary supplemental retirement savings plan sponsored by your current employer. It enables public employees to save a portion of their gross pay before Federal and State income taxes are deducted.
- Section 403(b), a tax sheltered annuity plan, is an employer-sponsored retirement savings program. By law, participation is limited to employees of public educational organizations and certain nonprofit organizations.

Other, less common employer-sponsored retirement savings plans are:

- Section 403(a) qualified annuity
- Section 401 qualified trusts

**③ Loan Type***General Information*

**Choose only one type of loan.** If you do not check any of the boxes, or if you choose more than one type of loan, your application will be rejected.

*Instructions*

- A. Check Loan Type 1 only if you do not have an existing loan from us and are requesting one.
- B. Loan Type 2 (multiple loan) allows you to take another, separate loan from us. Multiple loans have separate five year due dates on which the minimum payments are calculated. These minimum payments are then added together for a total minimum payment. That is why if you take another loan under this option, you will have a higher minimum payment than if you refinance. However, the payments for all loans will be combined so you only have one payroll deduction.
- C. Loan Type 3 (refinanced loan) allows you to add the new loan amount to your existing loan balance and refinance the entire amount as one loan instead of taking another, separate loan. Minimum repayment amounts for refinanced loans are less than multiple loans because we add on the amount you are currently requesting to your existing loan. We then refinance the total amount for another five years. Because of the increased taxable amount for a refinanced loan, **Federal withholding can significantly reduce the loan amount payable to you.**

**④ Loan Amount***General Information*

- There are various tax thresholds and circumstances that determine when a loan is taxable and what portion of a loan is taxable. Before choosing a taxable or non-taxable loan, you should call our automated information line to get specific information regarding the amount you want to borrow.
- The maximum non-taxable loan amount will be less for a refinanced loan (Loan Type 3) than for a multiple loan (Loan Type 2), unless the entire amount of the refinanced loan is non-taxable.
- The taxable amount for a refinanced loan (Type 3) will always be more than if you take a multiple loan (Loan Type 2), unless the entire amount of the refinanced loan is non-taxable.
- When choosing the Loan Repayment Amount, you can choose either to repay the minimum amount or a higher than minimum amount each pay period. The minimum amount will be based on your payroll frequency and how much you must repay each payroll period based on a five-year repayment plan. We will calculate what the minimum repayment is if you choose this option.
- If you select minimum payment and have multiple loans, your payroll deduction will equal the total of the minimum payments for each loan. After your oldest loan is repaid, your payroll deduction will be reduced by the amount you had been paying on that loan.
- **Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:
  - An individual who is a U.S. citizen or U.S. resident alien;
  - A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
  - An estate (other than a foreign estate); or
  - A domestic trust (as defined in Regulations section 301.7701-7)
- If you are a **U.S. Citizen**: This form will be used as a substitute for the W-9 tax form. You must complete this form in order to document your U.S. citizenship status for tax withholding and information reporting purposes.
- If you are a **U.S. Citizen** and you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return, you must cross out item 2 in section 4C above. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN (Tax Identification Number).
- If you are a **Non-Resident Alien**: You must submit a W-8BEN tax form along with your loan application in order to document your U.S. citizenship status for tax withholding and information reporting purposes. You can access and print this form from the IRS web site at: <https://www.irs.gov/pub/irs-pdf/fw8ben.pdf>. If you do not submit a W-8BEN tax form with your loan application, your application will be rejected.

*Instructions*

- A. Check one box to tell us how much you want to borrow. You have three choices:
- A loan for the maximum non-taxable amount we can provide you by law (Box i)
  - A specific loan amount, up to the maximum amount available (Box ii). You must enter the amount you want to borrow.
  - A loan for the maximum amount we can provide you by law (a portion of this may be taxable) (Box iii)
- B. You may repay more than the minimum amount, if you wish. Indicate the exact amount you want to repay each pay period. If you want to repay more than the minimum amount and are requesting Loan Type 2 (multiple loans), your payroll loan deduction will remain the same until all loans are paid, a new loan is taken, or you request in writing that your payment be changed to the minimum amount due.
- C. U.S. Citizenship Status - Check one box to indicate whether you are a Citizen, Resident Alien or Non-Resident Alien. If you are a U.S. Citizen or Resident Alien, your loan application will be used as a substitute for the W-9 tax form. By completing and signing this form, you are agreeing to the certification statements outlined in Section 4C. If you are a Non-Resident Alien, you must submit a W-8BEN tax form with your loan application. Loan applications received without a W-8BEN tax form will be rejected.
- D. Federal Tax Withheld – Federal law requires us to withhold Federal tax at a rate of 10 percent of the taxable amount of the loan unless you elect not to have this automatic withholding apply. Federal withholding can significantly reduce the loan amount payable to you.

**⑤ Payroll Information***Instructions*

- A. Give us your employer's full name so we can notify them to take loan deductions.
- B. Provide your gross annual salary.
- C. To determine your loan repayment amount, we need to know how often you are paid (check one box only).
- D. Tell us what your term of employment is (check one box only).

**⑥ Signature —** We cannot accept your loan application unless it is signed.**⑦ Notary Public Acknowledgement —** The application must be notarized or it will be rejected.

**ALL TIER 3, 4, 5 AND 6 LOANS ARE SUBJECT TO THE FOLLOWING:**

- You must be in active service with the State or a participating employer and have credit for at least one year of member service. Members on a leave of absence are not considered to be in active service. If you are retiring, your loan application must be received before your date of retirement for it to be processed.
- Only one loan may be granted in a 12-month period.
- A loan may not be granted for less than \$1,000. If your current contribution balance, including interest, does not total at least \$1,334, you are not eligible for a loan.
- The maximum loan permitted under law is 75 percent of the amount you have on deposit in your contribution account, less any outstanding loan balance. If the requested loan amount exceeds the legal limit, your application will be processed for the maximum amount permitted.
- The minimum repayments must be in an amount sufficient to **repay the loan within five years** and be at least 2 percent of salary. Loan repayments are in even dollar amounts and must be paid through payroll deductions. If you leave the payroll, or you are on an authorized leave of absence, please call us for information on repaying your loan. If you do not make payments on your loan quarterly or complete payment within five years of the date the loan is issued, whichever comes first, your loan will be in default. At the time a default occurs, the entire amount due on your loan, minus any previously taxed portion, must be reported to the Internal Revenue Service (IRS) as a lump sum distribution from a qualified plan. **However, the balance on a defaulted loan is still owed, and interest and insurance charges continue to accrue until the balance is paid in full.** If any of your loans are in default, you will be unable to borrow from us in the future until the entire balance on all loans in default has been repaid. If you are called to active military duty, special rules apply. Please contact our Call Center.
- All loans are subject to a service charge which will be deducted from the loan at the time it is issued. As of the date of printing, the service charge is \$20.00. To confirm the current service charge, please call us. **Do not send a check or money order to cover the service charge.**
- **WARNING!** If you retire or withdraw from the Retirement System and have an outstanding loan on the effective date of your retirement or withdrawal, part or all of the loan balance may constitute taxable funds which were credited to your account and, therefore, would be subject to Federal income tax in the year in which you retire or withdraw. Since this income would not be reportable until you retire or withdraw, information regarding the amount will be furnished to you at that time.
- The current loan interest rate is 6.00 %. To confirm the current rate at any time, please call us. The interest rate will remain fixed for the term of your loan. Interest charges are based on the outstanding balance at the beginning of each month.
- Loans are fully insured against the death of a member prior to retirement. There is no insurance for the first 30 days. Premiums to cover the cost of this insurance are based on the amount of the loan and your age, and are built into the repayment schedule. Loan insurance does not cover you if you become disabled or unemployed.

**IMPORTANT BENEFIT INFORMATION**

If you have an outstanding loan balance at the time of your retirement, your benefit will be **permanently** reduced. The following table shows the approximate annual reduction in benefits for each \$1,000 of loan outstanding at retirement if you retire at various ages:

**EMPLOYEES' RETIREMENT SYSTEM**

Age at Retirement	Service Retirement					Disability Retirement				
	55	60	62	65	70	35	40	45	50	55
Annual Reduction (\$)	50.82	55.70	58.11	62.38	71.80	48.69	52.49	56.66	60.76	64.40

**POLICE & FIRE RETIREMENT SYSTEM**

Age at Retirement	Service Retirement					Disability Retirement				
	45	50	55	60	65	35	40	45	50	55
Annual Reduction (\$)	43.52	46.53	50.61	56.04	63.41	40.56	42.22	44.17	47.13	51.23

**IMPORTANT FEDERAL TAX INFORMATION**

**Existing loans with a deferred compensation or tax sheltered annuity plan:** If you have an existing loan from one of these plans, both the current loan balance and the current contribution balance will be taken into account when calculating the taxability of the loan from this system.

**1. Loans over \$50,000:**

**No outstanding loan when new loan granted:** Loans that exceed \$50,000 must be reported to the IRS as a distribution from a qualified plan to the extent that the loan exceeds \$50,000, less the highest outstanding loan balance in the past 12 months.

**Refinanced Loan:** Refinanced loans that cause the outstanding loan balance at the time the new loan is granted (old balance) when added to the replacement loan (old balance plus the new loan amount) to exceed \$50,000, less the difference between the highest total outstanding balance during the past year and the 'old balance,' must be reported to the IRS as a distribution from a qualified plan to the extent that the loan exceeds this amount.

**Multiple Loans:** Loans that cause the loan account (total of all outstanding loans plus the new loan) to exceed \$50,000, less the difference between the highest total outstanding balance during the past year and the total old balance (total of all outstanding loans prior to new loan), must be reported to the IRS as a distribution from a qualified plan to the extent that the loan account exceeds this amount.

Any portion of the distribution amount that cannot be offset by your after-tax contribution will be reported to the IRS as ordinary income.

**2. Loans under \$50,000:**

If there is no outstanding loan or a separate multiple loan is granted, and the new loan results in the total 'outstanding balance' being more than the greater of (a) \$10,000 or (b) 50 percent of the present value of your accrued non-forfeitable benefit, the amount over that figure will be reported to the IRS as ordinary income for the current year. If you are not vested, the present value of your accrued non-forfeitable benefit is equal to your contribution balance. If you are vested, the present value of your accrued non-forfeitable benefit is an actuarially determined amount. For refinanced loans, the 'outstanding balance' is the total of **both** the loan balance at the time the new loan is granted **and** the refinanced loan amount (which includes the loan balance at the time the new loan is granted).

**3. If you go off the payroll,** or your loan payments stop prematurely, contact the Call Center to make arrangements to repay your loan directly. If you do not make payments on your loan at least once every three months, or do not complete repayment within five years from the date the loan is issued, your loan will default. When a loan defaults, the outstanding balance, minus any previously taxed amount, must be reported to the IRS as ordinary income.**4. If you are under age 59½** at the time any part of your loan becomes reportable, you may be subject to an additional **10 percent penalty tax**. The Federal Internal Revenue Code imposes this penalty tax on amounts deemed to be a distribution prior to your actual retirement.