



Rules of
Retirement Systems
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

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Title 16—RETIREMENT SYSTEMS

Division 20—Missouri Local Government Employees' Retirement System (LAGERS)

Chapter 2—Administrative Rules

16 CSR 20-2.010 Definitions

PURPOSE: The purpose of this rule is to expand on and clarify definitions of terms found in sections 70.600, 70.605, and 70.631, RSMo.

(1) Employee.

(A) The term employee shall include persons who are neither police officers nor fire fighters, who are employed by, or who become employed by, an employer participating in the system. The term employee may include, at the employer's election, either police officers or fire fighters or both police officers and fire fighters. The term employee shall include elected fee officials and the employees of elected fee officials under the provisions of section 70.600(8) and 70.600(10), RSMo 1994. The term employee may also include a person who is holding the position of mayor, presiding commissioner, president or chairman of a political subdivision, or who is a member of the governing body, if the political subdivision has ten (10) or more other employees, if that person is covered by the federal Social Security program by virtue of the position held with the political subdivision, and if that person files application for membership with the board within the time prescribed by section 70.600(10)(D), RSMo 1994.

(B) The term employee shall not include any person—

1. Who is employed in a position normally requiring less than one thousand five hundred (1500) hours of work a year; provided a political subdivision, by written certification to the board at the time the employer joins the system, may reduce one thousand five hundred (1500) hours minimum for its employees, which lesser number of hours shall be uniform for all its employees and shall be one thousand two hundred fifty (1250) or one thousand (1000);

2. Who is included as an active member of any other public employee retirement plan by reason of his/her employment with his/her political subdivision, except the federal Social Security program and the County Employees' Retirement System; and

3. Who acts for the political subdivision as an independent contractor or is paid wholly on a fee basis, except elected officials and their employees.

(C) The term "police officer" means any regular or permanent employee of the police department of a political subdivision, including probationary police officers, possessing the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of the state, and who is required to be certified by the "Peace Officer Standards and Training Commission." The term "police officer" includes the terms "peace officer" and "policeman."

1. The term "police officer" shall not include any civilian employee of a police department, or any person temporarily employed as a police officer for an emergency.

(D) The term "firefighter" means any regular or permanent employee of the fire department of a political subdivision, including probationary firefighters, employed for the duty of fighting fires, or whose duties include supervision of firefighting personnel. The term "firefighter" includes the term "fireman."

1. The term "firefighter" shall not include civilian employees of a fire department; volunteer firefighters; paramedics and/or emergency medical technicians (EMTs), unless they perform firefighting duties in addition to their paramedic or EMT duties; or any person temporarily employed as a firefighter for an emergency.

(E) The term "emergency medical service personnel" means any regular or permanent employee of a political subdivision possessing the duty and power to provide Advanced Life Support or Basic Life Support treatment, and who is required to be certified by the Missouri Bureau of Emergency Medical Services as an Emergency Medical Technician Basic (EMT-B), Advanced Emergency Medical Technician (AEMT) or an Emergency Medical Technician-Paramedic (EMT-P), or whose duties include direct supervision of EMT-B, AEMT and/or EMT-P personnel.

1. The term "emergency medical service personnel" shall not include volunteer EMT-Bs, AEMTs or EMT-Ps or any person temporarily employed as an EMT-B, AEMT or EMT-P for an emergency.

(F) The term "emergency telecommunicator" means any regular or permanent employee of a political subdivision employed as an emergency telephone or telecommunications worker, call taker, or public safety dispatcher whose duties include receiving, processing, or transmitting public safety information received through a Public Safety Answering Point, or whose duties include direct supervision of emergency telecommunicator personnel.

1. The term "emergency telecommuni-

cator" shall not include any volunteer emergency telecommunicators or any person temporarily employed as an emergency telecommunicator for an emergency.

(G) The term "jailor" means any regular or permanent employee of a political subdivision employed for the duty of monitoring, transporting, or detaining inmates or other detainees held in the jail or other correctional facility of the political subdivision or whose duties include direct supervision of jailor personnel.

1. The term "jailor" shall not include any volunteer jailors or any person temporarily employed as jailor for an emergency.

(2) Credited Service.

(A) Six (6) or more hours a day of work (or equivalent paid leave time) shall be considered a day of credited service; provided, the six (6) hours minimum shall be reduced to five (5) hours (or equivalent paid leave time) for a political subdivision which has elected to cover employee positions requiring one thousand two hundred fifty (1,250) or more hours of work a year, or to four (4) hours (or equivalent paid leave time) for a political subdivision which has elected to cover employee positions requiring one thousand (1,000) or more hours of work a year.

(B) Fifteen (15) or more days of work as defined in 16 CSR 20-2.010(2)(A) rendered in a calendar month (or equivalent paid leave time) shall be considered a month of credited service; provided the fifteen (15) days minimum shall be reduced to twelve (12) days (or equivalent paid leave time) for a political subdivision which has elected to cover employee positions requiring one thousand two hundred fifty (1,250) or more hours of work a year, or to ten (10) days (or equivalent paid leave time) for a political subdivision which has elected to cover employee positions requiring one thousand (1,000) or more hours of work a year.

(C) In no case shall a member receive more than one (1) year of service credit for service rendered by him/her for one (1) or more employers in any calendar year.

(D) For purposes of computing total service credit at the time of retirement, the first month of employment and/or the last month of employment shall be included in total service credit if fifteen (15) or more calendar days of service rendered in the month(s) in question, provided the fifteen (15) calendar days shall be reduced to twelve (12) calendar days for a political subdivision which elected to cover employee positions requiring one thousand two hundred fifty (1250) or more hours of work a year or ten (10) calendar days for a political subdivision which has elected



to cover employee positions requiring one thousand (1000) or more hours of work a year.

(E) An elected member of the governing body of a political subdivision, who is concurrently employed on a full-time basis, or in a full-time equivalent (FTE) position with a different political subdivision, may be enrolled as a member for both political subdivisions pursuant to section 70.600(10), RSMo subject to the provisions of subsection (2)(C).

(3) Compensation.

(A) Compensation includes all remuneration paid an employee by a political subdivision for personal services rendered by the employee for the political subdivision (in the case of elected fee officials and their employees, refer to section 70.600(8), RSMo 1994).

(B) Remuneration paid by a political subdivision, but not in money, is considered to be compensation subject to employee and employer contributions based on a reasonable value in money to be determined by the political subdivision, subject to the approval of the system.

(4) Transact Business. Transact Business, as used in 70.605.1 RSMo, includes the authority to purchase, acquire, hold and lease real estate, purchase, acquire, hold and lease personal property, open and close bank accounts, enter into bank transactions, enter contracts and other agreements, borrow funds, execute all documents or instruments of any kind appropriate for carrying out the purposes of the retirement system, including, without limitation, service, purchase, sale, debt, and pledge or other security agreements, and perform any and all other acts or activities customary, incidental, necessary, or convenient to the purposes and powers enumerated hereinabove and within 70.600-70.755, RSMo.

(5) Invest Funds. Invest Funds, as used in 70.605.1 RSMo, includes full power to invest and reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys, open and close bank accounts, enter into bank transactions, hire and fire investment managers and custodians, enter contracts and other agreements, borrow funds, lend funds, lever assets, issue guarantees, and pledge or otherwise grant security interests in any retirement system property or to secure payment or performance in respect of any guarantees, create business entities and

hold or sell interest in those entities, execute all documents or instruments of any kind appropriate for carrying out the investment purposes of the retirement system, including, without limitation, service, purchase, sale, debt, and pledge or other security agreements, and perform any and all other acts or activities customary, incidental, necessary, or convenient to the purposes and powers enumerated hereinabove and within 70.600-70.755, RSMo.

AUTHORITY: section 70.605.21, RSMo 2016. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed Feb. 28, 2008, effective Aug. 30, 2008. Amended: Filed Oct. 28, 2019, effective April 30, 2020. Amended: Filed Nov. 4, 2020, effective May 30, 2021.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013.*

16 CSR 20-2.015 Determination of Certain Allowances

PURPOSE: The purpose of this rule is to clarify the procedures for determining eligibility and the amounts of allowances applicable to consecutive and/or concurrent periods of employment.

(1) For purposes of determining eligibility for and amounts of allowances applicable to consecutive periods of employment rendered as a police officer or firefighter and then as a general employee, or vice-versa, service credit in each department shall be considered separately. The final average salary (FAS) used for determining such allowances shall be the final average salary determined on the basis of total credited service.

(2) In those instances where a member has concurrent employment with more than one (1) participating political subdivision in one (1) or more calendar months, when the member submits an application for retirement, the member's final average salary will be calculated separately for each employer, based on either the highest consecutive thirty-six (36)- or sixty (60)-months of wages contained in the period of one hundred twenty (120) consecutive months of credited service with each employer immediately preceding the termination of his or her membership.

AUTHORITY: section 70.605.21, RSMo Supp. 2007. Original rule filed Sept. 9, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 28, 2008, effective Aug. 30, 2008.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003.*

16 CSR 20-2.020 Actuarial Valuations

PURPOSE: The purpose of this rule is to establish guidelines relative to actuarial valuations.

(1) Any political subdivision wishing to affiliate with the Missouri Local Government Employees' Retirement System must first furnish a complete and current actuarial valuation prepared by the system's actuary. The board of trustees shall not accept any application from a political subdivision which has not completed a preliminary actuarial valuation.

(2) The cost of a preliminary actuarial valuation prepared pursuant to section (1) for any political subdivision prior to joining the system shall be borne by the political subdivision.

(3) Regular annual actuarial valuations prepared for participating political subdivisions, after the preliminary actuarial valuation has been prepared, will be at the expense of the system.

(4) The cost of supplemental actuarial valuations used to determine contribution rates for optional benefit programs shall be determined as follows:

(A) The cost of the actuarial valuation for the first optional benefit program in any one (1) system fiscal year shall be borne by the system; and

(B) The cost of any other optional benefit program in that one (1) system fiscal year shall be borne by the employer.

AUTHORITY: section 70.605.21, RSMo 1994. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Feb. 16, 1999, effective July 30, 1999.*

**Original authority 70.605, RSMo 1967, amended 1974, 1992.*

16 CSR 20-2.030 Prior Service Credit

PURPOSE: The purpose of this rule is to establish a guideline relative to the election by an employer to cover a certain percent of prior service.

(1) Once a political subdivision has elected a percentage of prior service credit and has certified its election to the board of trustees, it cannot change the percentage certified.



(2) The percentage of prior service credit so certified by the political subdivision shall be the same for all employees of that political subdivision.

AUTHORITY: section 70.605.21, RSMo 1986.* Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984.

*Original authority: 70.605, RSMo 1967, amended 1974, 1992 and 2000.

16 CSR 20-2.040 Refunds

PURPOSE: The purpose of this rule is to establish guidelines regarding refunds of employee contributions.

(1) The executive secretary is authorized to make refunds of member's accumulated contributions upon termination of employment with an employer.

(2) The employee must submit a written request for the refund of the member's accumulated contributions on a form furnished by the board, which may be an electronic form.

(3) The member's employer must certify that the employee has left the employ of the employer.

(4) The Retirement System (LAGERS) will not refund a member's accumulated contributions until the employer has remitted the employer statement certifying that the member is no longer receiving remuneration or making contributions to the system. Refunds are issued on the first and fifteenth days of a month (or the first business day thereafter if the 1st or 15th day is not a business day).

(5) The executive secretary shall report to the board at each meeting of the board, the refunds of employees' accumulated contributions made by LAGERS since the last meeting of the board.

(6) The executive secretary may grant a six-(6-) month period of time for the repayment of previously refunded contributions.

AUTHORITY: section 70.605.21, RSMo 2016.* Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed May 3, 2019, effective Nov. 30, 2019.

*Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013.

16 CSR 20-2.045 Application for Retirement

PURPOSE: This rule sets forth the factors that will determine the date a member's application for retirement will be considered to have been filed, for purposes of determining the retirement effective date.

(1) Any vested member who has attained the minimum service retirement age, the minimum early service retirement age pursuant to section 70.670, RSMo, or, if an election has been made in accordance with section 70.646, RSMo to provide for alternate eligibility, have years of attained age and credited service in force which total eighty (80) or more, may file a written or electronic application for retirement with the system, including the date on which the member desires retirement to be effective.

(2) For purposes of section 70.645, RSMo, and this rule, the following factors shall determine the date that an application for retirement shall be deemed to have been filed with Missouri Local Government Employees' Retirement System (LAGERS):

(A) If the application is mailed to LAGERS via the U.S. Postal Service, the postmark date, or postal meter date;

(B) If the application is sent to LAGERS via private/commercial delivery service, the date the application is shipped by the commercial delivery service;

(C) If the application is sent to LAGERS electronically or through facsimile transmission, the date and time the application is received by LAGERS; and

(D) If the application is personally given to a LAGERS employee, the date of personal delivery.

(3) LAGERS will process applications for retirement in accordance with the effective date indicated by the member, unless there are reasons the retirement cannot become effective on the date selected. Notwithstanding the retirement effective date indicated by the member in his/her application, the retirement effective date shall be not less than thirty (30) days nor more than ninety (90) days from the date the member's application is filed with the system.

AUTHORITY: sections 70.605.21 and 70.645, RSMo 2016.* Original rule filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed May 3, 2019, effective Nov. 30, 2019.

*Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013 and 70.645, RSMo 1967, amended 1975, 1977, 1988.

16 CSR 20-2.048 Definitive Break in Service to Determine Eligibility for Benefits

PURPOSE: This rule sets forth the factors that will determine when a member has established a definitive break in service, thereby becoming eligible to file an application for retirement or application for payments due a former member. It is imperative that all members establish such definitive break in service to be eligible to receive such benefits.

(1) When filing an "application for retirement" the member or former member shall not be reported as a full-time employee, receiving membership service in accordance with section 70.600(15), RSMo, for the month such retirement is to be effective. All credited service will be determined based upon administrative rule 16 CSR 20-2.010(2). In addition, the member or former member shall have a minimum calendar month break from employment termination date or retirement effective date, whichever is later. (Examples of how the minimum calendar month break from employment is calculated follows for a February 1 retirement effective date. In the situation where the applicable later date is the retirement effective date, then the calendar month date is satisfied on March 1. In the situation where the applicable later date is the employment termination date, and such termination date is February 10, then the minimum calendar month break is satisfied on March 10.)

(2) When filing an "application for payments due a former member" such former member shall not be reportable as a full-time employee as of the application date. In addition, the former member shall have a minimum of one (1) month with no reported service credit following termination of employment in accordance with administrative rule 16 CSR 20-2.010(2).

AUTHORITY: sections 70.605.16 and 70.605.21, RSMo Supp. 2012.* Original rule filed Sept. 17, 2012, effective Feb. 28, 2013.

*Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003.

16 CSR 20-2.050 Waiting Period for Contributions on New Employees

PURPOSE: The purpose of this rule is to clarify the procedures to follow in determining when contributions are to begin for new employees.

(1) If the date of employment of a new



employee is any day other than the first calendar day of a month, the six (6)-month waiting period will begin with the first calendar day of the month following the month of employment.

(2) A member is allowed only one (1) six (6)-month waiting period while participating in the system.

(3) If a member was employed in a position requiring less than the number of hours adopted by his/her employer for participation, the date of employment for system purposes would be the date of full-time employment.

AUTHORITY: section 70.605.21, RSMo 1986. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000.*

16 CSR 20-2.055 Election of Optional Retirement Benefits

PURPOSE: This rule clarifies the circumstances under which failure to elect an optional retirement benefit will result in payment of a single lifetime benefit.

(1) Under section 70.660, RSMo 1994, after a member's application for retirement has been received by Missouri Local Government Employees' Retirement System (LAGERS), and prior to the effective date of retirement, but not thereafter, a member may elect one of several benefit options, which will provide for payment of an allowance to his/her designated beneficiary in the event of the member's death, thereby reducing the member's allowance for life.

(2) Election of a benefit option pursuant to the provisions of section 70.660, RSMo must be made in writing on a form provided to the member by LAGERS. To be effective, the completed election form must be returned to LAGERS no later than six (6) months from the date the election form is mailed to the member.

(3) If the member fails to make an optional benefit election and/or to return the completed election form to LAGERS within six (6) months from the date the election form is mailed to the member, his or her allowance for life shall be paid as a single lifetime benefit.

(4) For purposes of determining whether an optional benefit election has been made in a

timely manner, the following factors shall be determinative:

(A) If the election form is returned to LAGERS via the postal service, the postmark date;

(B) If the election form is returned to LAGERS via private/commercial delivery service, the date the form is shipped by the private/commercial delivery service;

(C) If the election form is sent to LAGERS via facsimile transmission, the date and time the fax transmission is received by LAGERS; or

(D) If the election form is personally given to a LAGERS board member or employee, the date of personal delivery.

AUTHORITY: sections 70.605.21, RSMo 1994 and 70.660, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective July 30, 1999.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992 and 70.660, RSMo 1967, amended 1971, 1972, 1977, 1992, 1998.*

16 CSR 20-2.056 Lump-Sum Cash Payout of Retirement Allowance

PURPOSE: This rule establishes the circumstances under which a member or former member may receive a lump-sum cash payout in lieu of a monthly benefit, as provided for in section 70.660.2(4), RSMo regarding optional retirement elections.

(1) A member or former member who is entitled to a retirement allowance, as defined in section 70.655 or section 70.765, RSMo, may, in accordance with section 70.660.2(4), elect to receive a lump-sum cash payout at retirement that is the actuarial equivalent of the retirement allowance otherwise payable, provided that the value of the reserve at the time of payment is less than twenty thousand dollars (\$20,000).

(2) The election to receive a lump-sum cash payment must be made before the first payment of a retirement allowance becomes due and payable, but not thereafter.

(3) The reserve value of the lump-sum payout shall be calculated at the time of the member or former member's retirement.

(4) A member or former member electing to receive a lump-sum cash payout pursuant to the provisions of this rule shall do so by electing payment under Option "D" on the LRS-9, "Election of Allowance Option" form.

AUTHORITY: section 70.605.21, RSMo 2016. Original rule filed Oct. 17, 2001,*

effective May 30, 2002. Amended: Filed May 3, 2019, effective Nov. 30, 2019.

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013.*

16 CSR 20-2.057 Qualified Government Excess Benefit Arrangement (QGEBA)

PURPOSE: This rule implements section 70.655, RSMo and section 415(m) of Title 26 of the United States Code and allows for the payment of benefits in excess of the limits imposed by section 415 of Title 26 of the United States Code to which retirees and beneficiaries are otherwise entitled pursuant to Chapter 70, RSMo.

(1) Definitions.

(A) "Allowance" shall mean the total of a retiree's annuity and pension.

(B) "Annuity" shall mean a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of one (1) or more persons or for a temporary period.

(C) "Pension" shall mean a monthly amount derived from contributions of an employer and payable by the system throughout the life of one (1) or more persons or for a temporary period.

(D) "Maximum benefit" shall mean the monthly allowance a retiree or beneficiary is entitled to receive from the retirement system, to the extent the pension component of such allowance does not exceed the annual benefit limit set forth in section 415 of Title 26 of the *United States Code*, as amended.

(E) "Retirement System" shall mean the Missouri Local Government Employees' Retirement System established pursuant to Chapter 70, RSMo.

(F) "Section 415(m) benefit plan participant" shall mean any retiree or beneficiary whose pension otherwise payable pursuant to Chapter 70, RSMo, would exceed the maximum benefit permitted under section 415 of Title 26 of the *United States Code*, as amended. Eligibility as a section 415(m) benefit plan participant shall be determined by the retirement system at the time of retirement and annually thereafter.

(G) "Section 415(m) benefit plan" shall mean the separate, unfunded qualified government excess benefit arrangement within the meaning of section 415(m) of Title 26 of the *United States Code*, as amended, and established pursuant to administrative rule, and that is separate from the retirement system.

(H) "Unrestricted benefit" shall mean the monthly pension a retiree or beneficiary



would have been entitled to receive without giving effect to the limits imposed by section 415 of Title 26 of the *United States Code*.

(2) A section 415(m) benefit plan participant receiving an allowance from the retirement system pursuant to Chapter 70, RSMo, is entitled to a monthly benefit under the section 415(m) benefit plan in an amount equal to the section 415(m) benefit plan participant's unrestricted benefit less the maximum benefit. In no event shall a retiree or beneficiary receive a total monthly allowance from the retirement system and the section 415(m) benefit plan in excess of the monthly allowance he or she would have been entitled to receive from the retirement system under Chapter 70, RSMo without giving effect to the limits imposed by section 415 of Title 26 of the *United States Code*.

(3) Any benefit to which a retiree or beneficiary is entitled pursuant to this rule shall be paid at the same time and in the same manner as the benefit would have been paid from the retirement system if the payment of the benefit from the retirement system had not been subject to the limits imposed by section 415 of Title 26 of the *United States Code*.

(4) Any other provision of law to the contrary notwithstanding, contributions may not be accumulated under the section 415(m) benefit plan to pay future monthly benefits to section 415(m) benefit plan participants. Instead, a portion of each payment of employer contributions made to the retirement system pursuant to the provisions of section 70.730, RSMo shall be paid to the section 415(m) benefit plan in an amount necessary to satisfy the retirement system's obligation to pay section 415(m) benefit plan participants the amount calculated pursuant to section (2), above, as those amounts become due and payable, as well as those amounts needed to pay reasonable expenses necessary to administer the section 415(m) benefit plan.

(5) The section 415(m) benefit plan is a separate component of the retirement system plan qualified pursuant to section 401(a) of Title 26 of the *United States Code* and is maintained solely for the purpose of funding and providing benefits to retirees and beneficiaries when the retirees' or beneficiaries' unrestricted benefits would otherwise exceed the limits imposed by section 415 of Title 26 of the *United States Code*.

(6) A member, retiree, or beneficiary of the retirement system may not directly or indirectly elect to defer payment of benefits or allowances payable pursuant to this rule.

(7) The section 415(m) benefit plan shall be administered in the same manner as the retirement system, pursuant to section 70.605, RSMo.

AUTHORITY: section 70.605.21, RSMo Supp. 2004. Original rule filed Nov. 17, 2004, effective May 30, 2005.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003.*

16 CSR 20-2.060 Correction of Errors

PURPOSE: The purpose of this rule is to make express the implied authority of the board of trustees to assure that payments in the correct amount are made to former members and their beneficiaries.

(1) Should any change in records or error result in any person receiving from the system more or less than s/he would have been entitled to receive had the records been correct or the error not been made, the executive secretary shall make corrections to the records and as far as is practicable shall adjust the amount of the benefit in such a manner that the correct amount of the benefit to which the person is entitled shall be paid.

(2) In the event that an error, oversight, or miscalculation of benefits results in an active or former member, retirant, or beneficiary being paid less than the amount which s/he was entitled to receive, the amount of retroactive benefits payable, if any, shall be calculated, and the system shall pay such amount in a lump-sum payment, in addition to adjusting the amount of the current benefit, as otherwise provided in this section.

(3) In the event that an error, oversight, or miscalculation of benefits results in an active or former member, retirant, or beneficiary being paid more than the amount which s/he was entitled to receive, the executive secretary shall notify the individual of the amount of the overpayment, which shall be recovered by the system in accordance with the following policy:

(A) If the active or former member, retirant, or beneficiary is receiving a monthly benefit or other type of recurring payment from the system, the Missouri Local Government Employees' Retirement System (LAGERS) will recover the overpayment by making an adjustment to the recurring payment using an actuarially determined reduction over the individual's estimated lifespan to recover the full amount of the overpayment to the particular active or former member, retirant, or benefi-

ciary who received the overpayment. Such overpayment recovery shall not exceed the actual dollar amount of the overpayment. The particular active or former member or retirant or beneficiary who received the overpayment may also opt to repay the overpayment to the system in one lump sum payment.

(B) In the event that an active or former member, retirant, or beneficiary received an overpayment of a lump sum or other type of nonrecurring payment from the system, LAGERS will take reasonable steps to have the overpayment amount returned to the system by the active or former member, retirant, or beneficiary who received the overpayment.

(4) Any correction of errors to member records concerning, but not limited to, name, remuneration, contributions, marriage, dates of employment, termination or birth, Social Security number, tax status, address or service credit adjustments must be certified to the system in writing.

AUTHORITY: section 70.605.21, RSMo Supp. 2013. Original rule filed June 25, 1976, effective Oct. 11, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed Aug. 30, 2000, effective Feb. 28, 2001. Emergency amendment filed Dec. 23, 2013, effective Jan. 2, 2014, expired June 30, 2014. Amended: Filed Dec. 23, 2013, effective June 30, 2014.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013.*

16 CSR 20-2.070 Collection of Delinquent Payments

PURPOSE: This rule clarifies the procedures to follow when a political subdivision is delinquent in payments to the system.

(1) The system will provide each political subdivision with a monthly employer statement of account, which will indicate the remittance due the system from the political subdivision.

(2) If any political subdivision fails to make any payment due, as indicated on the employer statement of account, by the twelfth day of the month (or the first business day thereafter if the twelfth day is not a business day), the system shall make the payment due a receivable or shortage on the employer's statement and notify the political subdivision in writing, which may be sent to the employer electronically or via U.S. Mail. If the political subdivision fails to make any payment due



the retirement system for a period of sixty days (60) after the payment becomes due, as set forth above, the retirement system may consider the political subdivision delinquent and seek relief as provided in RSMo section 70.735.

AUTHORITY: sections 70.605.21 and 70.735, RSMo 2016. Original rule filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed May 3, 2019, effective Nov. 30, 2019.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013 and 70.735, RSMo 1967, amended 1988.*

16 CSR 20-2.080 Determination of Credited Service for Periods of Absence

PURPOSE: This rule clarifies conditions and procedures for granting credited service for periods of absence from employment resulting from military leave, workers' compensation leave, and educational leave.

(1) In the event the member is on military leave, workers' compensation leave, or educational leave, the member may receive credited service for the period of the absence under the following conditions:

(A) The absence from employment due to the leave, of the type specified in this rule, must extend for one (1) full day or more during the calendar month being considered for credited service; and

(B) The member or member's agent makes application with the board for such credited service.

(2) Member and employer contributions shall be suspended for any month in which a member received credited service pursuant to section (1) of this rule.

(3) Any month of credited service granted pursuant to this rule, pertaining to worker's compensation leave or educational leave, shall not be considered for purposes of determining final average salary.

(4) Any month of credited service granted pursuant to this rule, pertaining to military leave, shall be considered for purposes of determining final average salary in accordance with The Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA).

AUTHORITY: section 70.605.21, RSMo Supp. 2009 and section 70.640, RSMo 2000. Original rule filed Oct. 6, 1983, effective Jan. 13, 1984. Rescinded and read-*

opted: Filed Jan. 7, 1988, effective April 1, 1988. Rescinded and readopted: Filed Dec. 10, 2009, effective July 1, 2010.

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003 and 70.640, RSMo 1967, amended 1971, 1973, 1974, 1975, 1979, 1980, 1988, 1992.*

16 CSR 20-2.083 Re-Employment in LAGERS-Covered Employment After Retirement

(Rescinded October 30, 2012)

AUTHORITY: section 70.605.21, RSMo 2000. Original rule filed Oct. 17, 2001, effective May 30, 2002. Rescinded: Filed April 23, 2012, effective Oct. 30, 2012.

16 CSR 20-2.085 Disability Retirement Applications and Other Relief

PURPOSE: This rule sets forth the procedures to be followed by members filing applications for disability retirement benefits or other types of relief.

(1) A member who makes a written application for disability retirement benefits pursuant to section 70.680, RSMo, or for other relief pursuant to section 70.605.16, RSMo, shall file the application within one (1) year from the date of alleged disability or within one (1) year of the date of the event from which relief is sought under section 70.605.16, RSMo.

(2) For good cause shown, the time period for filing an application for disability retirement benefits, or application for other relief, may be extended, at the sole discretion of the board, except as otherwise limited herein.

(A) Requests for extension of time for filing an application for disability retirement benefits or other relief shall be in writing; shall be filed by the member or on the member's behalf; and shall state the reason(s) why the member did not file the application within the one- (1-) year time period specified in section (1).

(B) Requests for extension of time for filing shall be accompanied by the completed application for disability retirement benefits or other relief filed by the member or on the member's behalf and shall include all medical information required by section 70.680, RSMo, if applicable.

(C) In no event shall requests for extension of time for filing an application for disability retirement benefits or other relief be considered after two (2) years from the date of the

alleged disability or event from which other relief is sought.

(3) Upon receipt of a request for extension of time to file an application for disability retirement benefits or other relief, the board may grant the extension of time, or deny the request in accordance with the provisions of this rule. If the request is granted, the board will review the application and make its determination. If the request is denied, the member may request a hearing pursuant to the provisions of rule 16 CSR 20-3.010. A member may appeal an adverse determination following such a hearing, in accordance with the provisions of section 70.605.16, RSMo.

(4) Notwithstanding other provisions of this rule to the contrary, the board of trustees, in its sole discretion, may allow the filing of an application for disability retirement benefits by a member without regard to the time frames specified in sections (1) and (2) in those instances where the member submits competent medical evidence that the member sustained a work-related injury or illness which, due to the latent, chronic, progressive, or debilitating nature of the injury/illness, did not result in the member's permanent disability for an extended period of time, such that the member would otherwise be precluded from filing an application for disability retirement benefits.

(5) A recipient of disability allowance may make a written request to the board of trustees to return, on a trial basis, to full-time or part-time employment in a position the same or substantially similar to the position the recipient was previously determined to be unable to perform. The written request shall include the proposed employer, a job description for the position which the recipient intends to perform, and the proposed start date of employment. The written request shall then either be approved or denied by the board of trustees. If the request is approved, the recipient's disability allowance shall be placed on hold by the board of trustees for the duration of the trial period, which is not to exceed six (6) calendar months. If the recipient is unable to complete his or her trial basis employment period, the recipient must provide written documentation to the board of trustees stating that he or she is physically or mentally totally incapacitated for the further performance of the job duties. Prior to restoring retirement disability status, the board of trustees may require the recipient to submit a Restatement of Disability by attending physician stating that the recipient is physically or mentally totally incapacitated for the further performance of the job duties. If determined



to be physically or mentally totally incapacitated for the further performance of the job duties, the recipient shall again be considered a disability retiree and receive a disability retirement allowance restarting the first month following termination of employment, without resubmitting a Retirement Application seeking disability retirement; any contributions paid to the retirement system by the recipient and his or her employer during the incomplete trial basis employment period will be refunded to the employer, which shall then refund its employee for any employee-paid contributions. The recipient shall receive no additional service credit for the incomplete trial basis employment period. If the recipient does successfully complete his or her trial basis employment, his or her disability retirement will be revoked and his or her membership status as of the date of the member's disability retirement shall be restored; any contributions paid by the recipient and his or her employer to the retirement system by the recipient and his or her employer during the trial basis employment period will be retained by the retirement system, and the recipient will be granted service credit for the trial basis employment period. In no event shall the recipient receive a disability allowance in the same calendar month in which the recipient either works for his or her trial basis employer or receives service credit except that if the recipient was in receipt of a duty disability allowance provided for in subsection 3 of section 70.680, RSMo, the recipient shall be given service credit for the period he or she was in receipt of the duty disability allowance.

AUTHORITY: sections 70.605.16, 70.605.21, and 70.680.1, RSMo 2016. Original rule filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed Sept. 26, 2011, effective March 30, 2012. Amended: Filed Nov. 4, 2020, effective May 30, 2021.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013 and 70.680, RSMo 1967, amended 1971, 1972, 1975, 1980, 1988, 1992, 2000.*

16 CSR 20-2.090 Nondiscrimination Among Members

PURPOSE: This rule further implements the intent of the statutes and rules which govern the system regarding discrimination among members of a political subdivision.

(1) The provisions of the Local Government Employees' Retirement System shall apply equally to all members without regard to a member's race, color, creed, national origin,

or sex.

(2) A participating political subdivision may not discriminate among its employees with respect to any option under the system available to the political subdivision.

AUTHORITY: section 70.605.21, RSMo 1994. Original rule filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992.*

16 CSR 20-2.095 Member Deposit Fund Interest Procedure

PURPOSE: The purpose of this rule is to clarify the procedures to be used in crediting interest to member deposit fund accounts.

(1) The member's date of employment and date of termination shall be used in determining eligibility for interest.

(2) A member who is vested upon termination shall be considered a deferred retiree for the purposes of interest crediting, provided the member elects in writing to wait to receive any refund until after the interest processing is completed for that fiscal year.

(3) In determining eligibility for interest, should a member be employed long enough in the month of June to receive service credit for that month, s/he shall be considered a member as of June 30 for interest purposes.

(4) A member certified to be on leave of absence by his/her employer shall be considered a member for interest purposes.

AUTHORITY: sections 70.605.21 and 70.725, RSMo 1986. Original rule filed Oct. 6, 1983, effective Jan. 11, 1984.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992 and 2000 and 70.725, RSMo 1967.*

16 CSR 20-2.105 Redetermination of Allowances During Deflation and Consumer Pricing Indices To Be Considered

PURPOSE: The purpose of this rule is to clarify how retiree allowances will be redetermined pursuant to section 70.655.7-.10 et. seq., RSMo, during periods of deflation and which Consumer Pricing Indices may be considered in making the redetermination.

(1) For purposes of calculating the redeter-

mined amount of the allowance as set forth under section 70.655.7-.10 et. seq., RSMo, during periods of deflation, if the annual Consumer Price Index (CPI) is negative, there shall be no actual reduction in the redetermined amount of the retirees' allowances. However, in the next year in which the annual Consumer Price Index (CPI) is positive, the Board of Trustees may consider the cumulative net increase or decrease in the Consumer Price Index (CPI) inclusive of the negative and positive years when redetermining any amount of the retirees' allowances.

(2) In order to continue the original intent of the use of the Consumer Price Index, as defined by section 70.655.7, RSMo, the Board of Trustees of the Retirement System may also consider the Consumer Price Index for All Urban Consumers (CPI-U), as determined by the United States Department of Labor, when redetermining any amount of the retirees' allowances.

AUTHORITY: section 70.605.21, RSMo 2016. Original rule filed Nov. 12, 2009, effective May 30, 2010. Amended: Filed May 3, 2019, effective Nov. 30, 2019.*

**Original authority: 70.605.21, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013.*

16 CSR 20-2.110 Military Benefits Payable

PURPOSE: The purpose of this rule is to provide LAGERS' interpretation of the Uniformed Services Employment and Reemployment Rights Act (USERRA)(38 USC 4301 et seq.) and applicable LAGERS' statutes regarding LAGERS' benefits for a member serving in the United States Armed Forces.

(1) For purposes of determining the applicability of Missouri Local Government Employees Retirement System (LAGERS) benefits to members serving in the United States Armed Forces as set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 USC 4301 et seq.), 38 USC 4318 requires the applicability of LAGERS' provided retirement benefits in such a manner that the member on qualified military service pursuant to USERRA and/or applicable Missouri statutes is treated as not having incurred a break in service by reason of such person's period or periods of service in the uniformed services. The LAGERS' Board of Trustees interprets Missouri statutes sections 70.600-70.655 et seq. and section 105.270, RSMo, to provide benefits for death or disability incurred while on such qualified military service. If the death or disability occurred in



the line of duty, then benefits will be provided as if the death or disability arose out of and in the course of duty as an employee.

AUTHORITY: section 70.605.21, RSMo Supp. 2010. Original rule filed March 31, 2011, effective Sept. 30, 2011.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003.*

16 CSR 20-2.115 Administration of Prior Non-LAGERS Retirement Plans

PURPOSE: This rule further defines the procedures to be used when a political subdivision and the Missouri Local Government Employees' Retirement System (LAGERS) enter into an agreement for LAGERS to assume all duties and responsibilities for operating the political subdivision's prior retirement plan pursuant to section 70.621, RSMo.

(1) As used in this rule, the terms below shall be defined as follows:

(A) "LAGERS Plan" means a political subdivision's active retirement benefit program with LAGERS; and

(B) "Legacy Plan" means a plan similar in purpose to LAGERS for which the political subdivision and LAGERS have entered into an agreement whereby LAGERS assumes all duties and responsibilities of operating the plan pursuant to 70.621, RSMo.

(2) When calculating an employer's contribution rate pursuant to 70.730, RSMo when the employer and LAGERS have entered into an agreement for LAGERS to administer the member's Legacy Plan, the following procedures shall be applied:

(A) For purposes of computing the employer contribution rates under section 70.730, RSMo, separate employer contribution rates will be computed for the LAGERS Plan and the Legacy Plan. The contribution rate for the Legacy Plan will be expressed as a dollar amount;

(B) For the purposes of calculating the limitation on increases to an employer's contribution provided by subsection 6 of 70.730, RSMo, the employer contribution rate will be calculated as a combined employer contribution rate expressed as a percentage of total (i.e., LAGERS Plan plus Legacy Plan) payroll, including when the Legacy Plan has active members and when the Legacy Plan does not have active members. Both the LAGERS Plan contribution rate and the combined employer contribution rate shall be subject to the limitation on increases to an

employer's contribution rate;

(C) For the first year in which the Legacy Plan is operated by LAGERS, the limitation on increases in an employer's contribution provided by subsection 6 of 70.730, RSMo shall not apply to any contribution increase; and

(D) The Board of Trustees may, in its sole discretion, elect to establish a fixed payment schedule for a Legacy Plan. At such time as a fixed payment schedule is established, a combined employer contribution rate, as described above in subsection (2)(B), will no longer be calculated and the employer contribution rate will again be expressed as a percentage of total LAGERS Plan payroll. For the first year in which a fixed payment schedule is established and the combined employer contribution rate is no longer calculated, the limitation on increases in an employer's contribution provided by subsection 6 of 70.730, RSMo shall not apply to any contribution increase.

(3) An active, deferred, or retired member of a Legacy Plan shall not be eligible to hold the position of a member trustee on the LAGERS Board of Trustees, to serve as a member delegate to the LAGERS annual meeting, or to participate in the election of the member delegate to attend the LAGERS annual meeting. However, an active, deferred, or retired member of a Legacy Plan may be eligible to hold the position of an employer trustee on the LAGERS Board of Trustees or the trustee appointed by the governor, provided that he or she meets the other criteria for eligibility for those positions.

AUTHORITY: sections 70.605.21 and 70.621.4, RSMo 2016. Original rule filed May 1, 2018, effective Oct. 30, 2018.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000, 2003, 2013 and 70.621, RSMo 2016.*