
Rules of
Retirement Systems
Division 10–The Public School Retirement
System of Missouri
Chapter 6–The Nonteacher School Employee
Retirement System of Missouri

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Title 16—RETIREMENT SYSTEMS

Division 10—The Public School Retirement System of Missouri Chapter 6—The Nonteacher School Employee Retirement System of Missouri

16 CSR 10-6.010 Employment

PURPOSE: This rule provides for membership based on employment for persons not qualified for or entitled to membership in the public school retirement system, as authorized by sections 169.600 and 169.650, RSMo and for rights to retain membership under certain specified conditions.

(1) A person shall be considered to be regularly employed if s/he is employed in a position which continuously requires services for at least twenty (20) hours per week for the school term or for that part of the term which remains at the time of his/her employment, or for a specified period within the term; provided that a person employed for less than one (1) month shall not be considered regularly employed.

(2) The employer of any person eligible for membership in the retirement system under the provisions of section 169.600.15, RSMo shall furnish to the board of trustees a certified copy of a resolution adopted by the governing body responsible for the administration of the junior college district before any such person shall be considered eligible for membership. This resolution shall request the board of trustees to grant membership to the eligible employees of the district who are now or may become eligible for membership and shall indicate that the governing body will assume full responsibility for the withholding of contributions from the salaries paid to such persons and for the remittance of contributions to the retirement system (also see 16 CSR 10-2.010 and 16 CSR 10-3.010).

(3) Any person whose employment renders him/her eligible for membership in The Public School Retirement System of Missouri as of August 13, 1984, who on that date was a member of The Nonteacher School Employee Retirement System of Missouri because of that employment, may elect continued coverage under The Nonteacher School Employee Retirement System of Missouri as long as s/he remains in that same position with the same employer. The election must be made in writing and filed with the board of trustees prior to July 1, 1985, and will be irrevocable after that date. If the election is not made prior to July 1, 1985, the person shall establish membership in and

contribute to The Public School Retirement System of Missouri for services rendered in that position after June 30, 1985, as long as s/he remains eligible for membership under section 169.010(16), RSMo (see 16 CSR 10-2.010(8)(C) for the Public School Retirement System).

(4) Any person whose employment is full-time as defined by The Public School Retirement System of Missouri and is thus eligible as of July 1, 1995, for coverage under The Public School Retirement System of Missouri, and which employment prior to July 1, 1995, required membership in the Nonteacher School Employee Retirement System of Missouri, may make an irrevocable election for continued membership under the nonteacher school employee retirement system for the duration of employment in the same position with the same employer if the election is made in writing and filed with the board of trustees by September 30, 1995. If the election is not filed by that date, the employee shall participate as of July 1, 1995, in The Public School Retirement System of Missouri because of that employment as long as the person remains eligible for membership under section 169.010(16), RSMo.

*AUTHORITY: section 169.610, RSMo 1986. * Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Emergency amendment filed July 3, 1984, effective July 13, 1984, expired Nov. 10, 1984. Amended: Filed Jan. 17, 1986, effective June 12, 1986. Amended: Filed Aug. 4, 1994, effective Feb. 26, 1995.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.020 Source of Funds

PURPOSE: This rule sets forth the method and deadline for payments by employers as provided by section 169.620, RSMo.

(1) After implementation in the district, each employer reporting to The Nonteacher School Employee Retirement System of Missouri shall report required data on employees and all contributions to the retirement system using the Electronic Monthly Employer Reporting System (EMERS).

(2) Employers shall use EMERS to report salary payments made to all employees, contributions withheld from employees included in the retirement system and supporting information required by the board of trustees. Transmission of data must be sent to the board of trustees no later than ten (10) working days after the last day of each calendar

month of the school year in which salaries are paid.

(3) Employers of persons included in the retirement system shall withhold from each salary payment issued to such persons during the school year in which the services are rendered an amount which is the percent of salary rate required by the contribution rate then in effect; and employers shall transmit to the board of trustees not later than ten (10) days after the last day of each calendar month of the school year, twice the amount withheld during the month.

(4) All deductions of contributions from salary payments made by employers for the retirement system are declared and shall be considered to be funds belonging to the retirement system; and no employer shall refund or repay any contributions or any part of any contributions so deducted to any employee for any cause but shall transmit all contributions deducted, together with an equal amount, to the board of trustees, which board shall settle all claims against funds so deducted.

(5) All contributions withheld from salaries paid to members along with an equal contribution of the employer shall be transmitted to the board of trustees by check, bank draft, electronic funds transfer or any negotiable instrument collectible at par through a bank in the state of Missouri, made payable to The Nonteacher School Employee Retirement System of Missouri.

(6) If remittance for the full amount of both employee's and employer's contributions which are due the retirement system is not received in accordance with these regulations, it shall be considered a failure or refusal by the employer to transmit such amount and suit for recovery of the amount shall be instituted as provided for in section 169.620, RSMo.

(7) Prior to and during the transition to the Electronic Monthly Employer Reporting System, employers not yet connected to EMERS shall—

(A) Forward to the board of trustees as early in the school year as possible, and not later than fifteen (15) days after the school term begins, on a form provided by the board of trustees or on a form approved by the board of trustees, a list of the names and annual salary rates of members of the system employed to serve during the school year; and employers shall indicate on transmittal forms the names and salary rates of members



who assume employment at any later date in the school year;

(B) File with the board of trustees not later than the thirtieth day of June a report showing the contributions withheld from salary payments to each employee and transmitted to the board of trustees in the fiscal year and the total amount of all contributions transmitted to the board of trustees in the fiscal year; and

(C) Accompany each monthly payment with a transmittal form to be supplied by the board of trustees, showing in the proper order the information called for thereon.

(8) Errors by employers in reporting of eligibility for membership, assigning of employees and in remitting of contributions will be corrected retroactively, provided the employer certifies that an error was made, provides evidence adequate to support the correction, and remits any balance due from the employer and employee. If the employer has overremitted, the amount of the overpayments will be refunded to the employer.

(9) Any refund of contributions remitted in error for a member or an employee shall include the total interest, if any, which was credited to those contributions by the retirement system. Any refund of matching employer contributions required in such an instance shall be equal to the total amount paid to the member or employee, including interest. Any correcting remittance of contributions for a member shall include the total interest, if any, which would have been credited to those contributions by the retirement system had the contributions been remitted on a correct and timely basis. Any matching employer contribution remitted in such an instance shall be equal to the total amount remitted for the member, including interest.

(10) For purposes of determining retirement contributions and benefits, salary rate includes medical insurance premiums (including dental and vision) paid by the employer on behalf of the member and payments made by the employer on behalf of the member to a self-funded medical benefits plan. Salary rate also includes payments made by the employer on behalf of the member to purchase an annuity, or fund a deferred compensation plan, in lieu of medical insurance or a self-funded medical benefits plan. The employer shall withhold from the member's salary and remit to the system contributions on any such premiums and payments, along with matching employer contributions. Premiums and payments for prescription drug, life and other ancillary benefits determined separately from premiums and pay-

ments for general medical benefits are not part of salary rate. The payment reported for each member covered by a self-funded medical benefits plan shall be determined by the employer.

(11) Retirement contributions which are withheld from compensation paid to members after June 30, 1989, shall be deemed to have been picked up by the employer within the meaning of Section 414(h)(2) of the *Internal Revenue Code*. The contributions shall be withheld and credited to member accounts in accordance with the provisions of sections 169.600–169.710, RSMo but shall be considered to have been picked up by the employer solely for the purpose of sheltering the contributions from federal income tax until paid by the retirement system in the form of a refund or other benefits. The contributions shall be subject to refund or benefit claims by either the member or his/her surviving beneficiary in the same manner as any other contributions in the member's account with the retirement system. In reporting the contributions to the retirement system, every employer included within the retirement system shall certify that—1) the employee contributions were picked up by the employer in lieu of being paid directly to the employees and 2) the employees had no option to receive the contributions directly. The salary reported to the retirement system for each employee shall include the contributions withheld and the total contributions withheld and reported shall equal the percentage of that salary required under the then-prevailing contribution rate. In withholding and reporting federal income tax to taxing authorities, however, the employer shall exclude from taxable compensation the retirement contributions withheld. Nothing in this rule shall be construed in any way as affecting eligibility for, the amount of or the process of paying any refund or benefit payable to either the member or his/her surviving beneficiary.

(12) The terms “salary,” “salary rate” and “compensation” are synonymous when used in regulations promulgated by the board, unless the context plainly requires a different meaning.

(A) For purposes of calculating contributions and benefits, those terms mean the regular remuneration earned by a member as an employee of any covered district during a school year, including (unless excluded by subsection (12)(B)):

1. Salary paid under the terms of the basic employment agreement;
2. Wages;

3. Payments for extra duties, whether or not related to the employee's regular position;

4. Overtime payments;

5. Career ladder payments made pursuant to sections 168.500 to 168.515, RSMo;

6. Supplemental salary paid in addition to workers' compensation;

7. Medical benefits as specified in section (10) of this rule;

8. Payment for annual leave, sick leave or similar paid leave actually used by the member;

9. Payment for leaves of absence if at least one hundred percent (100%) of previous contract rate;

10. Compensation on which taxation is deferred under *Internal Revenue Code* (IRC) section 401(k), 403(b), 457, 414(h)(2) or similar plans established by the employer under the IRC;

11. Salary reductions for purposes of a plan established by the employer under IRC section 125; and

12. Other similar payments that are earned by a member as an employee of any covered district during a school year.

(B) Salary, salary rate and compensation do not include:

1. Payments for services as an independent contractor, or any other payment that must be reported on IRS form 1099-MISC;

2. Payments made by an entity that is not a covered employer, and reported to the IRS under that entity's tax identification number;

3. Payments made for unused annual, sick or similar leave time, except as provided by section 104.601, RSMo;

4. Payment for leaves of absence if less than one hundred percent (100%) of previous contract rate, except as provided in section 169.595, RSMo;

5. Extraordinary payments such as bonuses, awards and retirement incentives;

6. Fringe benefits, except medical benefits as described in section (10) of this rule; and

7. Any other payment that is not part of the regular remuneration earned by a member as an employee of a covered district during a school year.

(C) While an individual is employed in a position covered by the system, compensation received from all employers participating in the system will be used to determine contributions and benefits. Compensation includes payments for services rendered during the regular school session, summer school or interim periods. Individuals may not have compensation covered by both Public School Retirement System (PSRS) and Nonteacher School Employee Retirement System (NTRS) for the same period; provided, individuals



who contributed to both systems on compensation for the same period during the 1996-97 school year may elect in writing to continue that status. The election is irrevocable and must be made before September 30, 1997.

(D) The following payments resulting from employment disputes will be included in salary if the award or settlement document designates those payments as salary as defined in this section: back pay awards; payments in settlement of employment contract disputes; and payments in settlement of other employment disputes. The award or settlement may be the result of a court order, an order of an administrative tribunal or a negotiated written settlement. The payments must be allocated to the appropriate school years and corrected contributions made, including interest charges.

(E) In determining "final average salary" as defined in section 169.600, RSMo, the system will disregard any increase in compensation in excess of twenty percent (20%) from one year to the next in the final average salary period. This limit will not apply to increases due to bona fide changes in position or employer or increases required by state statute.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed June 20, 1978, effective Oct. 15, 1978. Amended: Filed Feb. 16, 1988, effective July 1, 1988. Amended: Filed April 18, 1989, effective July 1, 1989. Amended: Filed March 14, 1990, effective June 28, 1990. Amended: Filed Dec. 29, 1994, effective June 30, 1995. Amended: Filed April 24, 1996, effective Nov. 30, 1996. Amended: Filed Feb. 13, 1997, effective July 1, 1997. Amended: Filed July 8, 1997, effective Jan. 30, 1998. Amended: Filed June 14, 1999, effective Dec. 30, 1999. Amended: Filed Nov. 18, 1999, effective May 30, 2000.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

Op. Atty. Gen. No. 224, Black (II-30-77). *If an employer participates in The Missouri Nonteacher School Employee Retirement System, employer may not withhold employer's share of contribution for full-time employee whose salary is funded through the Comprehensive Employment and Training Act of 1973 until the employee's retirement benefits vest. Also, the Retirement System is not authorized to refund to an employer the employer's contributions attributable to any employee who terminates his/her employment prior to the vesting of his/her benefits.*

16 CSR 10-6.030 Management of Funds

PURPOSE: This rule provides for the security of funds in the depository bank and the

investment of the funds as authorized in sections 169.630 and 169.640, RSMo.

(1) The system shall name a depository financial institution(s) in which all moneys received by the retirement office must be deposited and from which all disbursements of system funds must be made.

(2) All system funds held by this financial institution(s) must be fully insured by the Federal Deposit Insurance Corporation (FDIC) or secured by collateral held by a third party in the name of the system as provided by section 169.640, RSMo which shall be available to the system in the event of default by the financial institution(s).

(3) The executive director or his/her designated employee(s) shall determine and maintain appropriate balance of funds to be held in the financial institution(s) to satisfy the current obligations of the system.

(4) The portion of the balance held in the financial institution(s) but not needed for immediate settlement of system payments may be invested in collateralized investments.

(5) The system shall name a custodial bank to facilitate the investment of funds and safekeeping of securities.

(6) Funds held by the depository financial institution(s) in excess of the appropriate balance shall be transferred to the system's custodial bank and shall be distributed to the system's investment managers to be invested in accordance with the asset allocation policy of the board of trustees.

(7) The board of trustees shall determine annually, on or before June 30, the rate of interest which shall be credited to members' accounts at the end of the fiscal year.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Jan. 8, 1985, effective May 11, 1985. Amended: Filed Aug. 29, 1997, effective Feb. 28, 1998.*

**Original authority 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.040 Membership Service Credit

PURPOSE: This rule sets forth the manner in which credit is to be earned or purchased in accordance with the provisions of sections 105.985, 169.595, 169.600, 169.620 and 169.650, RSMo.

(1) Membership service credit for regularly employed members will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the minimum annual compensation expected to be paid for that position for a complete school year, as reflected on the beginning of the year report from the employer (or as later amended). Both the numerator and denominator will be determined without regard to the medical benefits that are otherwise included in compensation. Credit will be calculated to the nearest tenth of a year. Not more than one (1) year of membership service credit will be allowed for any school year.

(2) When a member terminates membership in the retirement system before the end of a school year, the maximum credit that may be received for that school year will be calculated based on the portion of the school year completed before termination of membership. Provided, however, that the beneficiary of a deceased member may elect to have membership service credit calculated pursuant to section (1) of this rule if such beneficiary is eligible or would become eligible for benefits pursuant to section 169.670.4(2), RSMo. In no event will benefit payments commence prior to July 1 if the member is allowed one (1) year of membership service credit.

(3) Any credit earned for a period of leave under section 169.595, RSMo shall be secured only during the leave period; provided that if all contributions due for such credit are received within the school year in which the leave occurred, the credit shall be allowable.

(4) Remittance of contributions due under section 169.595, RSMo shall be made only by the employer and no such remittance shall be accepted unless it includes both the employee and employer contributions. The contributions shall be remitted in the same manner as are regular contributions and shall be accompanied by a statement on a form provided by the retirement system certifying the name of the member for whom the contributions are being remitted and that the member was either on sick leave in accordance with the sick leave provisions of the employer or was under Workers' Compensation during the period of leave.

(5) A member may elect to purchase creditable service under section 105.985, RSMo only if the member had previously acquired creditable service in a retirement plan defined in that section for the employment to which



the election applies; except that if the service did not meet the membership requirements of the employer's retirement plan or the employer had no retirement plan at the time the service was rendered, but the service would otherwise have met the membership requirements of this system as in effect when the election is made, the member shall be eligible to purchase this creditable service. The creditable service allowable shall be determined in accordance with the provision of section 105.985, RSMo and the rules of the board of trustees.

(6) A member who does not complete payment in full on an application to purchase creditable service under section 105.985, RSMo within the time limit prescribed by law may reapply to purchase creditable service for that same period of employment. The member may apply within the limits of the law to purchase creditable service for any other period of employment for which application to purchase creditable service was not previously made.

(7) For the purpose of determining eligibility for retirement as a result of the sum of a member's age and years of creditable service equaling eighty (80) years or more, the member's age shall be determined by adding the member's age on the date of his or her most recent birthday and the partial year following the member's most recent birthday. Such partial year shall be determined by converting days following the member's most recent birthday into tenths of a year according to the following schedule:

At least 37 days and less than 73 days: one-tenth of a year

At least 73 days and less than 110 days: two-tenths of a year

At least 110 days and less than 146 days: three-tenths of a year

At least 146 days and less than 183 days: four-tenths of a year

At least 183 days and less than 219 days: five-tenths of a year

At least 219 days and less than 256 days: six-tenths of a year

At least 256 days and less than 292 days: seven-tenths of a year

At least 292 days and less than 329 days: eight-tenths of a year

At least 329 days and less than 365 days: nine-tenths of a year

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Emergency amendment filed June 20, 1988, effective July 1, 1988, expired Oct. 28, 1988. Amended: Filed June 20, 1988, effective Sept. 29, 1988. Emergency*

amendment filed Aug. 24, 1988, effective Sept. 3, 1988, expired Jan. 1, 1989. Amended: Filed Aug. 24, 1988, effective Dec. 29, 1988. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed Dec. 22, 1993, effective July 10, 1994. Amended: Filed June 14, 1996, effective Dec. 30, 1996. Amended: Filed Oct. 24, 1996, effective July 1, 1997. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000. Amended: Filed June 15, 2000, effective Dec. 30, 2000.

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.045 Reinstatement and Credit Purchases

PURPOSE: This rule complies with provisions of Chapter 169, RSMo relating to the payments made of funds to the retirement system for reinstating and purchasing credit.

(1) Payments to reinstate or to purchase credit must be by check, bank draft or any other negotiable instrument payable to the Non-teacher School Employee Retirement System of Missouri at par.

(A) Consistent with the *Internal Revenue Code*, the system will accept rollovers in payment for reinstatement and credit purchases provided the money is an "eligible rollover distribution" from one (1) of the following:

1. A 401(a) tax qualified plan (including a Keogh plan which meets additional requirements pertaining to owner-employees);

2. A 401(k) profit sharing plan;

3. A 403(a) qualified annuity plan;

4. A 408(a) individual retirement account (IRA) or a 408(b) individual retirement annuity, but only if the individual retirement account is a conduit or "holding account" IRA or annuity, containing amounts from a 401(a) qualified plan or a 403(a) annuity plan and does not contain any other types of funds: therefore, an IRA which is established and/or funded with other monies is not an eligible rollover distribution; or

5. The member, if the amount was distributed to the member from a qualified plan, is rolled over by the member to the system within sixty (60) days of that distribution, and is accompanied by proof of rollover eligibility.

(B) If an "eligible rollover distribution" is used to reinstate or to purchase credit, the system will accept only an amount equal to or less than the balance due for the reinstatement or purchase.

(2) The board of trustees prior to July 1 each year shall establish a "purchase rate" of inter-

est based upon the actuarially assumed annual rate of return on invested funds of the retirement system. The purchase rate shall apply to any amount due for reinstatement of credit or for the purchase of credit except as otherwise specified by law.

(3) Interest on an application to reinstate credit shall be charged from the date of refund to the member to the date of final payment to the system. Interest on an application to purchase credit shall be charged from the end of the school year in which each period of credit being purchased occurred to the date of final payment to the system. Interest shall be compounded as of each June 30 to the date of final payment.

(4) The total amount due at the date of application to reinstate credit or to purchase credit, including interest charges to that date, shall become the principal amount. If payment in full is made within the time period prescribed by law, the total amount of any payments made on the application will be credited to the member's accumulated contributions.

(5) If payment to reinstate credit is not completed within the prescribed period, the reinstatement application will be canceled, the total amount paid will be refunded to the member, and no credit will be reinstated.

(6) If payment to purchase credit is not completed within the prescribed period, the amount paid will—*a*) be refunded to the member if proportional credit is not allowable, or *b*) be used to allow proportional credit where permissible, based on the relationship between the total principal due at application and the total of the payments applied to the principal, and the total amount paid will be credited to the member's accumulated contributions. The member may again apply to purchase credit for the same period for which s/he previously applied but did not make payment, except in those instances specifically prescribed by law.

(7) If a member dies after having made partial payments but not payment in full to reinstate credit, the payments will be refunded to the member's beneficiary. If a member retires on service retirement after having made partial payments but not payment in full, the payments will be refunded to the retiree. If a member retires on disability retirement before completing payment, the balance due with interest shall be deducted from the disability retirement allowance as provided by law.

(8) If a member dies before retirement or retires on service or disability retirement after having made partial payments but not payment in full to purchase credit, the partial payments will be refunded to the member's beneficiary or the retiree if proportional credit is not allowable by law or by rule of the board of trustees. If proportional credit is allowable, the payments will be credited to the member's accumulated contributions and proportional credit will be allowed.

(9) The purchase of creditable service pursuant to section 169.577, RSMo, shall be administered as follows:

(A) Any member will be considered "within five (5) years of being eligible to retire with a retirement allowance" if that person would be eligible to begin receiving a full or reduced retirement allowance from the nonteacher school employee retirement system, by virtue of accrual of five (5) or fewer years of creditable service or the passage of five (5) or fewer calendar years;

(B) The salary to be used in calculating the purchase cost for any member who is not employed in a position covered by the nonteacher school employee retirement system at the date of election to purchase credit shall be the salary for the last full year of creditable service with the nonteacher school employee retirement system prior to the date of election;

(C) The salary used in calculating the cost of creditable service purchased pursuant to section 169.577, RSMo, is not "compensation paid to a member" as that phrase is used in section 169.600(7), RSMo, and shall not be used in determining final average salary;

(D) Credit purchased shall be used for all purposes except vesting;

(E) Interest shall be charged on the unpaid balance of the purchase cost from the date of election until payment is made in full;

(F) A purchase shall be made only in increments of one-tenth (1/10) year and may not exceed four-tenths (4/10) year. Multiple elections are allowed, and a member may again elect to purchase credit for the same amount for which s/he previously applied but for which payment in full was not made within the time allowed by law;

(G) If the total payments made within the time allowed by law are insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based upon the ratio between the amount due for the entire period for which election to purchase was made and the total amount of the payments applied to reduce the principal amount due, but only in increments of one-tenth (1/10) year. The amount of partial pay-

ments not used to purchase credit or pay interest shall be refunded; and

(H) Election to purchase credit must be made on a form provided by the board of trustees.

(10) The following conditions apply when individuals are reemployed by a district pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and its successors:

(A) When the system is notified by either a district or a member of a period covered by USERRA, the system will obtain confirmation from the district of the period covered and the compensation that would apply;

(B) A period covered by USERRA will not be a break in service for purpose of termination of membership and will count toward vesting, but not toward benefit calculation unless the member elects to pay required contributions as provided in this regulation;

(C) A member may elect, on a form provided by the retirement system, within five (5) years of reemployment to pay the system the employee contributions the member would have made, using the contribution rates and salary that would have applied during the period, as required by USERRA;

(D) Where the member has elected to pay employee contributions under USERRA, the district reemploying the member is required under federal and state law to pay the contributions the employer would have paid, using the contribution rates and salary that would have applied during the period and interest on the contributions at the assumed rate of return on invested funds of the system;

(E) The employer shall pay the employer contributions and interest no later than the end of the school year following the year in which the employee files an election to make the employee contributions;

(F) Payment of employee contributions may be made over the period from the date of election to five (5) years after reemployment;

(G) If the member fails to complete payment of the employee contributions during the period allowed, proportional credit shall be allowed based on the ratio between the amount due for the entire period and the total amount of the payments made, and the employer contributions and interest shall be adjusted accordingly; and

(H) The maximum creditable service that may be allowed pursuant to USERRA is five (5) years.

(11) Members electing to reinstate or purchase credit may make payments in any

amount and at any time during the period allowed for payment.

(12) Once a member has made application to reinstate credit no additional application to reinstate credit may be made until the period for payment under the initial application has expired. Once a member has made application to purchase credit no additional application to purchase the same type of credit may be made until the period for payment under the initial application has expired or payment in full is made.

(13) Applications to reinstate or purchase credit must be made on forms provided by the board of trustees.

(14) Members applying to reinstate or purchase credit must provide reliable documentation adequate to prove each element required to qualify for the reinstatement or purchase for which the member applies. Where the credit being purchased is based on a period of employment or a period of service covered by a retirement system, the documentation must include confirmation by the employer or retirement system of the relevant facts.

(15) Unless a different amount is required by law, members must have accrued at least one (1) year of membership service credit for employment in a position covered by the retirement system in order to apply to purchase service credit.

(16) A member may not receive credit exceeding one (1) year relating to any school year, except as a result of the purchase of credit authorized by section 169.577, RSMo.

(17) Unless otherwise required by law, if the total payments made within the time allowed to purchase credit is insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based on the ratio between the amount due for the entire period for which the member applied and the total amount of the payments applied to reduce the principal amount due.

(18) A member eligible to purchase credit for service in the armed forces may purchase one (1) year of credit for each twelve (12)-month period of service in the armed forces. For periods of service in the armed forces of less than twelve (12) months the member shall receive proportional credit computed to the nearest tenth of a year: provided that if the member entered active duty in the armed forces no later than the date on which his/her services were to have begun under an employment agreement with a district included in the retirement system, and the total

period of active duty that year would have entitled him/her to a year of credit had that service been rendered with the district, the member shall be eligible to purchase a full year of credit.

(19) The following provisions apply with respect to a purchase of credit for maternity/paternity leave pursuant to section 169.655, RSMo:

(A) The leave must be due to a birth, legal adoption, or terminated pregnancy by or of the member or the member's spouse;

(B) Confirmation must be provided from the district which granted the leave that the leave was maternity/paternity leave; and

(C) Confirmation must be provided from the district which granted the leave of the beginning and ending dates of the leave.

AUTHORITY: section 169.610, RSMo 1998. Original rule filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed June 14, 1995, effective Dec. 30, 1995. Amended: Filed Aug. 15, 1996, effective Feb. 28, 1997. Amended: Filed Oct. 24, 1996, effective April 30, 1997. Amended: Filed Oct. 25, 1999, effective April 30, 2000.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.050 Prior Service Credit

PURPOSE: This rule sets forth procedures for claiming and verifying credit for services rendered prior to the establishment of the retirement system on October 13, 1965.

(1) On a form supplied by the board of trustees, each member claiming prior service credit shall file with the board of trustees a statement of all services performed by him/her in the public schools of Missouri prior to October 13, 1965, for which credit is claimed, and the services shall be listed separately by years.

(2) All claims for prior service credit by members shall be verified by one (1) of the following means:

(A) A statement from a school or county official having custody of the records; or

(B) When no official records are existent for service claimed, by affidavits from not fewer than two (2) persons having first-hand knowledge of the service, preferably persons who served with the individual or who were members of the board of directors of the district at the time.

(3) Any member who qualifies for prior service credit, and who files a claim for such credit prior to July 1, 1983, or within two (2)

years after employment in a position covered by the retirement system, whichever is later, and in accordance with the regulations of the board of trustees, shall be allowed credit to the extent to which the claim is approved by the board of trustees. Prior service credit shall be allowed on a year or fraction-of-year basis, computed to the nearest tenth of a year. A member who served the complete term of employment of the member's position within a school year shall receive one (1) year of prior service credit. A member who served for less than the complete term of employment within a school year shall receive a partial year of prior service credit, calculated by dividing the number of months served by the number of months in the term of employment. If not otherwise determinable, a term of employment shall be deemed to be nine (9) months in length. No more than one (1) year of prior service credit shall be allowed for one (1) school year and service in one (1) school year shall not be creditable to another year. It is further provided that, should the application of this rule for any member whose retirement becomes effective at any time during the period July 1, 1988 through June 30, 1993 result in a lesser benefit than under the rule in effect on June 30, 1988, then the benefit which would have been payable under the previous rule shall be paid.

AUTHORITY: section 169.610, RSMo 1986. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Rescinded and readopted: Filed Sept. 11, 1981, effective Dec. 11, 1981. Emergency amendment filed June 20, 1988, effective July 1, 1988, expired Oct. 28, 1988. Amended: Filed June 20, 1988, effective Sept. 29, 1988.*

**Original authority: 169.610, RSMo 1965, amended 1977.*



The Non-Teacher School Employee Retirement System of Missouri
SPECIAL CERTIFICATION
For Employees Electing to Acquire Leave Credit
Under Section 169.595 RSMO Supp. 1988

(See instructions for completion on reverse side)

(1)	(2)	(3)		(4)	(5)	(6)	(7)
Membership Number	Name	Leave Type (check one) Sick Lv. *Wkrs. Comp.		No. of Leave Days For Which Contributions Are Remitted	Salary Rate (hourly, weekly or monthly)	Salary on Which Leave Contributions Were Based	Total Cont. (memb. + dist.) on Acquired Leave

*If the district is paying a portion of the member's earnings while on leave and Workers' Compensation is paying the remainder, indicate the amount paid by each.

I certify that the employees named above were on approved leave under this school district's sick leave provision or under Workers' Compensation during the month of _____, 19____; that they were on leave from positions which qualify them for membership in The Non-Teacher School Employee Retirement System of Missouri; that the above information is taken from the official records of this school district; and that to my best knowledge and belief none of those named attained age 65 during the month to which this certification applies.

Signature of Designated School Officer

Date

School District

County

16 CSR 10-6.060 Service Retirement

PURPOSE: This rule provides for retirement, return to service and limitations on employment in a member district as authorized by section 169.670, RSMo.

(1) The earliest date on which retirement may become effective is the first day of the calendar month following the calendar month in which the services of the member are terminated, or the first day of the calendar month following the filing of the application for retirement, whichever is later; except that the earliest date on which retirement may become effective for a member who receives a year of membership service credit for the final school year in which the member serves shall be July 1 next following the member's last day of service.

(2) If a retiree receiving a retirement allowance returns to active service, his/her retirement allowance shall cease, s/he shall become a new member of the retirement system and s/he shall make contributions to the system. Upon a subsequent termination of his/her services, payment of his/her previously determined retirement allowance shall be resumed.

(3) A retirement allowance shall not be paid a retiree for any month in which compensation is earned for services as a regular employee of a school district included in the system.

(4) A retiree may serve as an employee of a district included in the system on a part-time or temporary-substitute basis not to exceed five hundred fifty (550) hours in a school year and continue to receive a retirement allowance. To be considered as serving on a temporary-substitute basis, a person must be serving for a regular employee who is temporarily absent or in a position which is temporarily vacant.

(5) A member electing Option 2, Option 3 or Option 4 in his/her application for service retirement shall furnish proof of date of birth of the person nominated to receive the survivorship payments.

(6) A member electing Option 2, Option 3 or Option 4 in his/her application for service retirement shall indicate the relationship establishing an insurable interest in his/her life for the person nominated and, if requested by the board, shall furnish evidence of the existence of the insurable interest. An insurable interest shall be considered to exist because of the relationship to a member of a

wife, husband, father, mother, child (including a stepchild or adopted child), or any other person who has a financial interest in the continued life of the member or who is dependent upon the member for all or part of his/her support.

(7) Any member retiring under the provisions of section 169.563, RSMo shall have the same rights of retirement benefit plan election as a member retiring under section 169.670, RSMo. Further, the surviving spouse of any member who dies prior to retirement and while eligible to retire under section 169.563, RSMo shall have the same survivorship benefit rights as provided under section 169.670, RSMo.

(8) The effective date of a retirement allowance payment made because of the nomination of a successor beneficiary as provided in House Bill 496 enacted by the 87th General Assembly shall be the next regular payment date following receipt in the retirement office of the properly completed nomination of successor beneficiary form (see 16 CSR 10-5.010).

(9) The effective date of any monthly benefit to a service retiree shall be the first day of the calendar month following the event establishing eligibility for the benefit, assuming all other requirements of the law and rules of the board of trustees have been met. Monthly benefit payments shall be made on the last day of each calendar month and shall be only for complete months. The initial payment shall include all benefits accrued since the effective date.

(10) A qualified member who desires to elect retirement Option 7 "Accelerated Payment Option" must do so in accordance with the terms, conditions and limitations of this paragraph and section 169.670, RSMo.

(A) By selecting the Accelerated Payment Option, the member is electing to utilize the retirement allowance the member is eligible to receive from this retirement system in conjunction with the retirement benefit the member is eligible to receive from the federal Social Security Administration commencing at the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), in order to receive from the two (2) systems combined, and within the limitations noted herein, level or near level monthly retirement benefits during the member's retirement.

(B) Under the Accelerated Payment Option, the member must select a benefit payment plan authorized by section 169.670, RSMo for which the member qualifies,

including the options for reduced monthly benefit payments for life (with continuing payments to a designated beneficiary), but the amount of the benefit payment the member would otherwise be eligible to receive under the plan selected will be modified in the manner described herein.

1. The retirement allowance paid to the member by this retirement system under the Accelerated Payment Option will be actuarially equivalent to the retirement allowance the member would normally receive under the benefit payment plan selected, but to facilitate level or near level monthly benefit payments during retirement in the manner described herein, the member agrees to accept a plan of monthly benefit payments from this retirement system that will vary in amount, depending on the age of the member.

A. By electing the Accelerated Payment Option, the member agrees to accelerate payment of a portion of the member's retirement allowance to the early months of retirement, but as a consequence, and in order to maintain actuarial equivalence, the member further agrees to receive a reduced benefit payment amount over the remainder of the retirement period.

B. Under the Accelerated Payment Option, from the effective date of retirement from this retirement system until the retiree reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), the retiree will receive a larger monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree. Upon reaching the minimum Social Security retirement age (as previously defined), the retiree will receive a smaller monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree.

2. The amount of the variable monthly benefit payment received from this retirement system will be actuarially determined by the retirement system using the benefit payment plan selected by the member and the member's projected retirement benefit from Social Security at the minimum eligible retirement age (as established by law at the time the Accelerated Payment Option is elected). The actuarial calculation will identify the necessary increase over and reduction below the monthly benefit otherwise payable under the benefit payment plan selected by the member, so that in conjunction with the monthly retirement benefit the member is eligible to receive from Social Security commencing at the minimum retirement age (as established by law at the time the Accelerated Payment Option is elected), the member can potential-



ly receive level or near level monthly benefit payments during the member's retirement.

3. The plan of variable monthly benefit payments from this retirement system under the Accelerated Payment Option contemplates that the retiree will apply for and begin receiving retirement benefits from Social Security at the minimum Social Security retirement age set by law at the time the Accelerated Payment Option is elected, but nothing herein or in section 169.670, RSMo shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make such payments, or that any payments made will comport with the estimate of projected Social Security benefits used to calculate the variable monthly benefits from this retirement system, or that such payments will commence at the time originally identified by the Social Security Administration. Similarly, nothing herein or in section 169.670, RSMo shall be construed as a promise or guarantee that this retirement system will make up any shortfall in Social Security benefits from those projected at the time the Accelerated Payment Option is elected, or that this retirement system has any obligations other than those expressly assumed herein to assure a stream of level or near level monthly retirement benefits. It shall be the sole responsibility of the retiree and the Social Security Administration, respectively, to secure and/or pay Social Security retirement benefits sufficient to combine with the plan of variable retirement benefits available from this system to yield a level or near level stream of monthly benefit payments during retirement. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age, will nullify the retiree's election of the Accelerated Payment Option or compel recalculation of the plan of variable monthly benefits determined at the time of election.

4. The retirement allowance the member is eligible to receive from this retirement system will determine the capacity of the Accelerated Payment Option to effectively provide level or near level monthly benefit payments for a retiree in the manner described herein. Some members may not be eligible for sufficient benefits to achieve a meaningful leveling of benefit payments under the Accelerated Payment Option and a member must exercise independent judgment in deciding whether the Accelerated Payment Option is appropriate in light of the member's particular circumstances. Nothing in this paragraph or in section 169.670, RSMo shall be construed as a promise or guarantee by this retirement system that the Accelerated Payment Option will provide a

level or near level combination of benefit payments for all retirees, and in no case will the necessary adjustments to the monthly benefit otherwise payable under the plan selected by the member cause the amount to be paid when the member reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected) to be less than twenty-five percent (25%) of the member's original, non-adjusted benefit (i.e., the monthly benefit that would otherwise be payable under the benefit payment plan selected by the member).

5. If the retiree selects a benefit payment plan that provides for the payment of retirement benefits to a beneficiary upon the retiree's death, the amount of the beneficiary's payment in any particular month will be established by determining the monthly benefit amount the retiree would have received under the Accelerated Payment Option were the retiree still living, and then incorporating any reduction from that benefit level, if appropriate, based on the benefit payment plan selected by the retiree.

(C) The provisions in section 169.670, RSMo and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment (COLA), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to benefits paid under the Accelerated Payment Option, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), the reduced benefit paid by this retirement system from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the Social Security minimum retirement age (as previously defined).

(D) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo shall apply with equal effect to a retiree under the Accelerated Payment Option, except as follows:

1. If a retiree under the Accelerated Payment Option subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will recommence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs

based on the benefit that would have been paid to the retiree had the individual not returned to covered employment;

3. When the individual terminates covered employment and is again eligible to begin receiving retirement benefits, the retirement system will recalculate and, if necessary, adjust the amount of the prospective benefit payments under the Accelerated Payment Option to assure that they remain actuarially equivalent to the benefit payment plan selected at the time of the original retirement; and

4. A retiree under the Accelerated Payment Option who returns to covered employment and thereby qualifies for a second benefit based on the new membership may not elect the Accelerated Payment Option for the second benefit.

(E) A member who wishes to elect to receive retirement benefits under the Accelerated Payment Option, or who wants to receive an estimate of benefits under the Accelerated Payment Option, must provide the retirement system with a written estimate of the member's projected Social Security retirement benefit at the minimum eligible retirement age (as then in effect), prepared and issued by the Social Security Administration. The Social Security benefit estimate must have been issued no more than one hundred eighty (180) days prior to the date of the application for retirement or the date of the request for an Accelerated Payment Option benefit estimate. The Social Security benefit estimate must identify the projected retirement benefits for the member only, and may not include any benefits that could accrue to the member from a spouse, family member or some other source.

(F) If a member dies prior to retirement, the member's surviving spouse cannot elect to receive benefits from this retirement system under the Accelerated Payment Option.

(11) Any person who is receiving or has received a retirement allowance from the system, other than a disability retirement allowance, who returns to employment in a position covered by the system shall undertake such employment under a new and separate membership in the system.

(A) Such person shall be eligible for a subsequent retirement allowance after one (1) year of creditable service under the new membership in the system. Such subsequent retirement allowance shall be separate and distinct from such person's previous retirement allowance.

(B) After earning at least one (1) year of creditable service and upon termination of employment under the subsequent membership with the system, such person may— 1)



withdraw from the system and receive a refund of the person's contributions made during the subsequent membership; 2) apply for a subsequent retirement allowance; or 3) leave the contributions with the system.

(C) Such person shall not receive a retirement allowance for any previous membership service while the person is earning creditable service under a subsequent membership with the system.

(D) All previous years of creditable service, not otherwise forfeited, will be considered to determine the formula factor to be used in calculating the subsequent retirement allowance.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 11, 1977, effective Nov. 15, 1977. Emergency amendment filed June 20, 1988, effective July 1, 1988, expired Oct. 28, 1988. Amended: Filed June 20, 1988, effective Sept. 29, 1988. Emergency amendment filed Aug. 24, 1988, effective Sept. 3, 1988, expired Jan. 1, 1989. Amended: Filed Aug. 24, 1988, effective Dec. 29, 1988. Amended: Filed June 29, 1993, effective Dec. 9, 1993. Amended: Filed Oct. 29, 1993, effective May 9, 1994. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Oct. 15, 1997, effective April 30, 1998. Amended: Filed Dec. 23, 1998, effective June 30, 1999. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.070 Disability Retirement

PURPOSE: This rule sets forth the method of qualification and limitations as provided in section 169.663, RSMo.

(1) If a member indicates in his/her application for disability retirement (see 16 CSR 10-5.020) that s/he has applied for disability benefits provided by the Social Security Act, the Award Letter or certified copy thereof, issued by the Social Security Administration, will serve as evidence that disability exists.

(2) If a member is not eligible for disability benefits, as provided by the Social Security Act, because of insufficient coverage, the board of trustees, acting upon the recommendation of the medical adviser, shall designate one (1) or more physicians for examinations and reports. The medical adviser shall evaluate the reports and shall recommend to the board of trustees. The board shall determine whether or not disability exists.

(3) The board of trustees shall pay the fees of the examiners and shall pay the medical adviser a fee for each application for which an evaluation is made.

(4) If disability shall cease to exist before the recipient of the disability benefits reaches age sixty (60), as evidenced by the cessation of benefits by the Social Security Administration or by examination by physicians selected and paid by the board of trustees, his/her disability benefits shall cease and his/her membership status as of the date of his/her disability retirement shall be restored.

(5) The earliest date on which a member's disability retirement can become effective is the first day of the calendar month following the month for which his/her last salary payment or sick-leave payment was made, or the first day of the calendar month following the calendar month in which his/her completed application was received, whichever is later.

(6) Any person who is receiving a disability retirement allowance from the retirement system and who has attained age sixty (60) may be employed in any capacity for, and receive income of any amount from, any employer except a school district included in the retirement system. Notwithstanding any provision of section 169.660, RSMo to the contrary, any such person may be employed in a district included in the retirement system on a part-time or temporary-substitute basis up to a total of five hundred fifty (550) hours in a school year without a discontinuance of the retirement allowance.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed Oct. 15, 1997, effective April 30, 1998.*

**Original authority: 169.610, RSMo 1965, amended 1977.*



**The Public School Retirement System of Missouri
APPLICATION FOR DISABILITY RETIREMENT**

NAME _____ MEMBERSHIP NUMBER _____

To the Board of Trustees:

In accordance with the provisions of the laws governing The Public School Retirement System of Missouri, I hereby make application for disability retirement benefits. I am incapable of earning a livelihood in any occupation and it appears that my disability will be permanent.

DATE DISABILITY COMMENCED _____
(Month) (Day) (Year)

NATURE OF DISABILITY _____

ATTENDING PHYSICIANS _____
(Give names and addresses of all physicians consulted recently)

MY LAST SERVICE AS A MEMBER WAS WITH _____
(District) (No.) (County)

MY SERVICE TERMINATED ON _____
(Month) (Day) (Year)

I REQUEST RETIREMENT TO BECOME EFFECTIVE _____
(Month) (Day) (Year)

(Benefits shall not accrue prior to the date disability commenced, nor in any event for more than sixty days prior to the date of filing claim.)

60

I understand that, if I become able to earn a livelihood at any time before attaining age 60, my disability retirement allowance shall be discontinued. I agree to give immediate written notice to the Board of Trustees upon accepting any remunerative employment.

I understand that I may be examined by physicians designated by the System at such time, and place as may be arranged. I expressly waive all provisions of law forbidding any physician or other person who has attended or examined me, or who may hereafter examine or attend me, from disclosing any knowledge or information which he thereby acquired.

The information given above is true and correct.

Social Security No. _____

Subscribed and sworn to before me at

(City) _____ (State) _____

(Signature of Applicant)

this _____ day of _____, 19 _____

My commission expires

(Street or Rural Route)

(Notary Public)

(SEAL)

(City) (State) (Zip Code)

16 CSR 10-6.080 Withdrawals

PURPOSE: This rule sets forth the procedure for withdrawing member contributions as authorized by section 169.670, RSMo.

(1) A member may make application to withdraw his/her contributions at any time after thirty (30) days have elapsed following the termination of his/her services and the application shall be made on a form (see 16 CSR 10-2.030) provided by the board of trustees. A member shall be paid the amount due him/her within sixty (60) days of the date on which his/her application for withdrawal is filed with the board of trustees.

(2) If a member, who has withdrawn or has been refunded his/her contributions and thereby forfeited his/her creditable service, again becomes a member of the system, elects in writing to reinstate his/her creditable service and before retirement pays to the retirement system, with interest computed at the purchase rate, the amount of accumulated contributions withdrawn by him/her or refunded to him/her, his/her previous service shall be credited to him/her. A member, electing to extend his/her payments over a period of time, following the election, shall make payments in amounts at the discretion of the member and interest on the unpaid balance shall be compounded annually at the purchase rate.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 11, 1977, effective Nov. 15, 1977. Amended: Filed Oct. 24, 1996, effective April 30, 1997.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.090 Beneficiary

PURPOSE: This rule sets forth the procedure for establishing beneficiaries and their eligibility for benefits as authorized in sections 169.663 and 169.670, RSMo.

(1) Each member, when completing a membership record, may designate a beneficiary and contingent beneficiaries. If a member fails to designate a beneficiary, the estate of the member shall be considered as the beneficiary.

(2) A member may change beneficiary(ies) by filing a request for change with the board of trustees on a form furnished by the board for this purpose.

(3) Accumulated contributions of a deceased member due a beneficiary or estate upon the death of a member shall be paid within sixty (60) days of the establishment of the claim. If the beneficiary is a minor, payment shall be made to the conservator of the minor appointed by the court after the filing of a certified copy of the court order making the appointment, or to the custodian designated under the Missouri Transfers to Minors Law.

(4) The designated beneficiary of a deceased member, or of a deceased retiree who elected Option 1 at retirement, shall be entitled to receive payment of the accumulated contributions of the deceased member, or any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid, if an alternate benefit is not elected by the beneficiary. In a like manner, if both a retiree who elected Option 2, 3 or 4 and the designated joint survivor under the option are deceased, any existing balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid to the retiree and to the joint survivor shall be paid to the beneficiary designated for that purpose. However, no payment of accumulated contributions shall be made to an estate except through the personal representative who has been legally qualified and who shall file a certified copy of the appointment; except that in cases where the court does not appoint a personal representative, payment shall be made upon order of the court to the person(s) designated by the court or in the absence of court order the system may make payment to a surviving heir if all known surviving heirs sign an Indemnity Agreement and file this agreement with the board of trustees prior to the payment where such Agreement would adequately protect the system; or payment may be made in accordance with the provisions of section 473.097, RSMo, relating to small estates.

(5) Payments due a beneficiary of a deceased service retiree under Option 2, 3, 4, 5, or 6 shall commence with the month in which the retiree dies. Reduced payments due a beneficiary of a deceased service retiree under Option 3 or Option 4 shall commence with the month following the month in which the retiree dies. Payments due a beneficiary under Option 2, 3, or 4 shall cease with the payment at the end of the month in which the death of the beneficiary occurs. Under Options 5 and 6, if the retiree dies prior to receiving one hundred twenty (120) or sixty (60) monthly payments, respectively, the remainder of such monthly payments shall be paid to the retiree's primary beneficiary. If the primary beneficiary dies prior to receiving the remainder of the one hundred twenty

(120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's first contingent beneficiary. If the first contingent beneficiary dies prior to receiving the remainder of one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's second contingent beneficiary. If there is no primary or contingent beneficiary who survives the retiree for the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the reserve of the remainder of such payments shall be paid to the estate of the last person to receive a monthly payment.

(6) Option 2 benefits payable under section 169.670, RSMo to a beneficiary of a member or a disability retiree who dies prior to becoming retired on service retirement shall accrue as follows:

(A) If the beneficiary elects to receive an immediate benefit, then the benefit shall be payable the first day of the month following the death of the member or disability retiree. If the beneficiary elects to receive a deferred benefit to begin when the member or disability retiree would have been eligible to receive a retirement allowance under section 169.670.1 or 4, RSMo, then the benefit shall be payable the first day of the month following the event which would have established the eligibility for such retirement allowance. If the beneficiary elects to receive a deferred benefit to begin when the member or disability retiree would first have been eligible to receive an actuarial equivalent of a retirement allowance, then the benefit shall be payable the first day of the month following the event which would have established eligibility for the actuarial equivalent.

(B) The benefits payable shall be those provided under the law in effect at the date the payments begin. Any actuarial equivalent factors applied in the benefit calculation shall be those in effect at the time benefit payments begin.

(C) The election by the beneficiary for Option 2 benefits must be made before the date the first payment would begin to accrue, except that an election made within one (1) year of the death of the member or disability retiree may be effective from the first of the month following the event which established eligibility for the retirement allowance. An election may not be changed after a payment has been made.

(D) Option 2 benefits payable pursuant to section 169.670, RSMo, to a beneficiary of a member or a disability retiree who dies prior



to becoming retired on service retirement shall be paid only to a sole primary beneficiary who had an insurable interest in the member or disability retiree on the date of death. Such benefits shall not be payable to a first contingent or second contingent beneficiary in the event that the primary beneficiary predeceases the member. An "insurable interest" shall be considered to exist because of the relationship to a member of a wife, husband, father, mother, child (including a stepchild or adopted child), or any other person who has a financial interest in the continued life of the member or who is dependent upon the member for all or part of his or her support.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 11, 1977, effective Nov. 15, 1977. Amended: Filed Sept. 11, 1981, effective Dec. 11, 1981. Emergency amendment filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Amended: Filed Oct. 29, 1993, effective May 9, 1994. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 12, 1996, effective June 30, 1997. Amended: Filed Oct. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 10, 1998, effective Feb. 28, 1999. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.095 Salary Rates for Benefit Calculations

PURPOSE: This rule establishes procedures for determining the salary rates used in calculating service retirement disability retirement and death benefits.

(1) The system will determine salary rates for purposes of benefit calculation in accordance with 16 CSR 10-6.020(7). The determination will include only salary earned for service for an employer within the system and will exclude salary related to creditable service that was purchased or transferred.

AUTHORITY: section 169.610, RSMo Supp. 1996. Original rule filed Dec. 22, 1993, effective July 10, 1994. Amended: Filed Feb. 13, 1997, effective July 1, 1997.*

**Original authority: 169.610, RSMo 1965, amended 1977.*

16 CSR 10-6.100 Cost-of-Living Adjustments

PURPOSE: This rule provides for the implementation of cost-of-living adjustments to retired members and beneficiaries as provided in section 169.670, RSMo.

(1) The board of trustees, at the August meeting or as soon as sufficient data is available after the end of the fiscal year, shall determine any cost-of-living adjustment to be effective with the January payment following the close of the fiscal year. The board shall consider the recommendation of the system's actuary in determining the amount of adjustment to be made.

(2) The recommendation of the actuary and the determination of the board shall take into consideration data from the National Consumer Price Index (CPI) and may include other pertinent data available. The cost-of-living change in the CPI shall be the June CPI of the fiscal year divided by the June CPI of the preceding fiscal year minus one (1) and expressed as a percent. Example: June 1976 CPI, 170.1; June 1975 CPI, 160.6 $(170.1 \div 160.6) - 1 = .059 = 5.9\%$.

(3) When it is determined that an increase shall be granted, the increase shall be added to the allowances of all persons receiving service or disability retirement allowances or beneficiary allowances under the provisions of sections 169.663 and 169.670, RSMo. The initial increase in a retired member's allowance cannot be granted before January 1, 1982, or until the fourth January 1 following retirement, whichever is later. A designated beneficiary of a deceased retiree who is receiving an allowance as provided in section 169.670, RSMo will be eligible for an increase provided the deceased retiree would have been retired four (4) January firsts had s/he lived.

(4) If the cost-of-living decreases as determined by the board of trustees, the allowance which had previously been increased under the provisions of Senate Bill 242 may be decreased by a percentage not to exceed the percent of reduction in the cost-of-living as determined by the board, but the decrease or total of such decreases shall not reduce the allowance below that received at retirement or on December 31, 1981, whichever is later. In determining whether a decrease shall be

made, consideration shall be given not only to cost-of-living data as shown by the National CPI for the preceding fiscal year, but also to the total net economic change as reflected by the National CPIs of all years since the retiree or eligible beneficiary under sections 169.663 and 169.670, RSMo first qualified for a cost-of-living increase.

AUTHORITY: section 169.610, RSMo 1994. Original rule filed Sept. 11, 1981, effective Dec. 11, 1981. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000.*

**Original authority: 169.610, RSMo 1965, amended 1977.*