# 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 definitions found in section 70.600, RSMo (1986).

(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 and the County Employees’ Retirement System (LAGERS).

(B) 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.

(C) 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.

(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 (1,250) 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 (1,000) 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.


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.


### 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.


### 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.


### 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 retirement age, or, if an election has been made in accordance with section 70.646, RSMo 1994 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 application for retirement with the system, including the date on which the member desires his/her retirement to be effective.

(2) For purposes of section 70.645, RSMo 1994, 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 fax transmission is received by LAGERS; and

(D) If the application is personally given to a LAGERS board member or 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.

**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;

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


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

**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 70.660.1(4), RSMo 2000 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 2000, may, in accordance with section 70.660.1(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 ten thousand dollars ($10,000).

(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.


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 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.


reduce the monthly benefit or recurring payment, up to and including a complete suspension of the monthly benefit or recurring payment, in order to recoup the overpayment, provided that such further reduction may not result in a recovery of the overpayment in a period of less than five years from the date of the initial reduction.

(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.


### 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 shall notify each political subdivision when its employer statement and remittance is due the system.

2. If any political subdivision fails to make any payment due, the system shall make the payment due a receivable or shortage on the employer’s statement and notify the political subdivision in writing. The political subdivision shall remit the shortage to the system within forty-five (45) days.

**AUTHORITY:** sections 70.605.21 and 70.735, RSMo 1986.* Original rule filed Oct. 6, 1983, effective Jan. 11, 1984.


### 16 CSR 20-2.080 Workers’ Compensation Service Credit

**PURPOSE:** The purpose of this rule is to clarify conditions and procedures for granting credited service for periods of absence from employment resulting from a temporary duty-related disability.

(1) In the event a member receives periodic workers’ compensation payments for a duty-related temporary disability, the member may receive credited service for the period of the temporary disability under the following conditions:

(A) The absence from employment due to the temporary disability must extend for a period of ten (10) or more regular working days during the calendar month being considered for credited service;

(B) The workers’ compensation payments must be received in two (2) or more installments;

(C) 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 for which a member receives credited service pursuant to section (1) of this rule.

(3) Any month of credited service granted pursuant to this rule shall not be considered credited service for purposes of determining final average salary.


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

**PURPOSE:** This rule establishes the circumstances under which a retiree may work full-time in LAGERS-covered employment following retirement from the system, as provided for in section 70.686, RSMo 2000.

(1) A retiree who becomes employed or re-employed in a position covered by the Missouri Local Government Employees’ Retirement System shall be considered a re-employed member with contributions due immediately in accordance with the provisions of sections 70.705 and 70.710, RSMo.

(2) A re-employed member shall forfeit one (1) monthly allowance payment for each calendar month in which the re-employed member renders service as a result of such employment or re-employment.

(3) A re-employed member shall become eligible to receive an additional retirement allowance upon completion of one (1) year of continuous service credit as a re-employed member, provided that such allowance shall be calculated to include only the credited service and average compensation earned by the re-employed member since the date of re-employment, if such period of employment is less than either the thirty-six (36) or sixty (60)-consecutive month final average salary period selected by the employer.

(4) If the period of re-employment is greater than the final average salary period selected by the employer, LAGERS will use all credited re-employment service, and the re-employed member’s average salary for whichever final average salary period the employer has selected in calculating the additional allowance.


### 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 1994, or for other relief pursuant to section 70.605.16, RSMo 1994, shall file the application within six (6) months from the date of alleged disability, or within six (6) months of the date of the event from which relief is sought under section 70.605.16.

(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 six (6)-month 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 1994, 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 one (1) year 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 1994.

(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.

AUTHORITY: sections 70.605.16, 70.605.21 and 70.680.1, RSMo 1994.* Original rule filed Feb. 16, 1999, effective July 30, 1999.


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.


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.


16 CSR 20-2.105 Determination of Amount Otherwise Payable During Deflation

PURPOSE: The purpose of this rule is to provide Missouri Local Government Employees’ Retirement System’s (LAGERS’) interpretation of section 70.655.7–.10 et. seq., RSMo, regarding deflation.

(1) For purposes of calculating the redeter-