## 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; and the amounts of allowances applicable to any other public employee retirement plan by reason of his/her employment with his/her political subdivision, except the federal Social Security program and the County Employees’ Retirement System; and

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

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

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

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

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

(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 (1250) 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 (1000) 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 (1250) 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 (1000) or more hours of work a year.

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

(D) For purposes of computing total service credit at the time of retirement, the first month of employment and/or the last month of employment shall be included in total service credit if fifteen (15) or more calendar days of service rendered in the month(s) in question, provided the fifteen (15) calendar days shall be reduced to twelve (12) calendar days for a political subdivision which elected to cover employee positions requiring one thousand two hundred fifty (1250) or more hours of work a year or ten (10) calendar days for a political subdivision which has elected to cover employee positions requiring one thousand (1000) or more hours of work a year.

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

(3) Compensation.

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

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


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 20-2.040 Refunds**

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

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

(2) The employee must submit a written request for the refund of his/her accumulated contributions, the request to be made out on a form furnished by the board.

(3) The member’s employer must certify, in writing, that the employee has left the employ of the employer.

(4) Missouri Local Government Employees’ Retirement System (LAGERS) will not refund a member’s accumulated contributions until the employer has remitted the employer statement certifying that the member is no longer receiving remuneration or making contributions to the system. Refunds will not be made before the expiration of sixty (60) days from the date of a member’s termination of employment. Refunds are issued on the first working day of a month.

(5) The executive secretary shall report to the board at each meeting of the board, the refunds of employees’ accumulated contributions made by him/her since the last meeting of the board. The reports shall be attached to and made a part of the minutes of the board meeting.

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


**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...


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 retirement 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 facsimile transmission is received by LAGERS; or

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


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

Purpose: This rule establishes the circumstances under which a member or former member may receive a lump-sum cash payout in lieu of a monthly benefit, as provided for in section 70.660.14, 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 70.660.14, elect to receive a lump-sum cash payment 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.


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

Purpose: This rule implements section 70.655, RSMo and section 455(m) of Title 26 of the United States Code and allows for the payment of benefits in excess of the limits...
imposed by section 415 of Title 26 of the United States Code to which retirees and beneficiaries are otherwise entitled pursuant to Chapter 70, RSMo.

(1) Definitions.
(A) “Allowance” shall mean the total of a retiree’s annuity and pension.
(B) “Annuity” shall mean a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of one (1) or more persons or for a temporary period.
(C) “Pension” shall mean a monthly amount derived from contributions of an employer and payable by the system throughout the life of one (1) or more persons or for a temporary period.
(D) “Maximum benefit” shall mean the monthly allowance a retiree or beneficiary is entitled to receive from the retirement system, to the extent the pension component of such allowance does not exceed the annual benefit limit set forth in section 415 of Title 26 of the United States Code, as amended.
(E) “Retirement System” shall mean the Missouri Local Government Employees’ Retirement System established pursuant to Chapter 70, RSMo.
(F) “Section 415(m) benefit plan participant” shall mean any retiree or beneficiary whose pension otherwise payable pursuant to Chapter 70, RSMo, would exceed the maximum benefit permitted under section 415 of Title 26 of the United States Code, as amended. Eligibility as a section 415(m) benefit plan participant shall be determined by the retirement system at the time of retirement and annually thereafter.
(G) “Section 415(m) benefit plan” shall mean the separate, unfunded qualified government excess benefit arrangement within the meaning of section 415(m) of Title 26 of the United States Code, as amended, and established pursuant to administrative rule, and that is separate from the retirement system.
(H) “Unrestricted benefit” shall mean the monthly pension a retiree or beneficiary would have been entitled to receive without giving effect to the limits imposed by section 415 of Title 26 of the United States Code.

(2) A section 415(m) benefit plan participant receiving an allowance from the retirement system pursuant to Chapter 70, RSMo, is entitled to a monthly benefit under the section 415(m) benefit plan in 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 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.


16 CSR 20-2.060 Correction of Errors

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

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

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

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

(A) If the active or former member, retiree, or beneficiary is receiving a monthly benefit or other type of recurring payment from the system, Missouri Local Government Employees’ Retirement System (LAGERS) will recover the overpayment by reducing the amount of the monthly benefit or recurring payment in an amount equal to twenty-five percent (25%) of the monthly payment or recurring payment that was overpaid. The active or former member, retiree, or beneficiary, at their discretion, may authorize LAGERS to reduce their monthly benefit or recurring payments by additional amounts until the full amount of the overpayment has been recovered. The active or former member, retiree, or beneficiary, at their discretion, may authorize LAGERS to reduce their monthly benefit or recurring payments by additional amounts until the full amount of the overpayment has been recovered.

(B) If the benefit reduction provided for in subsection (3)(A) of this rule will not result in a complete recovery of the overpayment within a period of five years from the date of the first reduction of the monthly benefit or recurring payment, LAGERS may further...
reduce the monthly benefit or recurring pay-
ment, up to and including a complete suspen-
sion of the monthly benefit or recurring pay-
ment, 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 ser-
vice credit adjustments must be certified to 
the system in writing.

AUTHORITY: section 70.605.21, RSMo 
1994.* Original rule filed June 25, 1976, 
6, 1983, effective Jan. 11, 1984. Amended: 
Amended: Filed Aug. 30, 2000, effective Feb. 

16 CSR 20-2.070 Collection of Delinquent Payments

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

(1) The system shall notify each political subdivi-
sion 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 subdivi-
sion 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 

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

16 CSR 20-2.080 Determination of Cred-
ted Service for Periods of Absence

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

(1) In the event the member is on military 
leave, workers’ compensation leave, or edu-
cational leave, the member may receive cred-
ited service for the period of the absence 
under the following conditions:

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

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

(2) Member and employer contributions shall 
be suspended for any month in which a mem-
ber received credited service pursuant to sec-
tion (1) of this rule.

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

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

AUTHORITY: section 70.605.21, RSMo 
Supp. 2009 and section 70.640, RSMo 
2000.* Original rule filed Oct. 6, 1983, 
effective Jan. 13, 1984. Rescinded and read-
opted: Filed Jan. 7, 1988, effective April 1, 

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

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

PURPOSE: This rule establishes the circum-
cstances under which a retiree may work full-
time in LAGERS-covered employment follow-
ing 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 provi-
sions of sections 70.705 and 70.710, RSMo.

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

(3) A re-employed member shall become eli-
gible 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 ser-
tice 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 credit-
ed re-employment service, and the re-
employed member’s average salary for 
whichever final average salary period the 
employer has selected in calculating the addi-
tional allowance.

AUTHORITY: section 70.605.21, RSMo 
2000.* Original rule filed Oct. 17, 2001, 

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

16 CSR 20-2.085 Disability Retirement 
Applications and Other Relief

PURPOSE: This rule sets forth the proce-
dures to be followed by members filing appli-
cations for disability retirement benefits or 
other types of relief.

(1) A member who makes a written applica-
tion for disability retirement benefits pur-
suant 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 dis-
bility, 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 
filed an application for disability retirement bene-
fits 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 20-2.105 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 redetermined amount of the allowance as set forth under section 70.655.7–.10 et. seq., RSMo, the Missouri Local Government Employees’ Retirement System’s (LAGERS’) Board of Trustees interprets sections 70.655.7–.10 et. seq., RSMo, to not require an actual reduction in the redetermined amount of the retiree’s allowance during periods of deflation.
