



**Rules of
Retirement Systems
Division 10—The Public School Retirement
System of Missouri
Chapter 1—Organization and Operation of Board of
Trustees**

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Title 16—RETIREMENT SYSTEMS

Division 10—The Public School Retirement System of Missouri Chapter 1—Organization and Operation of Board of Trustees

16 CSR 10-1.010 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo which requires each agency to adopt as a rule a description of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests. The Public School Retirement System of Missouri was created by an act of the legislature in 1946 and is governed by a board of trustees as provided in section 169.020, RSMo. The board is charged with the responsibility of administering The Public School Retirement System of Missouri as provided by Chapter 169, sections 169.010–169.141, sections 169.560, 169.570, 169.585, RSMo; and The Non-teacher School Employee Retirement System, sections 169.600–169.710, RSMo. The Non-teacher System was created by law in 1965. The rules in Chapter 6 are required because of specific sections of law governing The Nonteacher School Employee Retirement System of Missouri, which was established by act of the legislature in 1965 and which was assigned to the board of trustees of The Public School Retirement System of Missouri for administrative purposes. The additional sections of law specific to governing this system are sections 169.600–169.710, RSMo.

(1) The board of trustees of The Public School Retirement System of Missouri shall hold regular meetings in the office of the executive director during the months of February, April, June, August, October and December of each calendar year on one (1) or more days voted upon by the board of trustees; provided that the board of trustees may vote to hold a regular meeting in a different location or by telephone or other electronic means. The chairman or four (4) board members acting jointly may call special meetings at times and locations and by means as may be necessary. The executive director shall provide notice of the time and place of all meetings of the board in accordance with the applicable provisions of sections 610.010 through 610.035, RSMo. All meetings of the board of trustees shall comply with the applicable provisions of sections 610.010 through 610.035, RSMo. Information concerning meetings, rules or any operations of the system may be obtained by writing or

calling the Executive Director, PO Box 268, Jefferson City, MO 65102.

(2) Election of Officers. The board of trustees, at the regular meeting in April or at a special meeting, shall elect a chairman and vice chairman to serve for a period of one (1) year commencing with July 1 next following. The chairman shall preside at all meetings of the board; except that in the absence of the chairman, the vice chairman shall preside.

(3) Quorum. A quorum required for a meeting of the board of trustees shall consist of four (4) members. Each trustee shall be entitled to one (1) vote on any matter requiring a decision by the board and four (4) concurring votes among the trustees present shall be necessary for a decision.

AUTHORITY: section 169.020, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Jan. 5, 1977, effective May 1, 1977. Emergency amendment filed Sept. 25, 1991, effective Oct. 5, 1991, expired Feb. 1, 1992. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed April 24, 1996, effective Nov. 30, 1996. Amended: Filed Feb. 14, 2003, effective Aug. 30, 2003.*

**Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998.*

16 CSR 10-1.020 Employees of the Board

PURPOSE: This rule provides for the employment of staff members as authorized by section 169.020, RSMo.

(1) Executive Director. The board of trustees shall employ a full-time director, called the executive director, who will be the executive officer of the board and shall set his/her term of office and determine his/her compensation. All other employees shall be chosen only upon the recommendation of the executive director and their compensation and tenure shall be subject to regulation by the board.

(2) Actuary. The board of trustees shall employ an actuary who shall serve as technical adviser, shall perform the duties prescribed in the law and shall attend meetings of the board when requested to do so. The actuary shall serve under contract with the board.

AUTHORITY: section 169.020, RSMo 1994. Original rule filed Dec. 19, 1975, effective*

Jan. 1, 1976. Amended: Filed July 31, 1995, effective Feb. 25, 1996.

**Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1990.*

16 CSR 10-1.030 Conduct of Meetings

PURPOSE: This rule provides for the orderly conduct of meetings as provided in section 169.020, RSMo.

(1) The board of trustees shall keep a record of all its proceedings. Minutes shall be kept of each meeting and individual votes recorded on all actions taken by the board.

(2) Voting Ballots. The board of trustees may arrive at a decision by means of mail ballots submitted to the members by the executive director, along with complete information relative to the matter to be decided. To obtain a decision by mail ballot, the members voting must be unanimous in the decision and ballots must be returned within fifteen (15) days by at least four (4) of the board members. If a decision is not obtained by the mail ballot, the matter shall be considered at the next regular meeting of the board or at a special meeting.

(3) Rule Changes. Any rule adopted by the board of trustees may be amended, suspended or repealed by the vote of four (4) members of the board at any meeting, provided that the Notice of Proposed Rulemaking, change or rescission shall be properly filed with the secretary of state, published in the *Missouri Register* and meet the requirements of section 536.023(3), RSMo before becoming final.

(4) Board Meeting Rules of Order. An agenda along with supporting materials shall be prepared by the executive director and distributed to board members in advance of the meeting. Additional items received after distribution may be added with consent of the members. The agenda shall include, if appropriate, but not be limited to, the following items: approval of minutes of previous meeting, organization of board including election of chairman and seating of new members, reports by members and by executive director, reports of special committees, reports of investment agent and actuaries when invited, motions and resolutions for discussion or action, unfinished business, new business, other and adjournment.

(5) Order of Business. The order of business shall be determined by the executive director



in the preparation of the agenda subject to approval or revision by the chairman and board at the opening of the meeting.

(6) Expense Account. An expense statement shall be filed on a form approved by the board of trustees when reimbursements are claimed because of expenses incurred through services on or for the board of trustees.

AUTHORITY: section 169.020, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed July 31, 1995, effective Feb. 25, 1996.*

**Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990.*

16 CSR 10-1.040 Election to Fill Vacancy on Board of Trustees

PURPOSE: This rule provides for the election of board members to fill terms or vacancies of elective positions on the board as authorized by section 169.020, RSMo.

(1) When elections are required to fill trustee positions with terms beginning on July 1, the board of trustees shall initiate election procedures no later than in the month of February immediately preceding the applicable July 1 date, and shall conduct elections in the manner set forth in this rule to fill those positions. When a vacancy in an elected position occurs because of death, resignation or other cause, the board shall begin election procedures to fill that position within sixty (60) days after the vacancy occurs and shall conduct an election in the manner set forth in this rule; provided, however, that no election will be held to fill a vacancy when the vacancy occurs less than twelve (12) months prior to the date on which the term of that position will expire.

(2) Notice of a vacancy(ies) to be filled shall be given by means of a publication of the board of trustees or by means of an official notice to be mailed to each employer where a member of the public school retirement system or of the Public Education employee retirement system is employed in a position covered by one (1) of those systems, to each association serving school employees on a statewide basis and to each association serving retirees of either system on a statewide basis.

(3) Candidates will be nominated by means of nominating petitions. Forms for the nominating petitions will be furnished by the retirement system and petitions completed on any other form will be considered invalid. The

forms will be furnished to prospective candidates upon receipt of their requests.

(4) A period of forty-five (45) days shall be given the prospective candidates to file the nominating petitions with the office of the executive director. This forty-five (45)-day period will begin on a date to be established and publicized in the official notice and which date shall be after the date of official notice. Any petition filed after the period of forty-five (45) days will be considered invalid.

(5) A valid petition must name only one (1) nominee and must have a total of not fewer than one thousand (1,000) signatures of members or retirees of either The Public School Retirement System of Missouri or The Public Education Employee Retirement System of Missouri and there must be no fewer than two hundred (200) such signatures from each of four (4) Missouri congressional districts; provided that the first and third congressional districts shall be considered in combination as one (1) district, and signatures from those districts shall be considered as being from a single congressional district. Each signatory must indicate place of employment if currently serving an employer included within either retirement system and place of residence. A signatory serving an employer included within one (1) of the retirement systems shall be deemed to be from the congressional district in which the employer's administrative office is located. A signatory not serving such an employer may be assigned to any congressional district or may be unassigned at the will of the nominee. The validity of the signatures shall be determined by the office of the executive director from records of the retirement system.

(6) After the close of the petition filing period and verification of the petition signatures, an audit committee approved by the board of trustees shall review the nominating petitions received and shall certify to the board of trustees the name(s) of the candidate(s) nominated. If only one (1) valid nominating petition is certified for a vacancy, the board shall declare the person nominated in that petition to be elected. If more than one (1) valid nominating petition is certified for a vacancy, an election shall be conducted as set forth in this rule. If a valid nominating petition is not received for a vacancy to be filled, the board of trustees shall reopen and conduct the petition and election process in the same manner as was done previously and within any necessary time restraints and special conditions to be established by the board of trustees at that time.

(7) As soon as practicable after the auditing committee has certified the names of the candidates, an official ballot listing the names of the candidates in alphabetical order shall be sent to each member and to each retiree of The Public School Retirement System of Missouri and of The Public Education Employee Retirement System of Missouri; provided that no person shall be furnished nor allowed to cast more than one (1) ballot. The ballot shall include instructions for marking and returning the ballot within fifteen (15) days from the date of mailing from the office of the executive director.

(8) A board of tellers, approved by the board of trustees, shall open the ballots and tally the votes. The board of tellers shall certify to the board of trustees the name of the candidate receiving the greatest number of votes for each vacant position, or the names of the candidates receiving the greatest and the second greatest number of votes if two (2) vacant positions are to be filled by members of The Public School Retirement System of Missouri, and the board of trustees shall declare the candidate(s) elected.

(9) If two (2) or more candidates for one (1) vacancy tie with the greatest number of votes, another official ballot listing in alphabetical order the names of the candidates who tied shall be submitted to each eligible voter and an election conducted in the same manner as set forth in sections (7) and (8).

(10) At the discretion of the board of trustees, any or all election procedure(s) delegated to the executive director, the retirement office, the audit committee or the board of tellers may be contracted by the board of trustees to an independent individual or firm qualified to carry out such procedure(s).

AUTHORITY: section 169.020, RSMo Supp. 2005. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 14, 1979, effective Nov. 15, 1979. Emergency amendment filed Jan. 17, 1986, effective Jan. 27, 1986, expired May 27, 1986. Amended: Filed Jan. 17, 1986, effective June 12, 1986. Amended: Filed Aug. 14, 1989, effective Nov. 11, 1989. Amended: Filed Oct. 29, 1990, effective April 29, 1991. Emergency amendment filed Nov. 8, 1991, effective Nov. 18, 1991, expired March 17, 1992. Amended: Filed Nov. 8, 1991, effective March 9, 1992. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006.*

**Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1990, 1995, 1996, 1998, 2005.*

**16 CSR 10-1.050 Appeal Process**

PURPOSE: This rule establishes formal procedures for appeals to the board of trustees.

(1) Members, beneficiaries, survivors, retirees and school districts may request review by the board of trustees of decisions by the executive director, or his/her designee, concerning eligibility for and the amount of benefits, service, contributions, refunds and membership. All requests for review will be handled according to this rule for both The Public School Retirement System of Missouri and The Public Education Employee Retirement System of Missouri.

(2) Requests.

(A) The request for review must be stated in writing, addressed to the executive director or the board of trustees. The request must state what decision the board of trustees is being asked to review, and what action the board is being asked to take.

(B) The request must be made within one hundred twenty (120) days after the administrative decision has been mailed or otherwise communicated to the party making the request for review.

(3) The review will be held at the next regularly scheduled board meeting that is at least thirty (30) days after the request for review is received. The party requesting review (the appellant) will be notified in writing of the date the board will conduct the review.

(4) Staff will prepare background material for the board, which will include documentation necessary for the board to review the decision, and at a minimum will include copies of correspondence, applicable statutes and regulations, and a summary of the issues and decision of the executive director or his/her designee. The background material will be supplied to the appellant at the same time it is provided to the board. Any requirements of law prohibiting reproduction or distribution of material will be observed.

(5) Reviews.

(A) Reviews will be held on an informal basis, and no formal rules of evidence will be applied.

(B) The appellant may present additional documentation and testimony for the board to consider. Attendance by the appellant is not required, however, and the appellant may submit the additional information without being present at the meeting.

(C) The appellant should provide any documentation at least one (1) week before the

meeting, so it can be distributed to the board before the meeting.

(6) The appellant may have another individual make the presentation, or assist in making the presentation, of information to the board. The appellant also may have additional witnesses at the board meeting, who can provide information to the board.

(7) Presentation of requests for review and of the information provided in connection with those requests will be conducted in closed session and all records related to the request for review will be maintained as closed records to preserve confidentiality of member information.

(8) After consideration of the background material and the appellant's information, the board will vote to confirm, reverse, or amend the administrative decision. Deliberations and voting will occur after the appellant and any representatives or witnesses have left the meeting, and while the board is still in closed session. Normally the vote will occur at the same meeting as the request is initially presented to the board, but the board may request additional information, or may require additional time to review information presented at the meeting. In those instances, the board will make its decision at the next regularly scheduled board meeting.

(9) The decision of the board will be communicated to the appellant in writing, by the executive director. The notice of the decision will contain a statement of the decision and a brief explanation of the reasons for the decision. Decisions will be communicated in the manner required by section 169.020.15, RSMo, and will contain a statement that any appeal to the circuit court must be made within thirty (30) days after notification of the board's determination.

AUTHORITY: section 169.020, RSMo Supp. 2005. Original rule filed Dec. 29, 1994, effective June 30, 1995. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006.*

**Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005.*