

**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 by virtue of the position held with the political subdivision, and if that person files application for membership with the board within the time prescribed by section 70.600(10)(D), RSMo 1994.

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

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

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

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

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

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

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

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

(2) Credited Service.

(A) Six (6) or more hours a day of work shall be regarded as a day of credited service; provided, the six (6) hours minimum shall be reduced to five (5) hours 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 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 service as defined in 16 CSR 20-2.010(2)(A) rendered in a calendar month shall be considered a month of service; provided, the fifteen (15) days minimum shall be reduced to twelve (12) 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 to ten (10) days 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 more than one (1) year of service be credited any member for service rendered by him/her 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.

(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.

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

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

16 CSR 20-2.015 Determination of Certain Allowances

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

For purposes of determining eligibility for and amounts of allowances applicable to consecutive periods of employment rendered as a policeman or fireman and then as a general employee, or vice-versa, service credit in each department shall be considered separately. The final average salary used for determining such allowances shall be the final average salary determined on the basis of total credited service and the benefit program applicable to each period of employment shall be the benefit program in effect at the time the member left employment of the employer(s).



AUTHORITY: section 70.605.14, RSMo 1986. Original rule filed Sept. 9, 1985, effective Dec. 15, 1985.

16 CSR 20-2.020 Actuarial Valuations

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

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

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

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

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

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

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

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

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

16 CSR 20-2.030 Prior Service Credit

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

(1) Once a political subdivision has elected a percentage of prior service credit and has cer-

tified its election to the board of trustees, it cannot change the percentage certified.

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

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

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.

AUTHORITY: section 70.605.21, RSMo 1994. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999.*

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

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.

AUTHORITY: sections 70.605.21, and 70.645, RSMo 1994. Original rule filed Feb. 16, 1999, effective July 30, 1999.*

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

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

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

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

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

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

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

16 CSR 20-2.055 Election of Optional Retirement Benefits

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

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

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

the date the election form is mailed to the member.

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

(4) For purposes of determining whether an optional benefit election has been made in a timely manner, the following factors shall be determinative:

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

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

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

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

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

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

16 CSR 20-2.060 Correction of Errors

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

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

(2) In the event that an error, oversight, or miscalculation of benefits results in an active or former member, retirant, or beneficiary being paid less than the amount which s/he

was entitled to receive, the amount of retroactive benefits payable, if any, shall be calculated, and the system shall pay such amount in a lump-sum payment, in addition to adjusting the amount of the current benefit, as otherwise provided in this section.

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

(A) If the active or former member, retirant, or beneficiary is receiving a monthly benefit or other type of recurring payment from the system, 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 benefit until the full amount of the overpayment has been recovered. The active or former member, retirant, 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 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.

AUTHORITY: section 70.605.21, RSMo 1994. Original rule filed June 25, 1976, effective Oct. 11, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999.*



Amended: Filed Aug. 30, 2000, effective Feb. 28, 2001.

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

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; and

(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.

AUTHORITY: Sections 70.605.21 and 70.640, RSMo 1986. Original rule filed Oct. 6, 1983, effective Jan. 13, 1984. Rescinded and readopted: Filed Jan. 7, 1988, effective April 1, 1988.

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.*

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

16 CSR 20-2.090 Nondiscrimination Among Members

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

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

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

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

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

16 CSR 20-2.095 Member Deposit Fund Interest Procedure

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

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

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

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

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

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