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**Rules of**  
**Retirement Systems**  
**Division 50—The County Employees’ Retirement Fund**  
**Chapter 3—Creditable Service**

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**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees’**  
**Retirement Fund**  
**Chapter 3—Creditable Service**

**16 CSR 50-3.010 Creditable Service**

*PURPOSE: This rule describes what constitutes creditable service under the plan, and describes how such service may be purchased.*

(1) General Rule. Creditable service means a participant’s period of employment as an employee, including the participant’s prior service, except as provided in section (2). In addition, absences for sickness and injury of less than twelve (12) months shall be counted as creditable service. For this purpose, a participant will be deemed to be absent for sickness and injury only to the extent certified by the county clerk on a form provided by the board or its designee to be on an approved leave of absence for medical reasons under the written policies of an employer. Any periods of service in a uniformed service (as defined in section 414(u) of the *Internal Revenue Code* (Code)) shall be included in creditable service to the extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994. A participant (other than a part-time or seasonal employee) shall receive credit for one-twelfth (1/12) of a year for each month in which the participant earns an hour of service. Elective or appointive county officials receive one (1) year of service for each year in office. A person may not earn more than one (1) year of creditable service in any plan year.

(2) Excluded Service. Unless the participant purchases such service in accordance with section (3), a participant’s creditable service shall not include:

(A) A period of employment during which the participant opted out of the plan, and any prior service excluded under the terms of the prior plan as a result of the opt-out;

(B) Prior service by a former employee, unless purchased in accordance with the terms of the prior plan or unless purchased by a special consultant as provided for in section 50.1090.2, RSMo, and in 16 CSR 50-3.060;

(C) Service prior to a separation from service, if the participant was not vested at the time of the separation from service;

(D) If the participant is a part-time or seasonal employee, service prior to the participant’s entry date, unless the participant purchases service (up to a maximum of one (1) year) pursuant to section (3) of this regulation;

(E) Service after a participant’s entry date, if the required contribution, determined in accordance with 16 CSR 50-2.020, is not withheld from the participant’s pay or otherwise paid by the county for any reason; or

(F) A participant’s stint in a uniformed service (within the meaning of section 414(u) of the Code), if the participant was not a member of Local Government Employees’ Retirement System (LAGERS) before such stint or if the participant was a member of LAGERS and was hired or rehired by a county on or after February 25, 2002, before such stint.

(3) Purchase of Service. A participant described in subsections (2)(A), (2)(B), (2)(D), (2)(E), or (2)(F) may purchase his or her service excluded under such paragraphs by notifying the board, in writing, of his or her election to buy back such service within sixty (60) days following the date the employee becomes a plan participant. A participant described in subsection (2)(C) who purchases excluded service as described in the preceding sentence will become vested in his or her accrued benefit only if the participant completes eight (8) years of uninterrupted creditable service after his or her return to county employment. The written election shall include a statement indicating the portion of the excluded service he or she elects to purchase. If a participant makes a request in accordance with this section to purchase service, the board, or its designee, will calculate the cost of buying back the service including interest and penalties provided by statute. The participant shall be notified of the cost to buy back service. After receiving this notice, the participant may elect to buy back service either through a lump-sum payment due at the time of the election or a payroll deduction beginning with the first pay period after the participant makes the election. The participant may request that the payroll deduction be made in equal monthly installments over a period not to exceed the period of prior service being purchased or four (4) years, whichever is shorter. If the participant elects to buy back excluded service through an installment plan of payroll deductions and either dies or separates from service prior to completing the installment plan, then the participant or his or her spouse may pay the remaining amount due under the installment plan within sixty (60) days following the participant’s death or separation from service in a manner acceptable to the board or its designee. If such payment is not made, the participant shall not receive credit towards his or her retirement benefits for any unpaid portion of the service which is the subject of the installment plan.

(4) Part-Time and Seasonal Employees.

(A) Part-Time and Seasonal Employees Working One Thousand (1,000) Hours or More. If a part-time or seasonal employee works one thousand (1,000) hours of service or more in a plan year, he or she will receive the lesser of one (1) full year (or twelve (12) months) or the actual number of months worked as creditable service. For this purpose, a part-time or seasonal employee will be considered to have worked a month if the part-time or seasonal employee worked any portion of such month for an employer.

(B) Part-Time and Seasonal Employees Working Less Than One Thousand (1,000) Hours. If a part-time or seasonal employee works less than one thousand (1,000) hours of service in a plan year, his or her creditable service shall be calculated by dividing the total number of hours worked by ninety-one (91) to arrive at the number of months of creditable service. This number shall be rounded to the nearest whole number of months. Notwithstanding the foregoing, in no event shall a part-time or seasonal employee receive more months of creditable service than the actual number of months worked. For this purpose, a part-time or seasonal employee will be considered to have worked a month if the part-time or seasonal employee worked any portion of such month for an employer.

(5) A former employee may elect to purchase his or her service excluded under subsections (2)(A), (2)(B), (2)(D), (2)(E), and/or (2)(F) at any time, whether before or after attaining age sixty-two (62), but before such person begins receiving benefits under the plan, to the extent and in the manner prescribed by the board, in order to have such service transferred and credited under the Missouri State Employees’ Retirement System, RSMo sections 104.320, et seq. (MOSERS) or under the Highways and Transportation Employees and Highway Patrol Retirement System, RSMo sections 104.010, et seq. (HTEHPRS), to the extent provided under and otherwise in accordance with the rules of such system. Such election shall be made in writing to the board at such time as the person desires to transfer such service to MOSERS or HTEHPRS, in accordance with applicable law and regulations, but in no event after the date on which such person begins receiving benefits under the plan. The written election shall include a statement indicating the portion of the excluded service he or she elects to purchase. If a former employee makes a request in accordance with this section to purchase service, the board, or its designee, will calculate the cost (if any) of buying back



the service, and any required payment shall be made in accordance with rules established by the board. The board may, in its discretion, permit a participant to purchase such service in the form of a direct rollover from another plan. The board may, in its discretion, deny the election and prohibit the purchase and transfer of service as described in this section (5) for any reason the board deems appropriate, including, without limitation, in the event the board or the plan's actuary determines that any purchase and transfer of service hereunder would create an actuarial loss to the plan.

*AUTHORITY:* section 50.1032, RSMo 2000.\* Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Dec. 10, 2002, effective June 30, 2003. Amended: Filed Feb. 21, 2006, effective Sept. 30, 2006. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed June 4, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 30, 2010, effective June 30, 2011.

\*Original authority: 50.1032, RSMo 1995.

**16 CSR 50-3.020 Purchase of Prior Creditable Service**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo 1994. Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.

**16 CSR 50-3.030 Buyback of Prior Creditable Service Following Opt-Out by Member**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo 1994. Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.

**16 CSR 50-3.040 Buyback of Prior Creditable Service Earned Before Creation of Retirement System**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo 1994. Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.

**16 CSR 50-3.050 Buyback of Prior Creditable Service Following Forfeiture of Creditable Service**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo Supp. 1997. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Sept. 17, 1998, effective March 30, 1999. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.

**16 CSR 50-3.060 Buyback by a Special Consultant to the Board**

*PURPOSE:* This rule clarifies the process by which certain former county employees may purchase prior service as prior creditable service.

(1) Former county employees who were employed between January 1, 1990 and August 27, 1994, and who worked for an employer for at least eight (8) years may apply to the board to serve as a special consultant on the problems of retirement. Calculation of the amount required to purchase the prior service shall be in accordance with applicable statutes. The former employee must submit at least fifty percent (50%) of the purchase price with his or her application to serve as a special consultant. If the former employee submits less than one hundred percent (100%) of the purchase price with his or her application, then the remainder of the purchase price shall be deducted from the consultant's retirement benefits in equal monthly installments as agreed by the board and the consultant. Such payments shall not extend over more than four (4) years.

*AUTHORITY:* section 50.1032, RSMo Supp. 1999.\* Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Nov. 26, 1996, effective June 30, 1997. Amended: Filed Sept. 17, 1998, effective March 30, 1999. Amended: Filed Sept. 29, 2000, effective March 30, 2001.

\*Original authority: 50.1032, RSMo 1995.

**16 CSR 50-3.070 Refund of Buybacks**

*PURPOSE:* This rule clarifies the process by which certain former county employees may obtain a refund of their buyback payment.

(1) Former county employees who have tendered their fifty percent (50%) buyback to the County Employees' Retirement Fund (CERF) as provided in 16 CSR 50-3.060, but

have not received a benefit, may request a refund of their buyback. To receive a refund, the former county employee must submit a written request to the plan administrator of CERF. Upon executing the refund request, the former county employee will forfeit the spousal survivorship benefit.

(2) A former county employee who receives a refund of his or her buyback may reapply to serve as a special consultant in the future.

*AUTHORITY:* section 50.1032, RSMo Supp. 1999.\* Original rule filed Nov. 26, 1996, effective June 30, 1997. Amended: Filed Sept. 17, 1998, effective March 30, 1999. Amended: Filed Sept. 29, 2000, effective March 30, 2001.

\*Original authority: 50.1032, RSMo 1995.

**16 CSR 50-3.080 Changes in Buyback When a Retiree Returns to Employment with the County**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo Supp. 1997. Original rule filed July 29, 1997, effective Jan. 30, 1998. Amended: Filed Sept. 17, 1998, effective March 30, 1999. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.

**16 CSR 50-3.090 Early Buyback of Prior Creditable Service**  
(Rescinded March 30, 2001)

*AUTHORITY:* section 50.1032, RSMo Supp. 1997. Original rule filed Sept. 17, 1998, effective March 30, 1999. Rescinded: Filed Sept. 29, 2000, effective March 30, 2001.