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# Rules of Retirement Systems

## Division 40—Highway and Transportation Employees and Highway Patrol Retirement System

### Chapter 2—General Provisions

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## Title 16—RETIREMENT SYSTEMS

### Division 40—Highway and Transportation Employees and Highway Patrol Retirement System Chapter 2—General Provisions

#### 16 CSR 40-2.010 Definitions

*PURPOSE: This rule expands on definitions and certain terms found in section 104.040, RSMo.*

- (1) Creditable Prior Service. The service of a member which was either rendered prior to October 13, 1955 or prior to the date the member last became an employee.

*Auth: sections 104.210, RSMo (Supp. 1988) and 536.025, RSMo (Supp. 1987).<sup>\*</sup> Emergency rule filed Sept. 8, 1987, effective Sept. 18, 1987, expired Jan. 16, 1988. Original rule filed Dec. 11, 1987, effective March 11, 1988.*

*<sup>\*</sup>Original authority: 104.210, RSMo (1955), amended 1983, 1988 and 536.025, RSMo (1975), amended 1976.*

#### 16 CSR 40-2.020 Forms to be Used

*PURPOSE: This rule provides for the orderly transmittal of data and information.*

- (1) Applications for retirement benefits and death benefits shall be completed on forms provided by the board of trustees and shall be filed with the executive director of the retirement system.

*Auth: sections 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986).<sup>\*</sup> Original rule filed Feb. 16, 1988, effective May 12, 1988. Amended: Filed Oct. 17, 1988, effective Feb. 11, 1989.*

*<sup>\*</sup>Original authority: 104.210.2., RSMo (1955), amended 1983, 1988 and 536.023.3., RSMo (1975), amended 1976.*

#### 16 CSR 40-2.030 Verification of Prior Service Credit Upon Transfer Between Systems

*PURPOSE: This rule establishes the procedure for verifying prior service credit when transferring to the Missouri State Employees Retirement System.*

When the executive director of the Missouri State Employees Retirement System requests verification of prior service, the executive director of the Highway and Transportation Employees and Highway Patrol Retirement System shall forward complete information indicating the dates of the former employment and remuneration received as reflected in the records of the former system.

*Auth: sections 104.210.2., RSMo (Supp. 1988), 104.600.2. and 536.023.3., RSMo (1986). Original rule filed Feb. 16, 1988, effective May 12, 1988. Amended: Filed Oct. 17, 1988, effective Feb. 11, 1989.*

*<sup>\*</sup>Original authority: 104.210.2., RSMo (1955), amended 1983, 1988; 104.600.2., RSMo (1959), amended 1976; and 536.023.3., RSMo (1975), amended 1976.*

#### 16 CSR 40-2.040 Workers' Compensation Service Credit

*PURPOSE: This rule clarifies the procedure to be used in granting a member service credit while receiving workers' compensation payments.*

- (1) Normally a member will receive credit for such time as the member receives Workers' Compensation payments due to injury received in the course of his employment.

- (2) The board reserves the right to determine whether this credit shall be given after the employee assumes his/her regular duties or at such other time as the question may properly come before the board.

*Auth: sections 104.050.1., RSMo (Cum. Supp. 1992), 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986).<sup>\*</sup> Original rule filed Feb. 16, 1988, effective May 12, 1988.*

*<sup>\*</sup>Original authority: 104.050.1., RSMo (1955), amended 1976, 1982, 1984, 1988, 1992; 104.210.2., RSMo (1955), amended 1983, 1988 and 536.023.3., RSMo (1975), amended 1976.*

#### 16 CSR 40-2.050 Prior Service Credit After an Educational Leave of Absence

*PURPOSE: This rule establishes a procedure for establishing prior service credit after an educational leave of absence.*

A member leaving the service of the department with the consent of his/her employer for educational purposes and for attending a

regularly established and recognized educational institution for a period not exceeding nine (9) months in any twelve (12)-month period shall retain all prior creditable service upon his return to his/her regular employment, but shall not be credited with such time as s/he shall have been absent from his/her employment attending an institution.

*Auth: sections 104.210.2., RSMo (Supp. 1988), 536.023.3., RSMo (1986) and 104.040.1., RSMo (Supp. 1987).<sup>\*</sup> Original rule filed Feb. 16, 1988, effective May 12, 1988.*

*<sup>\*</sup>Original authority: 104.210.2., RSMo (1955), amended 1983, 1988; 536.023.3., RSMo (1975), amended 1976; and 104.040.1., RSMo (1955), amended 1982, 1983, 1984, 1987, 1988, 1989, 1992.*

#### 16 CSR 40-2.060 Creditable Service

*PURPOSE: This rule establishes the policy that annual leave and compensatory time shall not be considered in determining creditable service for retirement pay after the date of retirement.*

Annual leave and compensatory time shall not be considered in determining creditable service for retirement pay after the date of retirement for benefits effective July 1, 1981 or later.

*Auth: sections 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986).<sup>\*</sup> Original rule filed Feb. 16, 1988, effective May 12, 1988.*

*<sup>\*</sup>Original authority: 104.210.2., RSMo (1955), amended 1983, 1988 and 536.023.3., RSMo (1975), amended 1976.*

#### 16 CSR 40-2.070 Service Credit During and After a Special Condition Leave

*PURPOSE: This rule establishes a procedure for establishing service credit during and after a leave for special conditions.*

A member leaving the service of the department with the consent of his/her employer for special conditions such as personal hardship, disciplinary suspension or other extraordinary reasons for periods of ten (10) working days or less will receive creditable service for the time away from employment. If the duration of the leave is for eleven (11) or more working days, the member shall retain all prior creditable service upon his/her return to regular employment, but shall not be credited with such time



as s/he shall have been absent from his/her employment.

*Auth: sections 104.210.2., RSMo (Supp. 1988), 536.023.3., RSMo (1986) and 104.040.1., RSMo (Supp. 1987). \* Original rule filed Feb. 16, 1988, effective May 12, 1988.*

*\*Original authority: 104.210.2., RSMo (1955), amended 1983, 1988; 536.023.3., RSMo (1975), amended 1976; and 104.040.1., RSMo (1955), amended 1982, 1983, 1984, 1987, 1988, 1989, 1992.*

*Auth: sections 104.100 and 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986). \* Original rule filed Feb. 5, 1993, effective July 8, 1993.*

*\*Original authority: 104.100, RSMo (1955), amended 1961, 1969, 1972, 1976, 1981, 1982, 1986, 1988, 104.210.2, RSMo (1955), amended 1983, 1988; and 536.023.3., RSMo (1975), amended 1976.*

**16 CSR 40-2.080 Service Credit for Extended Sickness or Injury, Leave of Absence Without Pay**

*PURPOSE: This rule clarifies the procedure to be used in granting a member service credit on extended leave of absence without pay.*

A member who has exhausted all paid sickness or injury leave may request of the employer an extended leave of absence without pay for a period not to exceed twelve (12) months. If the member will be unable to return to work at the end of the initial twelve (12)-month period of extended sick leave, the board of trustees, upon request of the member prior to the expiration of the initial (12)-month period, may continue the extended leave of absence for an additional twelve (12) months. All such service would be creditable toward retirement.

*Auth: sections 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986). \* Original rule filed Feb. 16, 1988, effective May 12, 1988.*

*\*Original authority: 104.210.2., RSMo (1955), amended 1983, 1988 and 536.023.3., RSMo (1975), amended 1976.*

**16 CSR 40-2.090 Early Retirement—Actuarial Reductions**

*PURPOSE: This rule establishes the executive director's authority to implement actuarial reduction factors for early retirement annuities.*

The executive director shall have the authority to implement the reduction factors for early retirement annuities authorized by section 104.100, RSMo. The factors shall be derived from the actuarial assumptions for the system approved by the board.