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**Rules of  
Retirement Systems  
Division 10—The Public School Retirement  
System of Missouri  
Chapter 4—Membership and Creditable Service**

<b>Title</b>	<b>Page</b>
<b>16 CSR 10-4.005</b> Requirements for Membership .....	3
<b>16 CSR 10-4.010</b> Membership Service Credit.....	3
<b>16 CSR 10-4.012</b> Payment for Reinstatement and Credit Purchases .....	4
<b>16 CSR 10-4.014</b> Reinstatement and Credit Purchases.....	5
<b>16 CSR 10-4.016</b> Withdrawals .....	7
<b>16 CSR 10-4.018</b> Uniformed Services Employment and Reemployment Rights Act.....	7
<b>16 CSR 10-4.020</b> Prior Service Credit.....	8
<b>16 CSR 10-4.022</b> Forms to be Used .....	11



## Title 16—RETIREMENT SYSTEMS

### Division 10—The Public School Retirement System of Missouri Chapter 4—Membership and Creditable Service

#### 16 CSR 10-4.005 Requirements for Mem- bership

*PURPOSE: This rule sets forth procedures for complying with sections 169.010–169.050, RSMo relating to membership in the retirement system.*

(1) Membership in the retirement system is required by law, and each employer shall submit to the board of trustees, via Online Automated System Integrated Solution (OASIS), an enrollment record for every employee. It shall be an obligation of the employer to certify the accuracy of the enrollment record and to see that the record is properly filed with the board of trustees.

(2) Employers will remit twice the amount of contributions withheld from all persons employed by them who meet the requirements for membership, as provided by sections 169.010(17), 169.130, 169.135, and 169.140, RSMo. Errors by employers in reporting of eligibility for membership, assigning of employees, and in remitting of contributions will be corrected retroactively, provided the employer certifies that an error was made, provides evidence adequate to support the correction, and remits any balance due from the employer and employee. If the employer has overremitted, the amount of the employer's portion of such overpayments will be credited to the employer to be applied against future contributions. The amount withheld by the employer from the employee shall be refunded to the employee in a manner consistent with the *Internal Revenue Code*.

(3) Any refund of contributions remitted in error for a member or an employee shall include the total interest, if any, which was credited to those contributions by the retirement system. Any credit provided to the employer for matching employer contributions required in such an instance shall be equal to the total amount paid to the member or employee, including interest. Any correcting remittance of contributions for a member shall include the total interest, if any, which would have been credited to those contributions by the retirement system had the contributions been remitted on a correct and timely basis. Any matching employer contribution

remitted in such an instance shall be equal to the total amount remitted for the member, including interest.

(4) Effective July 1, 2004, employment on a full-time basis is defined as employment in a position that normally requires at least six hundred (600) hours during the school term and either: a) normally requires the employee to work the full school day; or b) normally requires the employee to work at least the same number of hours per week as required for a position identified in a) of this section. A person who meets the requirements above, but who does not complete six hundred (600) hours of employment prior to termination of employment shall be considered to be employed on a full-time basis.

(5) Proof of date of birth shall be established by submission of birth certificate or a certified copy thereof, issued by the Bureau of Vital Statistics of the state in which the member was born. A certified copy of the action of a court of record will be accepted in lieu of a birth certificate. If it is impossible for the member to secure a birth certificate, documentary evidence to be evaluated by the board of trustees may be submitted in lieu of the birth certificate.

(6) Special Requirements—Certificates for Colleges, Universities, and Agencies.

(A) In determining credit for prior service, employment on a full-time basis for which public monies have been paid by employing agencies will be accepted as *prima facie* evidence that the person so employed met the requirement of being duly certificated under the laws governing the certification of teachers.

(B) In determining eligibility for membership and membership credit, the board will satisfy itself—1) as to employment being on an eligible basis; and 2) as to the member being duly certificated under the laws governing the certification of teachers.

(C) It is not the function of the board of trustees to pass on the legality of employment or the conditions under which certificates have been issued. If a person who is teaching in the schools designated in the Retirement Act meets the eligibility requirements, the person is a member.

(7) Members of State-Wide Educational Agencies—The employer of any person eligible for membership in the retirement system under the provisions of subsection 2 of section 169.130, RSMo, shall furnish to the board of trustees a certified copy of a resolution adopted by the governing body responsi-

ble for the administration of the organization before any such person shall be considered eligible for membership. This resolution shall request the board of trustees to grant membership to the certificated employees of the organization who are now or may become eligible for membership and shall indicate that the governing body will assume full responsibility for the withholding of contributions from the salaries paid to such persons and for the remittance of contributions to the retirement system. This section of this rule applies only to the teacher system.

*AUTHORITY: section 169.020, RSMo Supp. 2013.\* Original rule filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Aug. 29, 2003, effective Feb. 29, 2004. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006. Amended: Filed June 24, 2013, effective Jan. 30, 2014.*

*\*Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005, 2009, 2013.*

#### 16 CSR 10-4.010 Membership Service Credit

*PURPOSE: This rule sets forth the manner in which credit is to be earned for full-time or part-time service in employment covered by the retirement system.*

(1) Membership service credit for full-time employment will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the annual compensation expected to be paid for that full-time position for a complete school year, as reflected on the beginning of the year report from the employer (or as later amended). Both the numerator and denominator will be determined without regard to the career ladder and medical benefits that are otherwise included in compensation. Credit resulting from the above calculation shall be rounded to the nearest hundred-thousandth. Not more than one (1) year of membership service credit will be allowed for any school year.

(2) Where credit is allowed by law for part-time employment, the credit will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the annual compensation that would be paid for that position on a full-time basis for a complete school year, as reflected on the beginning of the year report from the



employer (or as later amended). Both the numerator and denominator will be determined without regard to the career ladder and medical benefits that are otherwise included in compensation. Credit resulting from the above calculation shall be rounded to the nearest hundred-thousandth. Not more than one (1) year of membership service credit will be allowed for any school year.

(3) When a member terminates employment with an employer included in the retirement system before the end of a school year, the maximum credit that may be received for that school year for employment with such employer will be calculated based on the portion of the school year completed before termination of membership. When a member begins employment with an employer included in the retirement system after the start of a school year, the maximum credit that may be received for that school year for employment with such employer will be calculated based on the portion of the school year completed after starting covered employment. Provided, however, that the beneficiary of a deceased member may elect to have membership service credit calculated pursuant to section (1) of this rule if such beneficiary is eligible or would become eligible for benefits pursuant to section 169.070.3(2) or 169.075, RSMo. In no event will benefit payments commence prior to July 1 if the member is allowed one (1) year of membership service credit.

*AUTHORITY:* section 169.020, RSMo Supp. 2010. \* Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 14, 1979, effective Nov. 15, 1979. Amended: Filed Sept. 11, 1981, effective Dec. 11, 1981. Emergency amendment filed Sept. 1, 1982, effective Sept. 11, 1982, expired Dec. 30, 1982. Amended: Filed Jan. 17, 1986, effective June 12, 1986. Emergency amendment filed Sept. 10, 1987, effective Sept. 20, 1987, expired Jan. 18, 1988. Amended: Filed Sept. 10, 1987, effective Jan. 29, 1988. Emergency amendment filed Aug. 24, 1988, effective Sept. 3, 1988, expired Jan. 1, 1989. Amended: Filed Aug. 24, 1988, effective Dec. 29, 1988. Amended: Filed Aug. 30, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Emergency amendment filed Aug. 23, 1993, effective Sept. 2, 1993, expired Dec. 30, 1993. Amended: Filed Aug. 23, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Amended: Filed Oct. 29, 1993, effective May 9, 1994. Amended: Filed Dec. 22, 1993, effective July 10, 1994. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed Aug. 4, 1994,

effective Feb. 26, 1995. Amended: Filed June 14, 1995, effective Dec. 30, 1995. Amended: Filed June 14, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 15, 1996, effective Feb. 28, 1997. Amended: Filed Oct. 24, 1996, effective July 1, 1997. Rescinded and re-adopted: Filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006. Amended: Filed July 20, 2010, effective Jan. 30, 2011. Amended: Filed Dec. 15, 2010, effective June 30, 2011.

\*Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005, 2009.

#### 16 CSR 10-4.012 Payment for Reinstatement and Credit Purchases

*PURPOSE:* This rule sets forth the manner in which funds shall be paid to, credited and refunded by the retirement system for the reinstatement and purchase of membership service credit in the retirement system.

(1) Payments to reinstate or to purchase credit shall be made in a manner acceptable to the Public School Retirement System of Missouri.

(2) Consistent with the *Internal Revenue Code*, the system may accept rollovers and in-service trustee-to-trustee transfers in payment for reinstatement and credit purchases provided that acceptance of any funds from any authorized plan or account will not jeopardize the tax-qualified status of the retirement system and the money is from one of the following:

(A) A 401(a) tax-qualified plan (including a Keogh plan which meets additional requirements pertaining to owner-employees);

(B) A 401(k) profit-sharing plan;

(C) A 403(a) qualified-annuity plan;

(D) A 408(a) individual retirement account or a 408(b) individual retirement annuity to the extent that the IRA contains funds that have not previously been taxed;

(E) A 403(b) qualified plan;

(F) A state and local government 457(b) qualified plan;

(G) Such other plans or accounts as may be authorized as a source of eligible funds under the *Internal Revenue Code*, provided that the system shall not be obligated to accept any funds from any such authorized plan or account if the funds would jeopardize the tax-qualified status of the system; or

(H) The member, if the amount was distributed to the member from a qualified plan, is rolled over by the member to the system within sixty (60) days of that distribution, and

the payment is accompanied by proof of rollover eligibility.

(3) The retirement system will accept, pursuant to sections (1) or (2) above, only the amount of funds equal to or less than the balance due, including interest, if any, required for the reinstatement or purchase for which the member applied.

(4) Prior to July 1 each year, the board of trustees shall establish a "purchase rate" of interest based upon the actuarially assumed annual rate of return on invested funds of the retirement system. The purchase rate shall apply to any amount due for reinstatement of credit or for the purchase of credit except as otherwise specified by law or by this rule.

(5) A purchase shall be effected by the member paying to the retirement system the amount the member would have contributed and the amount the employer would have contributed had such member been an employee for the number of years for which the member is electing to purchase credit, and had the member's compensation during such period been the highest annual salary rate on record with the retirement system on the date of election to purchase credit. The contribution rate used in determining the amount to be paid shall be the contribution rate in effect on the date of election to purchase credit.

(6) A reinstatement shall be effected by the member paying to the retirement system with interest the total amount of accumulated contributions withdrawn by the member or refunded to the member with respect to the service being reinstated. A member may reinstate less than the total service previously forfeited. If a member is retired on disability before completing such payments, the balance due with interest may be deducted from the member's disability retirement allowance.

(7) The total amount of any payments made on an application for purchase or reinstatement that buys a minimum of one-one-hundred thousandth (0.00001) or more of credit shall be credited to the member's accumulated contributions no later than the close of the school year in which payment is made in full or upon termination of membership.

(8) If payment to reinstate or purchase credit for which the member applies is not completed within the period established by law, or prior to termination of membership with the retirement system, the amount paid will be—  
a) used to allow proportional credit where permissible, based on the relationship between the total principal due at application



and the total of the payments applied to the principal, and the total amount paid will be credited to the member's accumulated contributions; or b) refunded to the member if proportional credit is not allowable. Unless proportional credit is not allowed, only payments purchasing less than the first one-one-hundred thousandth (0.00001) year of credit will be refunded. No other refunds will be permitted except as specifically stated in this regulation.

(9) If a member dies before retirement or retires on service or disability retirement after having made partial payments but not payment in full to reinstate or purchase credit, the partial payments will be refunded to the member's beneficiary or the retiree if proportional credit is not allowable by law or by rule of the board of trustees. If proportional credit is allowable, the payments will be credited to the member's accumulated contributions and proportional credit will be allowed. If a member retires on disability retirement before completing payment for a reinstatement of credit only, the balance due with interest shall be deducted from the disability retirement allowance as provided by law. Only payments purchasing less than first one-one-hundred thousandth (0.00001) year of credit will be refunded.

(10) For all elections to purchase credit received by the retirement system on or after January 1, 2006, the member shall receive credit based on the amount paid by the member for such credit and received by the retirement system by the close of business on June 30 of each year.

(11) In lieu of charging the member interest on elections to purchase credit received on or after January 1, 2006, the amount to be paid by the member for any remaining credit the member has elected to purchase, but has not paid for by September 30 of each calendar year, shall be recalculated on the following October 1 using the contribution rate in effect on July 1 of that same calendar year and the highest salary of record for the member as of that July 1.

(12) For all elections to purchase credit received by the retirement system prior to January 1, 2006, the retirement system shall determine the cost of such purchase using the calculation method in effect for elections to purchase credit received by the retirement system on or after January 1, 2006, provided that the member shall have a one (1) time, irrevocable option to continue to have the cost of such purchase be determined using the cal-

ulation method in effect at the time of such election to purchase such credit. To be effective, such option must be elected by the member on a form approved by the retirement system and such form must be received by the retirement system by the close of business on June 30, 2006.

(13) The retirement system may limit the amount of credit purchased by a member in any year if allowing such purchase would jeopardize the retirement system's tax-qualified status under Title 26 of the *United States Code*.

*AUTHORITY: section 169.020, RSMo Supp. 2011.\* Original rule filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Aug. 15, 2001, effective Feb. 28, 2002. Amended: Filed Aug. 29, 2003, effective Feb. 29, 2004. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006. Amended: Filed June 30, 2011, effective Jan. 30, 2012. Amended: Filed July 2, 2012, effective Dec. 30, 2012.*

*\*Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005, 2009.*

#### **16 CSR 10-4.014 Reinstatement and Credit Purchases**

*PURPOSE: This rule sets forth provisions relating to the reinstatement or purchase of membership service credit in the retirement system.*

(1) A member electing to reinstate or purchase membership service credit authorized by the laws governing the retirement system shall make the election to reinstate or purchase credit on a form provided by the retirement system and the reinstatement or purchase shall be effected through payment to the retirement system within the time period prescribed by law of the contributions due, together with interest, if applicable, computed at the purchase rate set by the board of trustees, in accordance with the provisions of 16 CSR 10-4.012.

(2) Unless required to be allowed under federal law, a member cannot elect to purchase or claim credit for services outside of a district included in this retirement system, or to reinstate credit previously earned in this retirement system, for which the member is receiving or for which the member may, without additional services, become eligible to receive a benefit from another retirement system. A member cannot elect to purchase membership service credit from any source if the purchase would result in the member

accruing more than one (1) year of membership service credit for any school year except as a result of the purchase of credit authorized by section 169.577, RSMo.

(3) A member who applies to reinstate or purchase membership service credit must provide reliable documentation sufficient to establish each element required to qualify for the proposed reinstatement or credit purchase. Where the credit being purchased is based on a period of employment or a period of service covered by a retirement system, the documentation must include confirmation by the employer or retirement system of the relevant facts.

(4) Once a member has filed an application to reinstate or purchase service credit, no additional application to reinstate or purchase such credit may be filed for the same period of employment unless the member terminates membership with the retirement system and subsequently reestablishes such membership.

(5) Any credit earned for a period of leave under section 169.595, RSMo, shall be secured only if the necessary contributions are remitted by the employing district by June 30 of the school year that occurs two (2) years after the school year in which the leave period occurred and are accompanied by a statement from the employing district certifying the name of the member for whom the contributions are being remitted and that the member was either on sick leave in accordance with the sick leave provisions of the employer or was under Workers' Compensation during the period of leave.

(6) The following provisions shall apply to a purchase of membership service credit for maternity or paternity leave under section 169.056, RSMo:

(A) A period of leave shall be considered maternity or paternity leave for which membership service credit may be purchased if—

1. The leave was unpaid;
2. The leave related to a natural birth, legal adoption, or terminated pregnancy by the member or the member's spouse or significant other;
3. The member was employed in a position covered by the retirement system at the time the leave relating to the initial natural birth, legal adoption, or terminated pregnancy began;
4. The member provides written confirmation that the leave was maternity or paternity leave;
5. The member provides a copy of a birth certificate, or certification of adoption,



or physician's certification of termination of pregnancy, which indicates that the event occurred within a reasonable time before or after the period of maternity or paternity leave began; and

6. The member returns to employment in a position covered by the retirement system;

(B) The maternity or paternity leave for which membership service credit may be purchased shall terminate upon the member's return to covered employment and may not exceed one (1) year for each natural birth, legal adoption, or terminated pregnancy; and

(C) A member may elect to purchase some or all of the period of maternity or paternity leave for which the member is eligible.

(7) "Public college" as that phrase is used in section 169.056.3, RSMo, and "private college" as that phrase is used in section 169.056.9, RSMo, shall include junior colleges and community colleges either inside or outside of Missouri. "Private school, college, or university" as that phrase is used in section 169.056.9, RSMo, shall not include trade schools.

(8) The following provisions shall apply to the purchase of creditable service under section 105.691, RSMo:

(A) A member may elect to purchase creditable service under section 105.691, RSMo, only if the member had previously acquired creditable service in a retirement plan defined in that section for the employment to which the election applies; except that if the service did not meet the membership requirements of the employer's retirement plan or the employer had no such retirement plan at the time the service was rendered, but the service would otherwise have met the membership requirements of this system as in effect when the election is made, the member shall be eligible to purchase such creditable service. The creditable service allowable shall be determined in accordance with the provisions of section 105.691, RSMo, and the rules of the board of trustees; and

(B) A member who does not complete payment in full on an application to purchase creditable service under section 105.691, RSMo, within the time limit prescribed by law may reapply to purchase creditable service for that same period of employment. The member may apply within the limits of the law to purchase creditable service for any other period of employment for which application to purchase creditable service was not previously made.

(9) The purchase of creditable service pursuant to section 169.577, RSMo, shall be administered as follows:

(A) Any member will be considered "within five (5) years of being eligible to retire with a retirement allowance" if that person would be eligible to begin receiving a full or reduced retirement allowance from the public school retirement system, by virtue of accrual of five (5) or fewer years of creditable service or the passage of five (5) or fewer calendar years;

(B) The salary used in calculating the cost of creditable service purchased pursuant to section 169.577, RSMo, is not "compensation payable to a member" as that phrase is used in section 169.010(8), RSMo, and shall not be used in determining final average salary;

(C) Credit purchased shall be used for all purposes except vesting;

(D) The cost of the purchase shall be calculated pursuant to the provisions of 16 CSR 10-4.012;

(E) A purchase shall be made in increments of at least one-one-hundred thousandth (0.00001) year and may not exceed five-tenths (0.5) year; and

(F) If the total payments made prior to termination of membership with the retirement system are insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based upon the ratio between the amount due for the entire period for which election to purchase was made and the total amount of the payments applied to reduce the principal amount due in increments of one-one-hundred thousandth (0.00001) year. The amount of partial payments not used to purchase credit or pay interest shall be refunded.

(10) A member electing to purchase membership service credit for service in the armed forces shall receive one (1) year of credit for each twelve- (12-) month period of such service. For any such period of service in the armed forces of less than twelve (12) months, the member shall receive proportional credit computed to the nearest one-one-hundred thousandth (0.00001) of a year; provided that, if the member entered on active duty in the armed forces no later than the date on which the member's services were to have begun under an employment agreement with a district included in the retirement system and if the total period of active military service that year would have entitled the member to a year of creditable service had that service been rendered in that position with the district, the member shall be entitled to purchase a full year of membership service

credit for the period of service. No more than one (1) year of membership service credit shall be allowed for service in the armed forces or for a combination of service in the armed forces and actual service in a district included in the retirement system, for any one (1) school year.

(11) Unless otherwise required by law, membership service credit purchased under the laws governing the retirement system cannot be used to establish eligibility for benefits under sections 169.010 to 169.141, RSMo, but such purchased credit may be used in computing the value of any benefits to which a member would otherwise qualify under those sections.

(12) The salary used in calculating the cost of creditable service purchased is not compensation payable to a member as that phrase is used in section 169.010(8), RSMo, and shall not be used in determining final average salary.

(13) Unless a different amount is required by law, members must have accrued at least one (1) year of membership service credit for employment in a position covered by the retirement system in order to apply to purchase service credit.

(14) Unless otherwise required by law, if the total payments made within the time allowed to purchase credit is insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based on the ratio between the amount due for the entire period for which the member applied and the total amount of the payments applied to reduce the principal amount due.

(15) Members electing to reinstate or purchase credit may make payments in any amount and at any time during the period allowed for payment.

(16) A purchase of credit for Social Security covered employment pursuant to section 169.056.11, RSMo, shall be allowed only in a manner consistent with Title 26 of the *United States Code* and, in addition, shall be governed by the following provisions:

(A) The member must have five (5) years of creditable service with the retirement system prior to purchasing credit for Social Security covered employment pursuant to section 169.056.11, RSMo;

(B) The retirement system shall allow the purchase of no more than five (5) years of credit for "nonqualified service" as that term is defined in section 415 of Title 26 of the



*United States Code* if doing so would jeopardize the tax qualified status of the retirement system pursuant to the *Internal Revenue Code* and the retirement system determines that the provisions of section 415(n) of Title 26 of the *United States Code* apply to the purchase of such member's purchase;

(C) The member must supply evidence satisfactory to the retirement system that the member is eligible to purchase credit for Social Security covered employment pursuant to section 169.056.11, RSMo;

(D) The member must submit to the retirement system a detailed statement of the member's employment history created by the Social Security Administration in a format satisfactory to the retirement system; and

(E) The retirement system shall determine the amount of credit that may be purchased for Social Security covered employment pursuant to section 169.056.11, RSMo, based on the information provided pursuant to this section of this rule.

*AUTHORITY: section 169.020, RSMo Supp. 2013.\* Original rule filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 25, 1999, effective April 30, 2000. Amended: Filed Aug. 21, 2000, effective Feb. 28, 2001. Amended: Filed Feb. 14, 2002, effective July 30, 2002. Amended: Filed Aug. 29, 2003, effective Feb. 29, 2004. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006. Amended: Filed June 30, 2011, effective Jan. 30, 2012. Amended: Filed April 30, 2014, effective Oct. 30, 2014.*

*\*Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005, 2009.*

#### 16 CSR 10-4.016 Withdrawals

*PURPOSE: This rule sets forth the procedure for withdrawal of a member's contributions, including interest, in accordance with the provisions of sections 169.035 and 169.050, RSMo and the restrictions for the purchase or reinstatement of creditable service with this retirement system for members who made elections under the provisions of sections 104.342 and 104.372, RSMo.*

(1) If a member withdraws from the system, the member shall be paid the full amount due within sixty (60) days of the establishment of the withdrawal; provided, however, that a member may not make application for withdrawal of contributions until thirty (30) days have elapsed after termination of covered employment. See 16 CSR 10-6.080(1) for the nonteacher system.

(2) If a member who has withdrawn or has been refunded contributions and thereby forfeited creditable service again becomes a member of the system, and elects prior to retirement to reinstate all or a portion of the creditable service forfeited in accordance with 16 CSR 10-4.012 and 16 CSR 10-4.014, the relevant portion of the previous service shall be reinstated and the payments credited to the member's accumulated contributions.

(3) Any member who elected under the provisions of section 104.342, RSMo to remain a member of the Public School Retirement System of Missouri and who elects to reinstate creditable service previously forfeited at withdrawal, to purchase credit for services in another Missouri retirement system or in another state, to purchase credit for services in the armed forces, or to purchase credit for a period of leave, shall be subject to the same legal and regulatory requirements as any other member, including a requirement to pay the amount due for that credit as prescribed by law and the rules of the board of trustees.

(4) No member who previously elected under the provisions of section 104.342 or 104.372, RSMo to secure creditable prior service with the Missouri State Employees' Retirement System for creditable service previously forfeited at withdrawal from this retirement system may elect to reinstate that creditable service with this retirement system.

(5) A member who has made additional deposits under section 169.035, RSMo and who elects to withdraw the total of such deposits in accordance with the provisions of that section shall receive payment in full of the total amount due (including any interest authorized by law) within sixty (60) days of the date on which the application was filed.

*AUTHORITY: section 169.020, RSMo Supp. 1997.\* Original rule filed June 23, 1998, effective Jan. 30, 1999.*

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

#### 16 CSR 10-4.018 Uniformed Services Employment and Reemployment Rights Act

*PURPOSE: This rule explains how the Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to the retirement system.*

(1) The following provisions shall apply when a member of the retirement system is reemployed by an employer included in the system

pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and its successors:

(A) When a member applies to purchase USERRA leave, the system will require written confirmation from the member's employer of the period covered and the salary that would apply, which will be included on the Application to Purchase Leave (application) to be submitted by the member;

(B) A period covered by USERRA will not be a break in service for purpose of termination of membership and will count toward vesting and retirement eligibility, but not toward benefit calculation unless the member elects to pay required contributions as provided in this regulation;

(C) A member may elect, within five (5) years of reemployment, to pay the system the employee contributions the member would have made, using the contribution rates and salary that would have applied during the period, as required by USERRA;

(D) Where the member has elected to pay employee contributions under USERRA, the employer reemploying the member is required under federal and state law to pay the contributions the employer would have paid, using the contribution rates and salary that would have applied during the period and interest on the contributions at the "purchase rate" (see 16 CSR 10-4.012(4)), with interest beginning to accrue the first day of the month following the month in which the member submits an application to the system;

(E) The employer shall pay the employer contributions and interest no later than the end of the school year following the year in which the employee files an election to make the employee contributions. Any employer contributions that are paid to the system, but for which the corresponding employee contributions are never paid, shall be credited back to the employer, plus interest at the assumed rate of return on invested funds of the system when the member retires, dies, or terminates membership with the system;

(F) Payment of employee contributions may be made without interest;

(G) Payment of employee contributions must be completed prior to the member's retirement, termination of membership with the retirement system, or death. If the member fails to complete payment of the employee contributions during the period allowed, proportional credit shall be allowed based on the ratio between the amount due for the entire period and the total amount of the payments made and to the nearest one-one-hundred thousandth (0.00001) of one (1) year;



(H) The maximum creditable service that may be purchased pursuant to USERRA is five (5) years per membership; and

(I) An application to purchase USERRA leave may not be filed after the member's retirement, termination of membership in the system, or death.

(2) Any member who becomes disabled while on qualified military service pursuant to USERRA shall be treated as if they were teaching in a district included in the system and shall be eligible for disability retirement with the system provided that all other requirements for disability retirement, as set forth in section 169.060, RSMo, and 16 CSR 10-5.020 are met.

(3) If a member, whose period of creditable service in districts included in the retirement system is two (2) years but less than five (5) years, dies a) while on qualified military service pursuant to USERRA, or b) as a result of an injury or sickness incurred while on qualified military service pursuant to USERRA and within one (1) year of the commencement of such injury or sickness, the certain survivors of the member may be eligible for benefits as set forth in section 169.075, RSMo, and 16 CSR 10-5.030, provided that all other eligibility requirements are met.

*AUTHORITY: section 169.020, RSMo Supp. 2013.\* Original rule filed April 30, 2014, effective Oct. 30, 2014.*

*\*Original authority: 169.020, RSMo 1945, amended 1951, 1953, 1967, 1973, 1983, 1990, 1995, 1996, 1998, 2005, 2009.*

#### 16 CSR 10-4.020 Prior Service Credit

*PURPOSE: This rule sets forth the procedures for qualifying prior service credit as provided in section 169.050, RSMo.*

(1) On a form supplied by the board of trustees, each member claiming prior service credit shall file with the board of trustees a statement of all services performed by him/her in the public schools of Missouri prior to July 1, 1946, and services rendered outside of this state prior to July 1, 1946, for which credit is claimed, and the services shall be listed separately by years.

(2) All claims for prior service credit by members for services in Missouri, but not to exceed thirty (30) years, shall be verified by any of the following records: a statement from a school or county official having cus-

tody of the records; when no official records are existent for service claimed, verification of services may be made by affidavits from not fewer than two (2) persons having first-hand knowledge of the service, preferably persons who served with the individual or who were members of the board of directors of the district at the time; submission to the board of trustees by the teacher of the original duly executed teacher's contract made at the time of the service, with a sworn statement as to the fulfillment of the contract (see 16 CSR 10-6.050(1)-(4) for the nonteacher system).

(3) The member shall be responsible for the verification of the service outside of this state for which credit is claimed and the verification shall be made in the following manner: by means of affidavits completed with information obtained from school records by the custodian of the records; by means of affidavits completed with information obtained from the records of a retirement system; when no records are existent from which a verification of the claimed service can be obtained, by means of affidavits completed by two (2) or more persons having a first-hand knowledge of the service or by submission of the original duly executed teacher's contract made at the time of the service and with a sworn statement as to the fulfillment of the contract.

(4) In determining prior service credit, the minimum time for which credit for one (1) year's service shall be granted shall be as follows:

(A) Services rendered prior to July 1, 1909 shall be based on the legal school term of six (6) months or one hundred twenty (120) days, and service in any one (1) school year of five (5) months or one hundred (100) school days shall be counted as one (1) year of service;

(B) Services subsequent to June 30, 1909 shall be based on the legal school term of eight (8) months or one hundred sixty (160) days, and services in any one (1) school year of seven (7) months or one hundred forty (140) days shall be counted as one (1) year of service;

(C) Instances not covered under subsection (4)(A) or (B) of this rule shall be determined by the board of trustees upon the facts of each case;

(D) Service in excess of the minimum number of school days in any one (1) school year, as set forth in this rule, shall not count toward prior service credit in any other school year; and

(E) Prior service credit for time served in the Kansas City or St. Louis schools will be allowed members who are not and will not be eligible for benefits in their systems. Section (4) applies only to the teacher system.

(5) After reviewing all evidence submitted in claim for prior service credit and after satisfactory proof of date of birth has been received, the board of trustees shall issue to each member a statement of prior service credit allowed.

(6) If, at any time, an error should be found in the establishment of the prior service record of a member, the board of trustees shall have the power to correct this mistake and to adjust any benefits which may be affected.

(7) To qualify for prior service credit under the original Public School Retirement Act, full-time service shall mean employment for not less than seven (7) months of the 1945-46 or 1946-47 school year, provided, that in the case of a member who has been a full-time employee as defined by the board of trustees for the three (3) years immediately preceding, who was employed for full-time service in 1945-46, but who, because of disability, served for less than the full seven (7) months in 1945-46, the member shall qualify for prior service credit. This section of this rule applies only to the teacher system.

(8) To qualify to receive prior service credit for services as a teacher outside of this state before July 1, 1946, the member must have service credit in our system for services after August 29, 1953, which will be at least equal to the length of time for which both prior service credit and membership service credit is claimed for services outside of this state. This section of this rule applies only to the teacher system.

(9) Prior service credit shall not be allowed for services out of Missouri before July 1, 1946, for which a member is receiving or is eligible to receive retirement credit or benefits in another teacher retirement system. This section of this rule applies only to the teacher system.

*AUTHORITY: section 169.020, RSMo Supp. 1990.\* Original rule filed Dec. 19, 1975, effective Jan. 1, 1976.*

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



*Op. Atty. Gen. No. 134, Block (8-18-78).  
Senate Bill 906, 79th General Assembly, Sec-  
ond Session, pertaining to membership and  
prior service credit in the Public School  
Retirement System, does not authorize a reap-  
plication for election by a member of the sys-  
tem to pay previous withdrawals or refunds to  
reinstate prior service credit.*





STATEMENT OF SERVICE AS A TEACHER IN MISSOURI PRIOR TO JULY 1, 1946

INSTRUCTIONS: Give a complete statement of your service as a teacher in the public schools and institutions in Missouri. Use a separate line for each school year. The maximum creditable prior service is 30 years, but list all years of service. If not enough lines on this page, list remaining years on page 3. Do not include absences without pay, substitute or practice teaching. This report is the basis of creditable prior service. Protect your own interests by completing accurately.

Table with 8 columns: Number, School District or Institution, County, School Year, No. of Days Served, No. of Days in School Year, (Leave Blank), Salary per Month, Salary Received for School Year. Rows 1-31.

I hereby claim the above teaching services in Missouri Public Schools or institutions prior to July 1, 1946.

Membership Number

Signature of Member



**16 CSR 10-4.022 Forms to be Used**

*PURPOSE:* This rule provides for the orderly transmittal of data and information necessary for the administration of the retirement system.

(1) Applications for retirement allowances, disability benefits, withdrawals of funds, death benefits, service credit purchases, reinstatements and other matters concerning the administration of the retirement system shall be submitted on forms provided by the retirement system, and shall be filed with the executive director or the executive director's designee.

*AUTHORITY:* section 169.020, RSMo Supp. 1997.\* Original rule filed June 23, 1998, effective Jan. 30, 1999.

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