

**Retirement Board**

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Investment Officer

Memorandum

To: Retirement Liaison Officers

From: Cheryl Price, Operations Officer

Date: August 23, 2016

Re: Proposed Revisions to PERS' Official Policies

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The Public Employees' Retirement Board has approved for notice the **adoption of new policies and the re-adoption of all previously adopted policies** of the Board in accordance with NRS 286.200. Please immediately cause a copy of this notice to be posted on a bulletin board or in some conspicuous place in your office.

The public hearings on the revised policies will take place no earlier than 1:00 p.m. on September 15, 2016, in the PERS' Board Room, 693 West Nye Lane, **Carson City** and 12:00 p.m. on October 20, 2016 in the PERS' Board Room, 5820 S. Eastern Avenue, Suite 220, **Las Vegas**. Any person wishing to testify should be in attendance at either meeting. The revised policies may be adopted, as proposed or as modified by the Retirement Board, at the October 20, 2016, meeting and become effective November 15, 2016.

All proposed changes are contained in the attachment entitled *Official Policies of the Public Employees' Retirement System of Nevada* with the proposed additions underlined and the proposed deletions with a strikethrough line. The proposed changes include, but are not limited to:

1. Modifications for the implementation of Senate Bill 406 (2015) and Senate Bill 69 (2015);
2. Restructure of definitions to delete definitions for words and terms already defined in NRS chapter 286 unless further definition is necessary in accordance with NRS 286.200, definition of fire suppression training, and clarification of definition of hazardous duty, shift differential pay and standby pay as those terms are used in NRS chapter 286;

3. Clarification regarding enrollment of certain reemployed retirees and employees filling certain teaching positions, and updates to test for determining status as an employee;
4. Updates for monthly reporting;
5. Streamline of the appeals/petition process; and
6. Technical and procedural changes.

The above list is not all-inclusive of the proposed changes. Please refer to the attachment for all proposed changes.



*Official Policies*

*Of the*

**PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM OF NEVADA**

693 West Nye Lane  
Carson City, Nevada 89703

Effective: **July 1, 2015**



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## DEFINITIONS

- 286.016                    DEFINITIONS – As used in these policies, the words and terms defined in NRS Chapter 286 have the meanings ascribed to them in that chapter.
- ~~286.017            1.1            ACTUARIAL COMPUTATION—The computation based on benefits earned and life expectancy of member and beneficiary to determine necessary reduction of benefits under retirement options or to determine cost of purchasing additional benefits.~~
- 286.6703            1.21            ALTERNATE PAYEE - The spouse, former spouse, registered domestic partner, former registered domestic partner, child, or other dependent of a member or retired employee who, pursuant to a judgment, decree, or order relating to child support, alimony, or the disposition of community property, is entitled to receive all or a portion of the allowance or benefit of a member or retired member from the System.
- 286.551(5)            1.32            ASSIGNMENT-RELATED COMPENSATION – Compensation paid to the member for shift differential, hazardous duty, standby pay, or extra duty assignments.
- ~~286.551(3)            1.4            AVERAGE COMPENSATION—The average of a member's 36 consecutive months of highest compensation as certified by the public employer except that the average compensation of an employee who becomes a member on or after January 1, 2010 is limited by the provisions of NRS 286.551(4) and (5).~~
- 286.551            1.53            BASE BENEFIT - The original monthly benefit ~~from~~ received by a member or retired employee.
- 286.590  
286.667  
286.671-  
286.677            1.64            BENEFICIARY - A person eligible for a survivor benefit or as a result of an option selection by a retired employee.
- 286.200            1.75            BENEFIT CANCELLATION - Discontinuance of a benefit with no possible reinstatement.
- 286.200            1.86            BENEFIT SUSPENSION - Temporary withdrawal of benefit with possible reinstatement when certain conditions are met.
- ~~286.020            1.9            BOARD—The Public Employees' Retirement Board.~~

286.297      1.10      ~~BOARD OR COMMISSION—Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for fees for attendance at meetings and expenses incurred.~~

286.025(2)      1.~~11~~7      CALL-BACK PAY –

- a. Except as it may conflict with the Nevada Administrative Code at 284.214, call-back pay is defined as compensation earned for returning to duty after a member has completed his regular shift, is off duty for any period of time, and is requested to return to duty with less than 12 hours’ notice.
- b. Scheduling the 12-hour rule set forth in subsection (a) will be activated by the electronic call-out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12-hour rule and not allow the employee call-in response to govern notification for purposes of the 12-hour rule.
- c. An employer may not convert what would otherwise be an overtime shift to a call-back shift by waiting until there is less than 12 hours’ notice to request a return to duty, if the employer has knowledge more than 12-hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.
- d. This policy applies to all members with an effective date of membership on or before June 30, 2008.

286.025(2)      1.~~11~~7      CALL-BACK PAY –

- a. Except as it may conflict with the Nevada Administrative Code at 284.214, call-back pay is defined as compensation earned for returning to duty after a member has completed his regular shift and is requested to return to duty with less than 12 hours’ notice to respond to an emergency, except for any member who is (1) called into work while on standby status, (2) not required to leave the premises where he is residing or located at the time of notification in order to respond, or (3) called back to work if the work begins 1 hour or less before or after his scheduled work shift.
- b. For the purposes of this Policy 1.11, “emergency” means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate the endangerment of lives, health, or property. Such an emergency must be declared by the governing body or chief administrative



- officer of the public employer.
- c. Scheduling the 12-hour rule set forth in subsection (a) will be activated by the electronic call-out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12-hour rule and not allow the employee call-in response to govern notification for purposes of the 12-hour rule.
- d. An employer may not convert what would otherwise be an overtime shift to a call-back shift by waiting until there is less than 12 hours' notice to request a return to duty, if the employer has knowledge more than 12-hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.
- e. This policy applies to all members with an effective date of membership on or after July 1, 2008.

286.025      1.~~11~~7      CALL-BACK PAY –

- a. Returning to duty within 12 hours after one's regular working hours to respond to an emergency.
- b. As used in this Policy 1.11(a), "emergency" means a sudden, unexpected occurrence that is declared by the governing body or chief administrative officer of the public employer to involve clear and imminent danger and require immediate action to prevent and mitigate the endangerment of lives, health or property.
- c. This policy applies to all members with an effective date of membership on or after January 1, 2010.

~~286.671(1)      1.12      CHILD—An unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this policy, "issue" means the progeny or biological offspring of the deceased member.~~

~~286.025(1)      1.13      COMPENSATION—The salary paid to a member by the member's public employer which is subject to contribution.~~

286.551      1.~~14~~8      CONSECUTIVE MONTHS - The months, one following the other, in which some compensation is reported or service credit received, whether any actual work was performed or not. For the calculation of average compensation, compensation reported shall not be prorated to reflect the portion of the month that the reported compensation represents. Months for which a member does not receive service credit shall be spanned and not included in determining average compensation.

1.159 CONTRIBUTION PLANS –

- 286.450 a. **Employee/Employer:** The employee and employer pay equivalent contributions.
- 286.421 b. **Employer Pay:** The employer pays the entire contribution on behalf of the employee. The employees' portion must be in lieu of an equivalent salary increase or by salary reduction, except when the employee is a local elected official or district judge, [Court of Appeals](#), or a justice of the Supreme Court.

1.160 CONTRIBUTIONS –

- 286.410 a. **Employee:** Deductions made from the employee's salary, paid to the System and credited to the employee's member account. Employees do not earn interest on any employee contributions credited to their member accounts.
- 286.450 b. **Employer:** Payments made by employers to ~~this~~ [the](#) System under the employee/employer contribution plan.
- 286.421 c. **Employer Pay:** Payments made by employers on behalf of those employees under the employer-pay contribution plan.

286.523 1.171 CRITICAL LABOR SHORTAGE POSITION - A position determined by a participating public employer's governing body to be experiencing a critical labor shortage ~~after taking into account the following criteria:~~ [pursuant to NRS 286.523.](#)

- ~~— (a) — The history of the rate of turnover for the position;~~
- ~~— (b) — The number of openings for the position and the number of qualified candidates for those openings;~~
- ~~— (c) — The length of time the position has been vacant; and~~
- ~~— (d) — The success of recruiting persons in other states to fill the position.~~

~~This Policy 1.17 applies to those positions designated as a critical labor shortage position on or before June 30, 2009.~~

286.523 1.17 CRITICAL LABOR SHORTAGE POSITION—A position determined by a participating public employer’s designating authority in an open public meeting as a position for which a critical labor shortage exists after making findings based upon the following criteria:

- (a) — The history of the rate of turnover for the position;
- (b) — The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;
- (c) — The length of time the position has been vacant;

- ~~(d) — The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and~~
- ~~(e) — The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.~~

~~This Policy 1.17 applies to those positions designated as a critical labor shortage position on or after July 1, 2009.~~

- ~~286.671            1.18        DEPENDENT PARENT—The surviving parent of a deceased member who was dependent upon the deceased member for at least 50% of the parent's support for at least 6 months immediately preceding the death of the member.~~
- ~~286.620            1.19        DISABILITY RETIREMENT—Benefit provided to an eligible member who becomes totally unable to perform his current or any comparable job for which he is qualified by his training and experience because of injury or physical or mental illness of a permanent nature.~~
- ~~286.200            1.20        DISTRIBUTION—~~
  - ~~a.—Initial: A distribution to the member of the portion of mandatory employer pay contributions submitted on his behalf by his public employer as of the date of termination of employment.~~
  - ~~b.—Final: A distribution to the member of the portion of mandatory employer pay contributions submitted on his behalf by his public employer which are credited after termination of employment.~~
- 286.671(1-3)    1.~~21~~12    ELIGIBLE SURVIVORS - Child, spouse, registered domestic partner, survivor beneficiary of an unmarried member, or dependent parent eligible to receive survivor benefits if the eligible member should die.
- ~~286.040            1.22        EMPLOYEE—~~
  - ~~a.—A public officer of the State of Nevada or its political subdivisions.~~
  - ~~b.—Any person employed in a position which is normally considered half-time or more according to the full-time work schedule of the public employer and is under the direction and control of officers of the public employer.~~
- 286.025            1.~~23~~13    EMPLOYMENT –
  - a.    **Primary:** Public employment which is half-time or more upon which retirement contributions must be paid. In the event of employment in two or more eligible positions, the position paying

the greatest salary shall be primary.

- b. **Secondary:** In the event of concurrent public employment, the lesser salaried position.

|                      |                            |   |
|----------------------|----------------------------|---|
| 286.160              | 1. <del>24</del> <u>14</u> | EXECUTIVE OFFICER - Administrator of the Public Employees' Retirement System appointed by the Board.  |
| <u>286.510(1)(c)</u> | <u>1.15</u>                | <u>FAMILY MEDICAL EMERGENCY – When an employee is required to provide care for a member of his or her immediate family with a serious health condition or other authorized medical need. A certificate from a health care provider is required.</u>   |
| <del>286.042</del>   | <del>1.25</del>            | <del>FIREFIGHTER—See Policy 11.6.</del>   |
| <u>286.</u>          | <u>1.16</u>                | <u>FIRE SUPPRESSION TRAINING – The requirement specified in the official job description for firefighter I, firefighter II, red card certification, or equivalent as a condition of employment.</u>   |
| 286.293              | 1. <del>26</del> <u>17</u> | HALF-TIME POSITION - A position which requires an employee to work half-time according to the full-time work schedule of the public employer, for a duration exceeding six months.  |
| 286.025              | 1. <del>27</del> <u>18</u> | HAZARDOUS-DUTY PAY - Regular additional compensation paid to all eligible employees of a public employer for performing dangerous duty <u>not including any payment based, in whole or in part, upon any pay type that does not meet the definition of compensation in NRS 286.025.</u>   |
| 286.025              | 1. <del>28</del> <u>19</u> | HOLIDAY PAY - Compensation for work actually performed during an official holiday as defined by NRS 236.015 which is in addition to the compensation paid to all employees who do not work, providing the total working hours do not exceed the working hours of a normal workweek or pay period as certified by the public employer. |
| <u>286.510</u>       | <u>1.20</u>                | <u>IMMEDIATE FAMILY – The employee’s parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.</u>   |
| <del>286.045</del>   | <del>1.29</del>            | <del>INDEPENDENT CONTRACTOR—Any person who renders specified services for a stipulated fee who is not under the control of a public employer, except as regards the result of the work, and who does not receive customary employee benefits provided by the public employer.</del>   |
| 286.293<br>286.297   | 1. <del>30</del> <u>21</u> | INTERMITTENT POSITION - A position for which no regular work schedule exists.   |

286.67695 1.~~31~~22 KILLED IN THE COURSE OF EMPLOYMENT – For regular members, death that occurs as a direct or proximate result of the performance of the duty. In the event of heart attack or stroke, the member shall be presumed to have died as a direct or proximate result of the personal injury sustained in the line of duty if:

1. While on duty –
  - a. Engaged in a situation, and such engagement involved non-routine stressful or strenuous physical activity, or,
  - b. Participated in a training exercise, and such participation involved non-routine stressful or strenuous physical activity,
2. Member died as a result of a heart attack or stroke suffered –
  - a. Engaged in a situation, and such engagement involved non-routine stressful or strenuous physical activity, or,
  - b. While still on that duty after so engaging or participating in such an activity, or
  - c. Not later than 24 hours after so engaging or participating in such an activity; and
3. Such presumption is not overcome by competent medical evidence to the contrary.

286.67695 1.~~32~~23 KILLED IN THE LINE OF DUTY – For police and firefighter members, death that occurs as a direct or proximate result of the performance of the duty. In the event of heart attack or stroke, the member shall be presumed to have died as a direct or proximate result of the personal injury sustained in the line of duty if:

1. While on duty –
  - a. Engaged in a situation, and such engagement involved non-routine stressful or strenuous physical activity, or,
  - b. Participated in a training exercise, and such participation involved non-routine stressful or strenuous physical activity,
2. Member died as a result of a heart attack or stroke suffered -
  - a. While engaging or participating in such activity as described above,
  - b. While still on that duty after so engaging or participating in such an activity, or
  - c. Not later than 24 hours after so engaging or participating in such an activity; and
3. Such presumption is not overcome by competent medical evidence to the contrary.

286.288 1.~~33~~24 LIAISON OFFICER - An employee selected by a public employer or group of such employers to certify records and coordinate retirement matters between the System and members of participating public

employers. The employee selected must be a member of the System through his employment with the public employer.

- 1.34~~25~~<sup>26</sup> LINE OF DUTY – Any action the member was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.
- 286.025 1.35~~26~~<sup>27</sup> LONGEVITY PAY - Additional compensation provided to all eligible employees by a public employer based on years of service not including any payment based, in whole or in part, upon any pay type that does not meet the definition of compensation in NRS 286.025.
- ~~286.200 1.36 MANDATORY EMPLOYER PAY CONTRIBUTION PLAN – Required public employers who did not elect participation under the employer pay contribution plan for certain employees prior to July 1, 1983, to pay the entire retirement contribution on behalf of their employees:~~
- ~~a. For all police/fire employees with the Nevada Highway Patrol, Motor Carrier Division, and Division of Forestry employed on or after July 1, 1983.~~
  - ~~b. As of July 1, 1985, if the employee had ten or more years of accredited, contributing service;~~
  - ~~c. On the date after July 1, 1985, that the employee had ten years of accredited, contributing service; or~~
  - ~~d. As of the hire date for individuals employed on or after July 1, 1985, who did not already have active or inactive membership in the System.~~
- 286.050 1.37~~27~~<sup>28</sup> MEMBER –
- a. **Active:** A member who is in the employ of a participating public employer and whose employee contributions are currently being paid to the System or is in a leave without pay status.
  - b. **Inactive:** A member who has been reported as terminated from public employment and who has not withdrawn his employee contributions and/or the portion of mandatory employer-pay contributions submitted on his behalf.
- 286.260 1.38~~28~~<sup>29</sup> MEMBER ACCOUNT - The individual account maintained for each member of the System.
- 286.025 1.39~~29~~<sup>30</sup> OVERTIME PAY - Except as it may conflict with the Nevada Revised Statutes at 284.180 and the Nevada Administrative Code at 284.250, overtime pay is defined as additional pay earned by a member who is held over on his regular shift or is requested to return to duty under conditions that do not meet the definition of call-back pay applicable to

that member.

- 286.225 1.40 ~~POLICE AND FIREFIGHTERS' RETIREMENT FUND—~~  
~~Accumulation of all contributions, return on investments, and interest~~  
~~received from or on behalf of police and fire members of the System.~~
- 286.227 1.41 ~~POLICE AND FIREFIGHTERS' RETIREMENT FUND ADVISORY~~  
~~COMMITTEE—Committee appointed by the Board to make~~  
~~recommendations concerning the administration of and benefits~~  
~~payable from the Police and Firefighters' Retirement Fund.~~
- 286.061 1.42 ~~POLICE OFFICER—See Policy 11.5.~~
- 286.200 1.4330 POSITION - An employment berth with a public employer.
- 286.065 1.44 ~~POST-RETIREMENT INCREASE—The increase paid monthly to~~  
~~eligible benefit recipients.~~
- 286.551(5) 1.4531 PROMOTION – The advancement of the member, including  
advancement between two public employers, to a position which has a  
higher level of base pay than the position held by the member  
immediately prior to the advancement.
- 286.070 1.46 ~~PUBLIC EMPLOYER—State agency, political subdivision, or other~~  
~~public or quasi-public entity which has met the requirements for~~  
~~membership and is participating in the System.~~
- 286.050 1.4732 REGULAR MEMBER - A member of the System who is not a police  
officer or a firefighter.
- 286.430 1.4833 REFUND –
- a. **Initial:** The return to a member of all employee contributions  
credited to the member's account as of the date of termination of  
employment.
  - b. **Final:** The return to a member of all employee contributions  
which are credited after termination of employment.
- 286.200 1.4934 REGISTERED DOMESTIC PARTNERS – Persons who have a valid  
domestic partnership pursuant to ~~Section 6 of Senate Bill 283 (2009)~~  
[NRS Chapter 122A](#) and who have not terminated that domestic  
partnership pursuant to ~~Section 9 of Senate Bill 283 (2009)~~ [NRS](#)  
[Chapter 122A](#).
- 286.460 1.5035 REPORTING PERIOD - The calendar month for which member's  
compensation and service credit are reported and certified by the

participating public employer.

- 286.541  
286.620      1.~~51~~36 RETIRED EMPLOYEE - Person who is receiving a retirement benefit on his own behalf from the System.
- 286.025      1.~~52~~37 SALARY – As used in ~~section 4 of SB-406~~ [NRS 286.67665](#), “salary” is the compensation reported for the member by the member’s public employer in the last full month of employment preceding the member’s death, except that if the member was not paid on a monthly or semi-monthly schedule, the compensation shall be converted to a monthly schedule.
- ~~286.078~~      ~~1.53~~      ~~SERVICE—The total years, months, and days of credit which an employee has earned in the System.~~
- 286.025      1.~~54~~38 SHIFT DIFFERENTIAL PAY – Additional compensation paid to all eligible employees by a public employer for employment in a shift other than the regular shift not including any payment based, in whole or in part, upon any pay type that does not meet the definition of compensation in NRS 286.025.
- ~~286.671~~      ~~1.55~~      ~~SPOUSE—The husband or wife of a member.~~
- 286.025(2)      1.~~56~~39 STANDBY PAY - Compensation earned for holding oneself ready for duty while off duty not including any payment based, in whole or in part, upon any pay type that does not meet the definition of compensation in NRS 286.025.
- 286.297(5)      1.~~57~~40 SUBSTITUTE TEACHER – A person employed by a school district to fill the position of a licensed teacher under contract on a limited basis and who is performing work for which licensure as a substitute teacher is required.
- 286.6767      1.~~58~~41 SURVIVOR BENEFICIARY - Beneficiary of a member who was unmarried at the time of his death, had met the minimum eligibility requirements, and had designated a beneficiary to receive payments on a PERS approved form.
- 286.6767      1.~~59~~42 SURVIVOR BENEFICIARY ADDITIONAL PAYEE(S) – Person(s) designated to receive direct payment of a portion of the survivor beneficiary benefit payments on a PERS approved form.
- 286.673-7      1.~~60~~43 SURVIVOR BENEFIT - Monthly allowance paid to eligible survivor(s) of a deceased member.
- ~~286.100~~      ~~1.61~~      ~~SYSTEM—The Public Employees' Retirement System.~~



- 286.297(9) 1.~~62~~44 TEMPORARY POSITION - A position that will be staffed for six months or less.
- 286.200 1.~~63~~45 TERMINAL LEAVE - All accumulated leave or bonus payments that are made upon the termination of employment for any cause including death.
- 286.200 1.~~64~~46 TWELVE-MONTH SCHOOL DISTRICT EMPLOYEE - A member who is employed by a school district in a position requiring that the member work a full 12-month period.
- 286.6793 1.~~65~~47 VESTING - The attainment of creditable service which guarantees to a member those benefits accrued as of that date.
- 286.367(1) 1.~~66~~48 VOLUNTEER FIREFIGHTER - A volunteer member of a regularly organized and recognized fire department that is participating in the System.
- 286.293 1.~~67~~49 WORKDAY - Official, regular, full-time workday certified by a public employer.
- 286.293 1.~~68~~50 WORKWEEK - Official, regular, full-time workweek certified by a public employer.

## MEMBERSHIP

- 286.293(1) 2.1 Persons employed in positions considered to be half-time or more according to the full-time work schedule established by the public employer shall be enrolled in the System provided they meet the definition of an employee.
- 286.293 2.2 A person shall be enrolled if he is employed in two or more regular and recurring positions that total half-time or more
- 286.297 2.3 Persons employed in temporary positions shall be enrolled on the first day of the seventh month of employment.
- 286.297 2.4
- a. Except as otherwise provided in subsection c of this Policy 2.4, persons employed in intermittent positions shall be enrolled from the first day worked in the fiscal year if the employment exceeds 1,039 hours in a fiscal year.
  - b. Persons employed by a school district in intermittent positions, whose work is based on the school year, shall be enrolled from the first day worked in the school year if the employment exceeds 719 hours in a school year.
  - c. Persons employed in intermittent positions by a public employer, other than a school district, that has certified a work schedule with a full-time work week of less than 40 hours per week, shall be enrolled from the first day worked in the fiscal year if the employment meets or exceeds the number of hours that is one-half of the work hours for that public employer in the fiscal year as determined by that public employer's certified work schedule.
- 286.297 2.5 If two or more persons are assigned to fill a single position of half-time or more, then each shall be enrolled in the System.
- 286.293(1) 2.6 Elected officials or persons appointed to elective positions who are elected, reelected, or appointed after July 1, 1975, shall be enrolled regardless of whether they meet the definition of an employee, unless they are already active members as a result of concurrent public employment, or except where excluded by Policies 2.10, 2.11, or 10.26.
- ~~286.525(1-2) 2.7 A retired employee who accepts employment in a position with a public employer which would normally be eligible for membership in the System may, at the time of employment, enroll in the System provided the retired employee did not have 36 years of service for members enrolled prior to July 1, 1985. For members enrolled on or after July 1, 1985, this "years of service" qualification shall total 30 years.~~

- 286.293(1)      2.87      A person shall remain an active member while employed with the Legislature or Legislative Counsel Bureau during a legislative session if he was contributing immediately before a legislative session or was vested at the time of commencement of employment during a session.
- 286.391            2.98      A member who is an employee of a public employer who goes on leave to work for a recognized public employee or employer association may remain a contributing member of the System as specified in Policy 3.5.
- 286.297            2.9        A person employed by a school district filling an eligible position for which a licensed teacher has not been hired under contract shall be enrolled from the first day worked in that school year if filling the same position for 90 calendar days or more.
- 286.297            2.10      The following persons are not eligible to become members of the System:
- a.    Inmates of State, county, and municipal institutions.
  - b.    Independent contractors.
  - c.    Members of State and local boards or commissions that are advisory or directive and whose members are not compensated except for expenses incurred or for attendance fees.
  - d.    Students employed by the institution they attend if the student is working in a position that can only be filled by a student.
  - e.    Resident physicians.
  - f.    Substitute teachers.
  - g.    District Judges and Justices of the Supreme Court who are not enrolled in the System at the time of election or appointment or who previously withdrew from membership while serving as a District Judge or Justice of the Supreme Court.
  - h.    Members of the professional staff of the University of Nevada System who are not already enrolled in the System as a result of previous public employment with a participating employer.
  - i.    Persons assigned to temporary positions of six months or less.
  - j.    Persons assigned to intermittent positions unless the public employer can reasonably expect that the intermittent position will be filled half-time or more during a fiscal year.
  - k.    Persons employed on or after July 1, 1981, as part-time guards at school crossings.
  - l.    Nurses who do not work a regular work schedule, are paid on an hourly basis, and do not receive customary employee benefits.
- 286.802(2)
- 286.814
- 286.200            2.11      Persons excluded from membership prior to July 1, 1979, because they were age 55 or over have the option to join the System at any time after July 1, 1979, but are not required to do so.

- 286.200      2.12      The [Retiree Reemployment Notification PERS Eligible Position Form and the](#) Membership Enrollment Form must be completed by the employee and certified by the public employer. The Membership Enrollment Form for a retired employee of this System who is employed and has elected to return to membership must be clearly marked “retired employee.”
- 286.225      2.13      Transfer between the Public Employees' Retirement Fund and the Police and Firefighter's Retirement Fund or between one public employer and another will not impair membership rights.
- 286.401      2.14      Membership, and rights associated with membership, of an employee in the System shall terminate upon:
- a. The death of a member.
  - b. The issuance of an initial refund check and/or an initial mandatory employer-pay distribution check.
  - c. The effective date of a retirement allowance.
  - d. The expiration of service credit under NRS 286.501, if applicable, for purposes of establishing survivor benefit eligibility.
- 286.040      2.15      For purposes of determining whether a person is an employee or an independent contractor under Policies 1.22 and 1.29 respectively, the System will use the Internal Revenue Service's point test (Internal Revenue System Regulation §313401(c)-1). The elements are (briefly):
1. Instruction
  2. Training
  3. Integration
  4. Services rendered personally
  5. ~~Hiring, supervising and paying assistants~~ [Authority to hire, supervise and pay assistants](#)
  6. Continuing relationship
  7. Set hours of work
  8. Full-time [work](#) required
  9. ~~Doing work on employer's premises~~ [Place of work](#)
  10. ~~Order or sequence set~~ [Sequence of work](#)
  11. ~~Oral or written reports~~ [Reporting obligations](#)
  12. ~~Payment by hour, week, month~~ [Method of payment](#)
  13. Payment of business and/or traveling expenses
  14. Furnishing of tools and materials
  15. ~~Significant i~~Investment
  16. ~~Realization of profit or loss~~ [Risk of loss](#)
  17. Working for more than one firm at a time
  18. ~~Making service available to general public~~

Availability of services to the general public

19. Right to discharge
20. Right to terminate.

## CONTRIBUTIONS

286.025(2)

3.1

Contributions shall be made on the following:

- a. Base pay in a position eligible for membership, even if fully eligible to retire.
- b. Longevity pay.
- c. Shift differential pay.
- d. Hazardous duty pay.
- e. Compensation includes extra-duty assignments if it is the standard practice of the public employer to include such pay in the employment contract or official job description for the calendar or academic year in which it is paid and such pay is specifically included in the member's employment contract or official job description.
  1. Extra duty assignments are those duties assigned to a member which are in addition to and beyond the normal and customary duties assigned to or associated with the position occupied by the member and which are distinctly different from the normal and customary duties assigned to or associated with the position occupied by the member.
  2. Extra-duty assignments do not include categories of pay defined in NRS 286.025(2) and ~~Official~~ Policies 1.11 and 1.36 or performing additional shifts or portions of shifts, including, without limitation, additional shifts or portions of shifts worked to cover duties of absent employees or vacant positions regardless of whether the additional shift or portions of shifts is for the same, or a different, position as the position occupied by the members.
  3. Notwithstanding the provisions of subsections a-d herein, an employer may continue making contributions on pay to members who are incumbents in positions on the day before the effective date of this policy, for as long as that member continues in the same position, if:
    - a. The member is receiving pay, prior to the effective date of this policy, for duties performed by that member pursuant to the member's employment contract or official job description that was in effect on the day before the effective date of this policy;
    - b. the pay is for duties specifically included in the member's employment contract or official job description and the pay is specifically included in the member's employment contract or official job descriptions; and
    - c. such pay was designated as pay for extra-duty assignments and contributions were made and accepted on such pay prior to the effective date of this policy.

- f. Holiday pay.
  - g. Standby pay.
  - h. Call back pay.
  - i. The aggregate compensation paid by two separate public employers if the member is employed half-time or more by one and half-time or less by the other, if the total does not exceed full-time employment, the duties of both positions are similar, and the employment is pursuant to a continuing relationship between the employers, except as specified in Policy 3.1(j).
- 286.367(3-4)      j. The assumed salary as a volunteer firefighter in addition to compensation earned in any other eligible position.
- k. The aggregate compensation received by a school district employee from two overlapping contracts when work under a new contract begins prior to expiration of the old contract.
- [286.535\(3\)\(b\)](#)    [3.2](#)      [For members with an effective date of membership on or after July 1, 2015, the limit to the amount of compensation is \\$200,000, plus certain adjustments based on changes in the Consumer Price Index.](#)
- 286.200            [3.23](#)      A cafeteria plan offers employees a choice between non-taxable benefits and cash (or other permissible taxable benefits) in accordance with Section 125 of the Internal Revenue Code.
- A cafeteria plan can be provided to employees:
- a. Under a salary reduction agreement using pre-tax dollars, in which case any amounts attributable to a cafeteria plan shall not reduce an employee's base pay; or
  - b. By a means other than a salary-reduction agreement, in which case any amounts attributable to a cafeteria plan shall not be considered part of an employee's base pay.
- 286.200            [3.34](#)      All hours ~~worked~~ [compensated](#), up to the full-time schedule certified by the employer, shall be reported at the straight time hourly rate of pay.
- 286.025(3)        [3.45](#)      Contributions shall not be made on any form of compensation not specifically set forth in Policy 3.1 or NRS 286.025.
- 286.391            [3.56](#)      A member who is an employee of a public employer who goes on leave to work for a recognized employee or employer association may continue contributing through the public employer. The public employer is not responsible to pay the employer contribution.
- 286.460            [3.67](#)      The public employer shall pay all of the employee and employer contributions, plus interest, within 90 days if it is determined that an

employee who is eligible for membership was not properly enrolled in the System. The public employer is entitled to recover the employee contributions, and interest thereon, from the employee.

- 286.410(5)      3.~~7~~8      Subject to Policies 12.8 and 12.9, the System guarantees each member, or the member's beneficiary or estate, the return of total employee contributions in either a refund or monthly benefit.

#### EMPLOYEE/EMPLOYER CONTRIBUTION PLAN

- 286.410      3.~~8~~9      The matching contribution rate for regular members under the employee/employer plan shall be effective on the first monthly retirement reporting period commencing on or after July 1 of each odd numbered year based on the actuarially determined contribution rate that is included in the actuarial valuation of the preceding year and adjusted as follows:
- a.      If the existing rate is lower than the actuarially determined rate and the difference is greater than one quarter of one percent, the rate must be increased and rounded to the nearest one-quarter of one percent.
  - b.      If the existing rate is higher than the actuarially determined rate and the difference is greater than one percent, the rate must be reduced by the amount by which it exceeds one percent above the actuarially determined rate and rounded to the nearest one-quarter of one percent.

- 286.410      3.~~9~~10      Future contribution rate increases detailed in Policy 3.8 shall be shared equally by the member and public employer.

#### EMPLOYER-PAY CONTRIBUTION PLAN

- 286.421      3.1~~0~~1      The employer-pay contribution plan is a non-contributory employer pension plan and all contributions are employer contributions.

- 286.421      3.1~~1~~2      Contributions under the employer-pay contribution plan for regular members shall be effective as specified in Policy 3.8 and adjusted as follows:
- a.      If the existing rate is lower than the actuarially determined rate and the difference is greater than one half of one percent, the rate must be increased and rounded to the nearest one-quarter of one percent.
  - b.      If the existing rate is higher than the actuarially determined rate and the difference is greater than two percent, the rate must be reduced by the amount by which it exceeds two percent above the



actuarially determined rate and rounded to the nearest one-quarter of one percent.

- 286.421(3) 3.1~~2~~3 The employer-pay contribution plan must be adopted in lieu of an equivalent salary increase or by salary reduction but not by using the percentage difference of the two as either a positive or negative factor to adjust salary. Elected officials of political subdivisions, district judges, Court of Appeals, and justices of the Supreme Court shall not be affected by this adjustment.
- 286.421(8) 3.1~~3~~4 The employer-pay contribution plan for regular members shall be equally divided between employee and employer for the purposes of adjusting salary increases or salary reductions.
- 286.421(8) 3.1~~4~~5 Future contribution rate increases detailed in Policy 3.8 shall be shared equally by the member and public employer with the member's portion being in lieu of equivalent salary increases or by salary reduction but not by using the percentage difference of the two as either a positive or negative factor to adjust salary. Elected officials of political subdivisions, district judges, Court of Appeals, and justices of the Supreme Court shall not be affected by this adjustment.
- 286.200 3.1~~5~~6 Elected officials of political subdivisions who are members of the System and under the employer-pay contribution plan as of June 30, 1983, shall have their average compensation adjusted upward commensurate with the in-lieu-of-salary-increase adjustment or salary-reduction factor.
- 286.200 3.1~~6~~7 Elected officials of political subdivisions may go under the employer-pay contribution plan effective January 1, 1984, without the in-lieu-of-equivalent-salary increase or salary reduction.
- 286.421(3) 3.1~~7~~8 District court judges may go under the employer-pay contribution plan effective January 7, 1985, without the in-lieu-of-salary increase adjustment or salary reduction.
- 286.200 3.1~~8~~9 Public employers who retroactively adjust the salary of those members who are under the employer-pay contribution plan as of June 30, 1983, shall pay to the System the additional contributions required for the higher compensation.
- 286.421(4) 3.1~~9~~20 Contributions made under the employer-pay contribution plan that were not mandatory in accordance with Policies 1.33 and 3.23 shall not be credited to the individual's member account or available for refund.

- 286.425 3.2~~0~~1 Effective January 1, 1984, an employee who is under the employee/employer contribution plan may elect to go under the employer-pay contribution plan.
- 286.425 3.2~~1~~2 A member who elected the employer-pay contribution plan may not convert to the employee/employer contribution plan so long as he remains a member.
- 286.200 3.2~~2~~3 MANDATORY EMPLOYER-PAY CONTRIBUTION PLAN - Required public employers who did not elect participation under the employer-pay contribution plan for certain employees prior to July 1, 1983, to pay the entire retirement contribution on behalf of their employees:
- a. For all police/fire employees with the Nevada Highway Patrol, Motor Carrier Division, and Division of Forestry employed on or after July 1, 1983.
  - b. As of July 1, 1985, if the employee had ten or more years of accredited, contributing service;
  - c. On the date after July 1, 1985, that the employee had ten years of accredited, contributing service; or
  - d. As of the hire date for individuals employed on or after July 1, 1985, who did not already have active or inactive membership in the System.

Only members of the employee groups enumerated below, who were mandated under the employer-pay contribution plan shall be subject to the provisions of Policies 3.24 through 3.52 inclusive. The affected groups are:

- a. All State of Nevada police/fire members with the Nevada Highway Patrol, Motor Carrier Division, and Division of Forestry employed on or after July 1, 1983.
- b. New hires and employees who were converted with ten years of service on or after July 1, 1985, with agencies that did not require employee participation under the employer-pay contribution plan prior to July 1, 1985, as follows:

| <u>Employer ID#</u> | <u>Agency Name</u>                | <u>Affected Employee Groups</u> |
|---------------------|-----------------------------------|---------------------------------|
| 100                 | State Personnel                   | All                             |
| 161                 | Board of Veterinary Medical Exam. | All                             |
| 162                 | Board of Examiners/Social Workers | All                             |
| 170                 | Cosmetology Board                 | All                             |
| 171                 | Liquefied Petroleum Gas Board     | All                             |

|     |  |                                  |
|-----|--|----------------------------------|
| 174 | State Board of Nurses  | All                              |
| 175 | State Board of Accountancy                                       | All                              |
| 176 | Legislative Counsel Bureau                                       | All                              |
| 177 | PERS   | Classified                       |
| 179 | State Board of Pharmacy  | All                              |
| 180 | Department of Transportation                                     | All                              |
| 181 | State Board of Architecture                                      | All                              |
| 182 | Board of Medical Examiners                                       | All                              |
| 185 | State Industrial Insurance                                       | All                              |
| 190 | University of Nevada-Reno<br>(except certain professional staff) | All                              |
| 191 | University of Nevada-LV  | All                              |
| 203 | Douglas County School District                                   | Classified                       |
| 204 | Elko County School District                                      | Classified                       |
| 211 | Lyon County School District                                      | Classified                       |
| 218 | Washoe County School District                                    | Nurses, night<br>teachers & ROTC |
| 219 | Washoe County School District                                    | Classified                       |
| 220 | White Pine County School District                                | Classified                       |
| 308 | Elko County  | Senior citizens                  |
| 309 | Elko County Fair & Livestock                                     | All                              |
| 310 | Esmeralda County   | Reg. Members                     |
| 311 | Eureka County  | Reg. Members                     |
| 313 | Lander County  | Reg. Members                     |
| 314 | Lincoln County   | Reg. Members                     |
| 315 | Lyon County  | Reg. Members                     |
| 317 | Mineral County   | Reg. Members                     |
| 319 | Pershing County  | Reg. Members                     |
| 323 | White Pine County  | Reg. Members                     |
| 403 | Humboldt General Hospital  | Reg. Members                     |
| 404 | Battle Mountain General Hospital                                 | All                              |
| 405 | Grover C. Dils Medical Center                                    | All                              |
| 409 | Carson Tahoe Hospital  | All                              |
| 411 | Washoe Medical Center<br>(except management)                     | All                              |
| 412 | William Bee Ririe Hospital                                       | All                              |
| 413 | Elko General Hospital<br>(except administrator)                  | All                              |
| 414 | Central NV Rural Health Consortium                               | All                              |
| 504 | Lovelock Meadows Water District                                  | All                              |
| 511 | Lander County Sewer/Water #2                                     | All                              |
| 512 | Fernley Town Utilities   | All                              |
| 602 | City of Caliente   | Reg. Members                     |
| 603 | City of Carlin   | Reg. Members                     |
| 604 | City of Carson<br>(Regular Members except court reporters and    | Classified                       |

|     |                                     |              |
|-----|-------------------------------------|--------------|
|     | judges' secretaries)                |              |
| 608 | City of Gabbs                       | Reg. Members |
| 614 | City of Wells                       | Reg. Members |
| 616 | City of Yerington                   | Reg. Members |
| 617 | City of Lovelock                    | Reg. Members |
| 703 | Truckee Carson Irrigation District  | All          |
| 704 | Walker River Irrigation District    | All          |
| 903 | Beatty Water & Sanitation           | All          |
| 908 | Tahoe Regional Planning Agency      | All          |
| 909 | Carson River Basin Council of Gov.  | All          |
| 911 | Tahoe-Douglas Improvement           | All          |
| 912 | Elko Convention & Visitors Auth.    | All          |
| 914 | Round Hill General Improvement      | All          |
| 921 | Pershing Cty. Water Conserv. Dist.  | All          |
| 925 | Stagecoach General Imp. District    | All          |
| 926 | Churchill Cty. Mosquito Abat. Dist. | All          |
| 927 | Mineral County Housing Authority    | All          |
| 928 | East Fork Swimming Pool District    | All          |
| 932 | Indian Hills Improvement District   | All          |

286.200      3.2~~3~~4      Members not mandated to contribute under the employer-pay contribution plan as enumerated in this policy shall contribute under the employer-pay contribution plan and are not subject to Policies 3.24 through 3.52 inclusive.

286.200      3.2~~4~~5      Members, or former members, of the employee groups enumerated in Policy 3.22 mandated to contribute under the employer-pay contribution plan shall be entitled to a distribution of the portion of mandatory employer-pay contributions submitted on their behalf by their public employer. A member is eligible for the distribution:

- a.    Upon termination of service for which contributions are required; or
- b.    When the member has been employed for at least 90-days in a position which would not entitle membership in the System.

286.200      3.2~~5~~6      Subject to Policies 12.8 and 12.9, the System guarantees to each member mandated to contribute under the employer-pay contribution plan, his beneficiary or estate, the return of the portion of the employer-pay contributions submitted on his behalf in either a distribution of contributions or a monthly benefit.

286.200      3.2~~6~~7      To receive a distribution of the portion of the mandatory employer-pay contributions submitted on behalf of the member, the member must also apply for a refund of any employee contributions credited to his individual employee account.

- 286.200      3.2~~7~~8      For each person establishing eligibility to receive a distribution in accordance with Policy 3.24, prior to January 1, 1992, the System will pay simple interest at the actuarially determined rate per annum (presently 8%) on initial distributions of contributions to affected employees, from the time of termination of employment for which contribution is required until the distribution is paid, providing that period of time exceeds 1 month.
- 286.200      3.2~~8~~9      The System shall provide an initial distribution of the portion of mandatory employer-pay contributions submitted on the member's behalf:
- a.      When the System has received a properly completed application and a notice of termination from the member's public employer, or certification from the employer that the member is no longer employed in a position which would entitle him to membership and that the member has been in the ineligible position for at least 90 days and,
  - b.      Provided the member has not made application to receive, or is receiving, benefits from the System.
- 286.200      3.~~29~~30      The System shall:
- a.      Provide an initial distribution of the portion of employer-pay contributions submitted on behalf of the member as of the next distribution date after receipt of the distribution request and termination of employment.
  - b.      Forward a final distribution of any balance remaining in the account after contributions through the termination date have been submitted by the public employer.
  - c.      Record any contributions received after the final distribution, if less than \$10, and transfer that amount to the System. In the event of a subsequent return to membership in the System by the member, this amount will revert to the member's record.
- 286.200      3.3~~0~~1      Distributions pursuant to Policies 3.28 and 3.29 must be made by check mailed to the address specified by the member on the application for distribution of contributions.
- 286.430      3.3~~1~~2      Contribution distribution checks shall not be physically picked up at the System's office.
- 286.200      3.3~~2~~3      A distribution of contributions check will be honored only if endorsed by the member. Any check received by the System not endorsed by the

member shall be returned to the bank for collection or proper endorsement.

286.430 3.3~~3~~4 All membership rights and service credit in the System are canceled upon the initial distribution of the portion of the mandatory employer-pay contributions submitted on behalf of the member and/or the refund of any employee contributions under Policies 3.24 and 3.49.

#### REPAY WITHDRAWN CONTRIBUTIONS

286.200 3.3~~4~~5 A member with six months of contributing service may repay a previous distribution of the portion of employer-pay contributions submitted on behalf of the member. A lump-sum repayment of the distribution shall consist of the principal amount and distribution interest paid, plus interest at the actuarially determined rate per annum from the date of the final distribution until the repayment has been completed.

286.200 3.3~~5~~6 After qualifying for repayment, a member must remain an active member to repay a distribution of contributions.

286.200 3.3~~6~~7 Except as stated in Policy 3.37, if a member fails to complete payments on an agreed repayment schedule, the repayment agreement will be terminated with the following options available to the member:

- a. Repay the remaining balance in a lump sum.
- b. Receive service credit in the proportion that the principal paid bears to the principal due under the agreement.

286.200 3.3~~7~~8 A member who fails to complete payments on a repayment agreement due to a reduction in force or layoff for a period of more than one month, shall have the option to again enter into a monthly installment agreement.

286.200 3.3~~8~~9 Completion of the repayment, with interest, restores completely the service credit relinquished by the distribution of contributions and restores the date of membership attributable to the restored service credit.

286.200 3.~~39~~40 Interest paid on a repayment of distribution of contributions shall not be deposited in the member account.

286.200 3.4~~0~~1 Monthly installment payments that are payroll deducted by the employer must be submitted to the System within five days of the employee's check date. These deductions must be submitted directly to the System and not included with the Monthly Retirement Report.

286.200 3.4~~2~~2 If a member who has entered into a monthly installment repayment agreement dies before completion of the contract, a proration of service credit or a refund of all money paid on the account must be made. No other person or employer will be allowed to complete the contract on behalf of the deceased member.

#### CONTRIBUTION PLAN ELECTION

286.200 3.4~~2~~3 New hires after January 1, 1991, of the employee groups enumerated in Policy 3.22 shall have the option to:

- a. Contribute under the employee/employer contribution plan, or
- b. Contribute under the employer-pay contribution plan.

286.200 3.4~~3~~4 New hires under Policy 3.42 who elect to contribute under the employee/employer contribution plan may:

- a. At any time after their date of hire, elect to contribute under the employer-pay contribution plan but,
- b. Once they elect to contribute under the employer-pay contribution plan may not thereafter revert to the employee/employer contribution plan.

286.200 3.4~~4~~5 New hires failing to make an election to contribute under either the employee/employer contribution plan or the employer-pay contribution plan under Policy 3.42 shall be enrolled in the employee/employer contribution plan.

286.200 3.4~~5~~6 Active members mandated to contribute under the employer-pay contribution plan as enumerated in Policy 3.22 and who are not subject to the election in Policy 3.42, shall have the option to have future contributions under:

- a. The employee/employer contribution plan, or
- b. The employer-pay contribution plan.

286.200 3.4~~6~~7 Active members subject to the election under this policy, shall have until December 31, 1991, to choose future contributions to be under the employee/employer contribution plan or the employer-pay contribution plan.

286.200 3.4~~7~~8 Active members who do not make the election to contribute under the employee/employer contribution plan or the employer-pay plan under Policy 3.45 by December 31, 1991, shall remain under the employer-

pay contribution plan effective January 1, 1992.

- 286.200 3.4~~8~~9 The effective date of conversion to the employee/employer contribution plan for active members under Policy 3.45 shall be the first day of the retirement reporting period following the election.
- 286.200 3.4~~9~~50 Members who elect either the employer-pay contribution plan or the employee/employer contribution plan under Policy 3.45, shall be entitled to receive a distribution of the portion of employer-pay contributions submitted on their behalf for the period of time contributions were mandated under the employer-pay contribution plan. The distribution shall be paid:
- a. Upon receipt of a properly executed Active Member Election of Retirement Contribution Plan for Future Contributions form.
  - b. Termination of service for which contributions are required.
  - c. Submission of a properly executed ~~distribution of contributions~~ [Employee Contribution Refund](#) request form approved by the Executive Officer in accord with Policy 3.28.

#### TAXATION OF DISTRIBUTIONS

- 286.200 3.5~~0~~1 Any distribution of contributions shall be deemed a distribution from a pension plan and shall constitute reportable income to the employee in the year it is paid.
- 286.200 3.5~~1~~2 For the purposes of any distribution under Policies 3.24 or 3.49, the System shall be considered the payor and will report all distribution and interest to the Internal Revenue Service on the appropriate reporting form(s).
- 286.200 3.5~~2~~3 The System shall withhold from each distribution, money in accordance with the withholding rules of the Internal Revenue Code.



## MONTHLY RETIREMENT REPORTS

- 286.460(3) 4.1 Monthly Retirement Reports certifying employment, compensation, and contributions for ~~eligible members~~ all employees including non-eligible, reemployed retiree, and/or independent contractor must be filed with the System by the 15<sup>th</sup> day of the following month.
- 286.460(4) 4.2 Monthly Retirement Reports are to include accurate information. ~~Credit adjustments will not be accepted on payroll reports. Requests for credit adjustments must be submitted in writing.~~ Adjustments of over and/or under payments must be taken through wage and contribution report.
- 286.460 4.3 Monthly Retirement Reports must be submitted in a format compatible with the System's computer system.
- 286.460 4.4 ~~New members~~ Employees in PERS eligible positions shall ~~not~~ be added to the Monthly Retirement Report ~~unless~~ and a completed Member Enrollment form is ~~attached~~ required.
- 286.460 4.5 Groups reported under the employee/employer contribution plan, employer-pay contribution plan, and police officers and firefighters shall be listed separately on the Monthly Retirement Report.
- 286.460 4.6 An employee shall not be listed under two groups on the same Monthly Retirement Report unless there is a change in contribution rates for the employee during the reporting period.
- 286.460 4.7 ~~An employee shall not be listed on the Monthly Retirement Report if the employee does not have eligible contributions for that month.~~ A non-eligible employee, reemployed retiree, and/or independent contractor shall be reported on the Monthly Retirement Report using the appropriate status code.
- 286.460 4.8 Contributions shall be deposited to any branch of PERS' commercial bank to the credit of the Public Employees' Retirement System.
- 286.460(3) 4.9 Contributions may be deposited to the System's account on actual payroll dates but no later than the 15<sup>th</sup> of the following month.
- 286.462 4.10 If a public employer is delinquent by more than 90 days in submitting a report or paying an amount due pursuant to subsection 3 of NRS 286.460, the System shall submit a written complaint to the Department of Taxation asking it to take such actions as are necessary to correct a condition of financial difficulty in accordance with NRS 354.650 through 354.720.

- 286.460 4.11 Improperly completed monthly retirement reports that contain more than 5% identified errors and all erroneous entries, will be returned to the public employer for correction and resubmittal within 30 days.
- 286.460(7) 4.12 Retroactive adjustments must be submitted for the month in which the compensation is applicable [by the 15th of the month](#).
- 286.460 4.13
- a. If a member is owed or receives a lump-sum payment of compensation which encompasses a period of greater than one month, the employer must report that compensation for each month in which the compensation is applicable, even if the payment has not yet been made to the member.
  - b. If the employer fails to accurately report the compensation in accordance with subsection (a) of this policy for the month in which the compensation is applicable, penalties in accordance with NRS 286.460(4) and Policy 4.15 will be assessed.
  - c. If an employer has made lump-sum payments of compensation to members prior to the effective date of this policy and failed to report such compensation in a manner consistent with subsections (a) and (b) of this policy, any active member or any retired employee whose effective date of retirement is less than three years prior to the effective date of this policy, may request the Retirement Staff to review whether retroactive adjustments to his compensation, in accordance with Policy 4.12 are appropriate. If the Retirement System determines that lump-sum payments of compensation to the member were not reported in a manner consistent with this policy, the employer shall submit retroactive adjustments for the month in which the compensation is applicable, except that the employer may not be required to make retroactive adjustments for lump-sum payments of compensation made more than three years prior to the effective date of this policy.
- 286.460 4.14 In addition to the Monthly Retirement Report, the public employer must complete and submit the Monthly Retirement Report Summary to certify totals reported on the Monthly Retirement Report.
- 286.460(4) 4.15 Retirement Reports that are not filed or the amounts due are not remitted within the time provided, a penalty on the unpaid balance due must be assessed at the rate of 4% more than the prime rate of interest as published in the Wall Street Journal (Western Edition) for the first date the payment or report becomes delinquent, prorated for the period delinquent on the unpaid balance due, and assessed at the time of receipt of payment or report. For the purposes of calculating the penalty on the unpaid balance due, the unpaid balance due must be calculated based on the most recent payroll report submitted to the System by the public

employer.

- 286.460 4.16 Retirement Staff may waive any penalty in an amount of less than \$100 based on late submittal of a Monthly Retirement Report. Penalties in amounts greater than \$100 and less than \$500 may be deferred until such time as fiscal year cumulative penalties amount to more than \$500 for any one ~~agency~~ [public employer](#).
- 286.460 4.17 Retirement Staff may waive any penalty in an amount of less than \$100 based on late deposit of Monthly Retirement Report contributions.
- 286.460(5) 4.18 A notice of penalty assessment shall be sent by certified mail to the chief administrator of the public employer with a copy to the liaison officer.
- 286.460(5) 4.19 An additional penalty of 1% of assessment per month shall be imposed if the penalty is not paid within 90 days of notice.
- 286.460(5) 4.20 Refusal or failure to pay the total penalty assessment within 12 months is a misdemeanor on the part of the chief administrator of the public employer.
- 286.460(5) 4.21 The Board may accept, if received in the System's office within 30 days after the penalty assessment is received, an appeal for waiver of a penalty assessment due to extenuating circumstances and make any adjustments it deems necessary.
- 286.200 4.22 Retirement staff will provide assistance and training to any public employer regarding preparation of Monthly Retirement Reports.

## SERVICE CREDIT

- 286.495      5.1      Members shall receive service credit for eligible service provided all required ~~contributions~~ reportings have been received by the System.
- 286.495      5.2      Service is credited as the decimal equivalent of years, months, and days based on employment records, contributions submitted, and salary history as certified by the public employer each reporting month.
- 286.200      5.3      The public employer shall provide to the System all employment and termination documents that affect service credit.
- 286.200      5.4      If sufficient employment documents are not available, service credit shall be based on a ratio of previous compensation to earnings during the period in question.
- 286.495      5.5      Members, other than those listed in Policy 5.6, are credited with service on the basis of time actually worked, with the following provisions:
- a.      Intermittent service shall be credited to the member on the basis of one day of service for each eight hours worked, and portions of a day shall be prorated.
  - b.      Service credit under this section shall be computed according to the fiscal year.
- 286.501  
(1 & 4)      5.6      School district employees, except regular 12-month employees, and professional staff of the University are credited with service as follows:
- a.      Service is credited on the basis of a full year if the member works full-time for the full school or academic year.
  - b.      Employment for a part of a school or academic year is credited on a ratio of one and one-third days for each day worked calculated from the first day worked within that school year as certified by the public employer. Credit shall not be given in advance or until the appropriate period has expired even if the member has over 30 years of service credit.
  - c.      A full year of service is not credited until the full 12-month period has expired.
  - d.      Service credit under this section shall be computed according to:
    - 1.      The school year for school district employees or other school year as specified by individual employment contracts.
    - 2.      The fiscal year for members of the professional staff of the University.
  - e.      A member will receive full credit while on sabbatical leave if the public employer certifies that the compensation and contributions are the same as if the member were employed full-time. If the
- 286.501(5)

- employer does not so certify, the member receives credit in the proportion that the member's actual compensation bears to the member's previous compensation.
- 286.501(3) f. If the employee begins work under a new contract before the expiration of the 12-month period for the old contract, credit must be granted for the period of overlap, as certified by the school district, at the first period in which there is a lapse in service.
- If the lapse in service begins after the final contract month prior to retirement, and the employee has satisfied the entire contract obligation for that year, he shall receive service credit for the months of overlap in the year in which they were performed. No more than 2 months of overlap service may be granted. Only the highest of the 2 reported salaries for each month of the period of overlap shall be considered for the determination of average compensation.
- 286.501(5) 5.7 No member shall receive less credit under current law for previous service than was provided under the law in force when employment was performed.
- 286.481 (1 & 5) 5.8 Service is not credited for:
- a. Leave of absence without pay.
  - b. Overtime, longevity, secondary employment, or terminal leave.
  - c. Employment in a position which does not qualify an employee for participation in the System.
  - d. More than 1 day in a day, 1 month within a month, or 1 year of service in any 12-month period.
  - e. Any period for which compensation is not received by the member unless credited prior to July 1, 1975, or credited under Policies 5.7, 5.12, 5.13, 5.14, pursuant to Senate Bill 433 (2009), or pursuant to Senate Bill 505 (2011).
- ~~286.551(1) f. Service in excess of 36 years, or 30 years for people employed after July 1, 1985, if the member is eligible for unreduced retirement allowance.~~
- 286.430(7) 5.9 Issuance of an initial refund check or distribution of mandatory employer-pay contributions cancels all membership rights and service, including any service earned under the employer-pay contribution plan.
- ~~286.367(2) 5.10 Volunteer firefighters receive full credit for all service for which contributions are made up to 36 years or 30 years for membership after July 1, 1985.~~
- ~~286.551~~

- ~~286.551~~      ~~5.11~~      ~~Elected officials receive full credit for all service for which contributions are made up to 36 years, or 30 years for membership after July 1, 1985.~~
- 286.303      5.1~~2~~0      A member who meets the requirements for free military credit as of May 19, 1975 but who does not have five years of service credit upon return from the armed forces, is entitled to free credit for military service as soon as five years of service credit are attained under the System.
- 286.301      5.1~~3~~1      A member who meets all requirements for free prior service but who does not have ten years of service credit is entitled to credit for free prior service as soon as the necessary ten years of service credit are acquired.
- 286.200      5.1~~4~~2      If a public employer submits retirement reports indicating compensation for the periods during which a member is on leave-without-pay status and discharging his Reserve/National Guard obligations, along with appropriate contributions, the System will grant service credit for that period provided that the service credit is entitled to the benefits of the provisions of 38 U.S.C. Sections 2021 to 2026, inclusive.
- 286.385      5.1~~5~~3      A public employee on a leave of absence to serve in the Nevada legislature may remain a contributing member of the System during the leave of absence if retirement contributions to the System are paid by the legislator at the full contribution rate otherwise applicable to him as a public employee during the period in which he is on the leave of absence to serve in the Nevada legislature.
- a.      When a public employee on a leave of absence to serve in the Nevada legislature continues to be a contributing member of the System pursuant to this policy, the employee shall pay the contributions required directly to the System. The System shall ensure that the employer of the public employee who is on a leave of absence to serve in the Nevada legislature provides to the System documentation of the period during which the employee is on leave of absence. The public employer is not required to pay the employer contributions during the leave of absence.
  - b.      A public employee on a leave of absence to serve in the Nevada legislature may elect to have the amount deducted pursuant to NRS ~~218.2387~~ 218C.390 paid to the System to partially offset the contributions that the employee is required to pay to remain a member of the System.
  - c.      A public employee who makes the election authorized pursuant to this section does not accrue any service credit for retirement under the legislators' retirement system after the date of his election

pursuant to this policy.

## PURCHASE OF SERVICE

- 286.300      6.1      Any member who has five years of creditable service may purchase up to five years of service. Members who do not have five years police/fire and/or five years of regular service must purchase service in the fund under which they are currently participating.
- 286.300(5)    6.2      A person who becomes a member of the system for the first time on or after January 1, 2000, [through June 30, 2015](#), may only purchase service if, at the time of the purchase, he has five years of creditable service and is employed in a position that is eligible for membership in the System.
- [286.510](#)      6.2      [A person with an effective date of membership on or after July 1, 2015, may only purchase service if, at the time of the purchase, he has five years of creditable service and is employed in a position that is eligible for membership in the System. The member may not purchase service to meet retirement eligibility unless the member has a qualified family medical emergency or pursuant to NRS 286.3007.](#)
- 286.300(1)    6.3      A member may purchase all eligible service performed with the member's present public employer before the enrollment of the employer in the System, even if still creditable in another system where it cannot be canceled.
- 286.200      6.4      Any member who had certified less than or equal to five years of prior out-of-state or military service credit before July 3, 1989, is limited to purchasing a total of five years of service credit.
- 286.200      6.5      Members who filed an affidavit to purchase service under the Purchase-of-Service-at-Time-of-Retirement Plan prior to November 1, 1979, shall be allowed to purchase the service at the aggregate employee/employer contribution rate in effect at the time of retirement, provided certification is received that the service is no longer creditable in another retirement system other than Social Security. Only prior out-of-state or military service shall be eligible for purchase at the aggregate employee/employer rate upon retirement. The maximum amount of service that can be purchased is limited to five years of military and five years of out-of-state service.
- 286.300      6.6      Members must pay the full actuarial cost of service as determined by an actuary of the System other than purchases pursuant to Policy 6.5. The cost to purchase service is calculated using the purchase percentage corresponding to the age and average compensation of the member at time of purchase. The actuarially developed purchase percentages for regular members are as follows:



Members Hired Prior to 1/1/2010:

| <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> |
|------------|----------------|------------|----------------|------------|----------------|
| 30         | 16.9           | 47         | 29.5           | 64         | 31.8           |
| 31         | 17.5           | 48         | 30.5           | 65         | 31.0           |
| 32         | 18.1           | 49         | 31.5           | 66         | 30.1           |
| 33         | 18.7           | 50         | 32.6           | 67         | 29.3           |
| 34         | 19.3           | 51         | 33.7           | 68         | 28.4           |
| 35         | 19.9           | 52         | 34.9           | 69         | 27.6           |
| 36         | 20.6           | 53         | 36.0           | 70         | 26.7           |
| 37         | 21.3           | 54         | 37.3           | 71         | 25.8           |
| 38         | 22.0           | 55         | 38.6           | 72         | 24.9           |
| 39         | 22.7           | 56         | 37.9           | 73         | 24.1           |
| 40         | 23.4           | 57         | 37.2           | 74         | 23.2           |
| 41         | 24.2           | 58         | 36.5           | 75         | 22.3           |
| 42         | 25.0           | 59         | 35.7           | 76         | 21.4           |
| 43         | 25.9           | 60         | 35.0           | 77         | 20.5           |
| 44         | 26.7           | 61         | 34.2           | 78         | 19.6           |
| 45         | 27.6           | 62         | 33.4           | 79         | 18.7           |
| 46         | 28.5           | 63         | 32.6           | 80         | 17.8           |

Members Hired on or After 1/1/2010:

| <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> |
|------------|----------------|------------|----------------|------------|----------------|
| 30         | 15.9           | 47         | 27.6           | 64         | 29.8           |
| 31         | 16.4           | 48         | 28.6           | 65         | 29.0           |
| 32         | 16.9           | 49         | 29.5           | 66         | 28.2           |
| 33         | 17.5           | 50         | 30.5           | 67         | 27.4           |
| 34         | 18.1           | 51         | 31.6           | 68         | 26.6           |
| 35         | 18.6           | 52         | 32.6           | 69         | 25.8           |
| 36         | 19.3           | 53         | 33.8           | 70         | 25.0           |
| 37         | 19.9           | 54         | 34.9           | 71         | 24.2           |
| 38         | 20.6           | 55         | 36.1           | 72         | 23.4           |
| 39         | 21.2           | 56         | 35.5           | 73         | 22.5           |
| 40         | 21.9           | 57         | 34.8           | 74         | 21.7           |
| 41         | 22.7           | 58         | 34.1           | 75         | 20.8           |
| 42         | 23.4           | 59         | 33.4           | 76         | 20.0           |
| 43         | 24.2           | 60         | 32.7           | 77         | 19.2           |
| 44         | 25.0           | 61         | 32.0           | 78         | 18.3           |
| 45         | 25.9           | 62         | 31.3           | 79         | 17.5           |
| 46         | 26.7           | 63         | 30.5           | 80         | 16.7           |

These percentages apply even if service is purchased at time of retirement.

- 286.200 6.7 For those purchase-of-service agreements entered into prior to March 23, 1995, 50% of the principal amount paid to purchase service under this chapter may be refunded to the member or credited to the public employer. A refund or credit will be made to the member, public employer, and/or other party in proportion to the respective participation in the total principal paid, only after terminating employment with a participating public employer.
- 286.200 6.8 For purchase-of-service agreements entered into on or after March 23, 1995, 100% of the principal amount paid to purchase service under this chapter may be refunded to the member or credited to the public employer. A refund or credit will be made to the member, public employer and/or other party in proportion to the respective participation in the total principal paid, only after terminating employment with a participating public employer.
- 286.200 6.9 In the event of a refund after retirement, the offset of benefits received shall be made to any employee contributions before it is applied toward the refundable purchase price.
- 286.200 6.10 A member may purchase any portion of his purchasable service without jeopardizing his right to purchase the remaining portion at a later date.
- 286.3005 6.11 Public employers, excluding the State of Nevada or one of its agencies, may pay any portion of the total cost to validate service but are not required to do so. Public employers must adhere to the following procedures for employer purchase-of-service programs (Early Retirement Incentive Programs):
- a. The agency must provide PERS with a copy of the document that explains what purchase-of-service options are available to employees. The document should contain specific information regarding requirements for participation, any required application for participation and deadlines that must be met by participating employees.
  - b. Requests for estimates of purchase costs must be submitted in writing. Estimate requests must include the member's name, social security number, current mailing address, daytime phone number, amount of service in years, months and days to be purchased or amount of money that will be paid toward purchase, termination and retirement date (if applicable) or service credit goals based on termination date. Requests for estimates must be received at least 10 working days prior to the date that they are needed.

- c. All requests for purchase-of-service agreements must be submitted in writing. Agreement requests must include the member's name, social security number, current mailing address, daytime phone number, amount of time to be purchased in years, months and days, or the amount of money that will be paid for the purchase of service credit goals based on the date of termination and retirement date (if applicable), and the anticipated date of payment. Agreements will be issued within 60 days of the anticipated date of payment. Requests for purchase-of-service agreements must be received no later than 30 days prior to the date of anticipated payment.
- d. If the member must meet certain service criteria, that may require them to purchase service, the employer notifies PERS and requests a purchase-of-service agreement no later than 30 days prior to the anticipated date of payment.
- e. All purchase-of-service agreements under employer purchase-of-service programs must be issued prior to a member's date of retirement.
- f. Both the employer and the employee must sign the purchase-of-service agreement.
- g. Any payments received outside of the terms of the purchase-of-service agreement will be returned.

286.3007

6.12

The State of Nevada is prohibited from paying any portion of the cost to purchase unless:

- a. The agency entered into an agreement with the member under which the member was employed upon the condition that the employer pay the cost of purchasing the credit and the agreement to purchase the credit is in writing, becomes part of the personnel records of the employee, and is approved in advance by the State Board of Examiners. A State agency purchasing service on behalf of a member under this paragraph shall not do so until the member has completed one year of service in its employ.
- b. The agency is required to reduce the number of its employees. A State agency purchasing service on behalf of a member under this paragraph shall purchase credit for service pursuant to NRS 286.300 for any member who is eligible to purchase service, is eligible to retire or will be made eligible by the purchase of the credit, agrees to retire upon completion of the purchase, and has been employed by the agency for 5 or more years. The State agency shall pay 5% of the cost of purchasing the credit and an additional 5% of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of 5 years.

- 286.367 6.13 A volunteer firefighter may purchase previous creditable service performed with any volunteer fire department enrolled in the System.
- 286.367 6.14 A volunteer firefighter who has five years of creditable service as a volunteer firefighter may purchase up to five years of service to add to his volunteer service.
- ~~286.300 6.15 Purchased service can be used for the same purposes as any other service.~~
- 286.300 6.165 A member who:
- a. Enters into a lump-sum purchase-of-service agreement prior to retirement; and
  - b. will begin receiving a retirement benefit immediately after termination of employment;
  - c. shall have 30 days from the date of termination of employment to pay, in full, his purchase-of-service agreement.
- This policy shall not apply to any purchase-of-service payment made on behalf of the member by a member's public employer.
- 286.300 6.176 A member may make a lump-sum payment or enter into an agreement with the System to purchase service through regular monthly payments. Interest paid on a purchase agreement shall not be credited to the individual member's account.
- 286.300 6.187 Except as stated in Policy 6.19, if a member fails to complete payments on a purchase agreement, the agreement will be terminated with the following options available to the member:
- a. Pay the remaining balance in a lump sum.
  - b. Receive service credit in the proportion that the principal paid bears to the principal due under the agreement.
- 286.300 6.198 A member who fails to complete payments on a purchase of service agreement due to a reduction in force or layoff for a period of more than one month shall have the option to again enter into a monthly installment agreement.
- 286.300 6.~~20~~19 Monthly installment payments that are payroll deducted by the employer must be submitted to the System within five days of the employee's check date. These deductions must be submitted directly to the System and not included with the Monthly Retirement Report.
- 286.300 6.240 If a member who has entered into a monthly installment purchase of

service agreement dies before completion of the contract, a proration of service credit or a refund of all money paid on the account must be made. No other person or employer will be allowed to complete the contract on behalf of the deceased member.

- 286.300      6.2~~2~~1      Any member of the System may use:
- a.      All or any portion of the balance of the member's interest in a section 401(a) qualified trust, 401(k), 403(b), 457, or Individual Retirement Account (IRA) under the Internal Revenue Code to the extent provided in the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and subject to the limitations of these policies.
  - b.      For purposes of direct transfer for purchase, the System will allow lump sum agreements only.
- 286.300      6.2~~3~~2      Any member who wishes to enter into a purchase-of-service agreement that will be paid through the direct transfer of all or any portion of the member's interest in a section 401(a) qualified trust, 401(k), 403(b), 457, or Individual Retirement Account (IRA) under EGTRRA must submit a request at least 60 days prior to the anticipated date of payment.
- 286.300(3)      6.2~~4~~3      In addition to the purchases authorized pursuant to the provisions of NRS 286.300(1) and (2), and in addition to any free credit received pursuant to NRS 286.303 and 286.479, any member who has 5 years of creditable service, served on active military duty during the period beginning on the date proclaimed by the President of the United States as the date on which Operation Desert Storm, Operation Enduring Freedom or Operation Iraqi Freedom began and was honorably discharged or released from active duty may, except as otherwise provided in NRS 286.300(5), purchase a number of months of service equal to the number of full months he served on active military duty, but in no case may the service purchased pursuant to NRS 286.300(3) exceed 3 years. The member must pay the full actuarial cost of the service as determined by an actuary of the System.
- a.      A member may only purchase service credit pursuant to NRS 286.300(3) for the number of months equal to the number of full months he served on active military duty during Operation Desert Storm, Operation Enduring Freedom or Operation Iraqi Freedom.
  - b.      The inclusive dates for the period of Operation Desert Storm are August 2, 1990 through November 30, 1995.
  - c.      The beginning date for the periods of Operation Enduring Freedom and Operation Iraqi Freedom is September 11, 2001.

## REFUNDS AND REPAYMENT OF CONTRIBUTIONS

### REFUNDS

- 286.430(1) 7.1 A member may withdraw the employee contributions credited to the member's account if:
- a. The member has terminated service for which contribution is required; or
  - b. The member has been employed for at least 90 days in a position which would not entitle membership in the System.
- 286.430(2) 7.2 The System shall provide an initial refund of employee contributions when it has received:
- a. A properly completed application for refund; and
  - b. A notice of termination from the member's public employer or certification from the public employer that the member is no longer employed in a position which would entitle the member to membership and that the member has been in the ineligible position for at least 90 days.
- 286.430 7.3 The System shall:
- a. Provide an initial refund of all contributions credited to the member's account as of the next refund date after receipt of refund request and termination.
  - b. Forward a final refund of any balance remaining in the account after contributions through termination date have been submitted by the public employer.
  - c. Record any contributions received after the final refund, if less than \$10, and transfer that amount to the System. In the event of a subsequent return to the system by the member, this amount will revert to the member's account.
- 286.430(8) 7.4 A member who has employee contributions in a member account may apply for a refund after termination or employment in an ineligible position if he has been in that position for at least 90 days even though some of the service has been under the employer-pay contribution plan.

### REFUND PROCEDURES

- 286.430(5) 7.5 Refunds, pursuant to this section, must be made by check mailed to the address specified by the member on the application for refund.
- 286.430(5) 7.6 Refund checks cannot be physically picked up at the System's office.

- 286.200 7.7 A refund check will be honored only if endorsed by the member. Any refund check received by the System that is not endorsed by the member shall be returned to the bank for collection due to improper endorsement.
- 286.430(7) 7.8 All membership rights and active service credit in the System, including service for which the public employer paid contributions on behalf of an employee, are canceled upon issuance of the initial refund check.

REPAYMENT OF REFUNDS

- 286.440(1) 7.9 A member with six months of contributing service may repay previous refunds in a lump-sum or through a repayment agreement. A lump-sum repayment of refund consists of the actual amount refunded plus interest at the actuarially determined rate per annum from the date of final refund until repayment is complete.
- 286.200 7.10 Any member of the System may use all or any portion of the balance of the member's interest in a section 401(a) qualified trust, 401(k), 403(b), 457, or Individual Retirement Account (IRA) under the Internal Revenue Code to the extent provided in the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and subject to the limitations of these policies, including Policy 6.22(b).
- 286.200 7.11 Any member who wishes to enter into a repayment of withdrawn contributions agreement that will be paid through the direct transfer of all or any portion of the member's interest in a section 401(a) qualified trust, 401(k), 403(b), 457, or Individual Retirement Account (IRA) under EGTRRA must submit a request at least 60 days prior to the anticipated date of payment.
- 286.200 7.12 The member's interest in a section 401(a) qualified trust, 401(k), 403(b), 457, or Individual Retirement Account (IRA) under EGTRRA may only be used to complete payment in full on any lump-sum repayment of withdrawn contribution agreement or to make final payment on any existing repayment of withdrawn contribution installment agreement.
- 286.200 7.13 After qualifying for repayment, a member does not have to remain an active member to repay a refund but must remain a member.
- 286.440(2) 7.14 Except as stated in Policy 7.15, if a member fails to complete payments on an agreed repayment schedule, the repayment agreement will be terminated with the following options available to the member:
- a. Repay the remaining balance in a lump sum.

- b. Receive service credit in the proportion that the principal paid bears to the principal due under the agreement.
  - c. Receive a refund of all monies paid, including interest.
  
- 286.200      7.15      A member who fails to complete payments on a repayment agreement due to a reduction in force or layoff for a period of more than one month shall have the option to again enter into a monthly installment agreement.
  
- 286.200      7.16      A member who has more than one refund must repay either the total of all refunds or the most recent refund first.
  
- 286.440(2)    7.17      Upon redepositing the withdrawn contributions, with interest, the member restores, completely the service credit relinquished by the withdrawal of contributions and restores the date of membership attributable to the restored service credit.
  
- 286.260(2)    7.18      Interest paid on a repayment of refund shall not be deposited in the member account.
  
- 286.435(1)    7.19      Any member who is involuntarily terminated and then reinstated, retroactively, to employment with a participating public employer by administrative or judicial authority, or by the terms of any settlement agreement, shall pay to the System:
  - a. Any refunded employee contributions and/or distributions of mandatory employer-pay contributions submitted on his behalf;
  - b. The total of any service or disability allowances paid to him by the System;
  - c. All employee contributions and/or distributions of mandatory employer-pay contributions submitted on his behalf, that would have been made on back pay awarded to him; and
  - d. The interest on any money due from the refund of employee contributions, contributions from back pay, and/or distributions of mandatory employer-pay contributions submitted on his behalf. Interest will be at the actuarially determined rate.
  
- 286.435(2)    7.20      The member's public employer shall deduct from any back pay awarded to the member, all money due the System. If the amount of back pay awarded to the member is not sufficient to cover all money due, the member shall pay any balance due the System under a reasonable plan for payment established by the System.



- 286.435 7.21 The public employer shall be responsible for all employer and/or employer-pay contributions which would have been paid on any back pay award under the provisions of Policy 7.19 and 7.20, plus interest computed at the actuarially determined rate.
- 286.435(3) 7.22 Upon receipt by the System of the full amount due, the member is entitled to all membership rights and service credit canceled by his involuntary termination.
- 286.440 7.23 The public employer may not make a direct payment of any portion of the cost of a repayment agreement except as provided in NRS 286.435.
- 286.200 7.2~~3~~4 Monthly installment payments that are payroll deducted by the employer must be submitted to the System within five days of the employee's check date. These deductions must be submitted directly to the System and not included with the Monthly Retirement Report.
- 286.200 7.2~~4~~5 If a member who entered into a monthly installment repayment agreement dies before completion of the contract, a proration of service credit or a refund of all money paid on the account must be made. No other person or employer is allowed to complete the contract on behalf of the deceased member.

## DISABILITY RETIREMENT

### ELIGIBILITY

- 286.620      8.1      A member with at least five years of service who becomes totally unable to perform his current or any comparable job for which he is qualified by his training and experience because of injury or mental or physical illness of a permanent nature, is eligible to apply for a disability retirement allowance if:
- a.      The member is in the employ of a public employer at the time of application for disability retirement;
  - b.      The member provides information that his disability renders him unable to perform the duties of his present position or of any other position he has held within the past year;
  - c.      The member files a notarized application for disability retirement with the System prior to termination of employment with the public employer; and
  - d.      His employment will be terminated because of such disability.
- 286.620(3)      8.2      A member may apply for disability retirement even if the member is eligible for service retirement.

### PROCEDURE

- 286.620(1)  
286.630(2)      8.3      The disability retirement application form shall include all of the following:
- a.      Selection of retirement option and designation of beneficiary, which shall include the member's notarized signature and, if married, the spouse's consent and notarized signature.
  - b.      Member's authorization to release all medical data and employment documents to the System.
  - c.      A personal statement by the member describing the disability, the duties which can and cannot be performed, and any benefits he is entitled to receive for disability from any other public employer.
  - d.      A statement by the applicant's personal physician fully describing the applicant's health status and nature and extent of applicant's disability, and whether or not the physician believes to a reasonable medical certainty the member is disabled.
  - e.      A statement from the member's public employer certifying the member's employment record, work evaluations, record of disability, and absences that have occurred because of the disability.
  - f.      A statement from the applicant's immediate supervisor regarding the disability incident, effect upon the work of the member after

the disability, job functions that can and cannot be performed because of the disability, and whether or not there are alternative jobs that can be performed by the member.

- 286.200 8.4 If the disability applicant is physically or mentally incapable of completing and submitting the application, the liaison officer, deputy liaison officer, spouse, registered domestic partner, or legal guardian may complete the application on the applicant's behalf with the Executive Officer's approval.
- 286.200 8.5 Unless otherwise approved by the Executive Officer for good cause shown, a disability applicant shall have 45 days after receipt by the System of any portion of the application to submit the remaining portions. Failure to comply with this requirement shall invalidate the application and cause the System to return all portions which have been filed. Further processing will only be done if and when the completed application is submitted in its entirety.
- 286.630 8.6 The Board shall designate Medical Advisors who shall have the responsibility to:
- a. Review all medical evidence submitted.
  - b. Request further examination if, in his medical judgment, the evidence provided is inconclusive.
  - c. Make recommendations as to whether or not the applicant is totally unable to perform his current job, or any comparable job for which he is qualified by his training and experience, because of injury or mental or physical illness of a permanent nature.
  - d. Consult with the Board.
- 286.630(1) 8.7 The Board may designate medical consultants in various areas of the state in those fields deemed necessary.
- 286.630 8.8 Travel expenses which are incurred by the member in conjunction with an examination requested by the Medical Advisor, Board, or Staff shall be reimbursed to the member in accordance with regulations for travel for state employees as outlined in the State Administrative Manual.
- 286.630(3) 8.9 The application for disability retirement, all supporting documents, a Staff recommendation, and the Medical Advisor's recommendation shall be submitted to the Board for a final decision.
- 286.630(4) 8.10 A member may apply to the board within 45 days for one reconsideration of a decision concerning the application for a disability retirement allowance or the discontinuance of such an allowance if the member can present new evidence which was not available or the

existence of which was not known or could not reasonably have been known to him at the time the matter was originally presented. Additional medical examinations and related expenses not requested by the Board shall be performed at the expense of the applicant.

- 286.620(1c) 8.11 The member is responsible for proving to the Board that his disability renders him unable to perform the duties of his present position, a comparable position for which he is qualified by his training and experience, or any other position he has held within the past year.

DISABILITY BENEFIT

- 286.634(1) 8.12 Disability retirement, if approved, becomes effective on the day immediately following the applicant's last day of employment or the day immediately following the applicant's last day of service, whichever is later.
- 286.620(5) 8.13 The beneficiary of a disability applicant shall be entitled to benefits per the option selected by the applicant effective the day immediately following the applicant's death if death intervenes between the filing of the application and approval of disability retirement.
- 286.620(5) 8.14 If a member who has applied for disability retirement dies before the disability application has been approved by the Board, the Board may consider the application posthumously.
- 286.634(2) 8.15 A member whose application for disability retirement has been approved by the Board must terminate and commence drawing benefits within 60 days after the date of approval by the Board unless he remains on sick leave for the entire period of continued employment or his service credit extends beyond that date.
- 286.620(5) 8.16 The member's beneficiary is entitled to receive an allowance upon the expiration of service credit under the option selected rather than the benefit otherwise provided for a survivor if:
- a. The member dies before employment is terminated but within 60 days after his application for disability retirement was approved by the Board; or
  - b. The application was mailed before the member's death as indicated by the postmark on the envelope in which the application was received.

- 286.620(2) 8.17 A disability retirement benefit shall be computed in the same manner as service retirement without any reduction for age.
- 286.620(2) 8.18 The disability benefit shall be reduced by the amount of any other benefit received from any source on account of the same disability if such benefit is provided or was purchased by the expenditure of money by a Nevada public employer and to the extent that the total of the unmodified benefit and the other benefit would otherwise exceed average compensation. The procedures enumerated below will apply with respect to these benefits.
- a. If the public employee is not required to terminate his or her public employment as a condition precedent to receipt of the supplemental benefit and the benefit meets the definition of contributable compensation as defined in Policy 3.1 (a through k), service credit will accrue, and the public employee is ineligible to receive the allowance provided in NRS 286.620.
  - b. If the public employee is required to terminate his or her public employment as a condition precedent to receipt of the supplemental benefit, no additional service credit will accrue as a result of the benefit's payment, no contributions will be payable, and the System will apply the offset codified in NRS 286.620, subsection 2.
  - c. Payment of any supplemental benefit, whether in a lump sum or installments, will be offset pursuant to NRS 286.620, subsection 2, taking into consideration the public employee's average compensation prior to the disabling injury, the terms under which the supplemental benefit is paid, and the provisions of Chapter 286 of NRS.
  - d. This policy does not supersede or nullify any provision in Chapter 286 of NRS, or in these policies.
- 286.620(4) 8.19 Each child of a deceased disabled retired employee is entitled to receive the benefits provided by Policy 9.5 only if, at the time of demise, the decedent had not reached the age and completed the service required to be eligible for an unreduced service retirement allowance, except that these benefits must not be paid to anyone who is named as a beneficiary under one of the options to an unmodified allowance.
- 286.640(2) 8.20 A member whose application for disability retirement is denied or canceled may:
- a. Elect service retirement if otherwise eligible. If the disability retirement application is denied and such election is made, the effective date of the service retirement will be the date the

disability retirement would have gone into effect if it had been approved.

- b. Elect service retirement reduced for age.
- c. Apply for a refund of contributions.
- d. Delay his monthly retirement benefit until fully eligible for service retirement.

- 286.640 8.21 If the disability retirement is canceled, the effective date of the regular retirement shall be the day of receipt of the request for service retirement.
- 286.575-  
286.579 8.22 Disabled retired employees shall receive post-retirement increases in the same manner as provided to regular retired employees.
- 286.620(6) 8.23 A disability allowance shall be terminated or converted to a beneficiary allowance, depending on the option selected, as of the first day of the month following the death of a disabled retired employee.

RESTRICTIONS ON DISABILITY RETIREMENT

- 286.637(1)  
286.200 8.24 Annually, a disabled retired employee must file a copy of his income tax return and any W2 statements for the preceding calendar year by May 1 of the succeeding year, or a statement of employment and earnings on a form prescribed by the Board, or the benefit will be suspended.
- 286.637(2) 8.25 The Board may adopt regulations to require medical examinations at the expense of the System.
- 286.637 8.26 The requirement for an annual physical examination may be waived upon proper certification from the Board's medical advisor that the member will remain permanently and totally unable to perform the assigned or a comparable job.
- 286.637 8.27 The monthly disability retirement benefit shall be suspended if a disabled retired employee who has been notified to submit a medical examination report fails to submit such a report to the System prior to the recertification date established by the Board.
- 286.637 8.28 Annual medical examinations in excess of \$1,000 must be certified to the System in advance by the disabled retired employee and physician and approved by the Executive Officer prior to examination, or they may be performed at the expense of the disabled retired employee.
- 286.637 8.29 The System shall not be obligated to pay for medical examination or expense which does not identify or relate to the area of disability or which involves medical treatment.

286.200 8.30 A disabled retired employee shall continue to be considered a disabled retired employee by the System after attainment of the equivalent of service retirement eligibility.

REEMPLOYMENT OF A DISABILITY RETIREE

286.650(2) 8.31 A disabled retired employee must apply for and receive Board approval before returning to any type of employment, either public or private, or the benefit shall be suspended. The application must include:

- a. A full description of the proposed employment;
- b. A statement written by the member declaring the reason why the proposed employment should not be found to conflict with his disability; and
- c. A physician's report approving the proposed employment.

8.32 The Board will not review more than 3 reemployment requests per month per member.

286.650 8.33 The Board will not approve employment of a disabled retired employee if: (a) a position is found to be comparable to the position from which the member was found to be disabled and/or (b) the job duties include physical demands that conflict with the disability.

286.650(1) 8.34 Whenever a disabled retired employee returns to employment with a participating public employer in a position which would entitle membership:

- a. The disability retirement allowance shall be canceled.
- b. He shall again become a contributing member of the System.
- c. All previous service credit shall be restored.
- d. Employee contributions, less 15% of the total of the disability benefits paid, shall be returned to the member's account.

286.640(2) 8.35 A disabled retired employee whose allowance is canceled may either apply for a refund of unused contributions and/or mandatory employer-pay contributions, defer the monthly benefit until eligible for service retirement, or elect service retirement. The effective date of the service retirement, if elected, will be the date the request is received in the System's office.

286.200 8.36 A disabled retired employee, if otherwise eligible, may elect to change from a disability retirement to a service retirement effective upon the date the written request is received in the System's office.

- 286.655      8.37      The Board may make direct payments to a public employer for the rehabilitation of a member eligible to receive a disability retirement allowance. These payments, up to but not exceeding the disability retirement allowance, are payable at the request of the member in lieu of the disability retirement allowance. Retirement contributions shall not be made on employment of a disabled retired employee.
- 286.510      8.38      A police officer or firefighter who has at least 5 years of service as a police officer or firefighter and is otherwise eligible to apply for disability retirement because of an injury arising out of and in the course of his employment remains eligible for retirement if:
- a.    He applies to the Board for disability retirement and the Board approves his application;
  - b.    In lieu of a disability retirement allowance, he accepts another position with the public employer with which he was employed when he became disabled as soon as practicable but not later than 90 days after the Board approves his application for disability retirement;
  - c.    He remains continuously employed by the public employer until he becomes eligible for service retirement; and
  - d.    After he accepts a position pursuant to paragraph (b), his contributions are paid at the rate that is actuarially determined for police officers and firefighters until he becomes eligible for retirement pursuant to this and the policies governing service retirement.
- 286.510      8.39      If a police officer or firefighter who accepted another position with the public employer with which he was employed when he became disabled under Policy 8.37 ceases to work for that public employer before becoming eligible to retire under service retirement eligibility provisions, he may begin to receive a disability retirement allowance without further approval by the Board by notifying the Board on a form prescribed by the Board.



## SURVIVOR BENEFITS

### ELIGIBILITY

- 286.672      9.1      Eligibility for survivor benefits is established if:
- a.      The deceased member had two years of service in the two and one-half years immediately preceding the member's death.
  - b.      The deceased member was employed in a part-time position at the time of death and had two or more years of service credit in a part-time position and at least one day of service within the six months immediately preceding death.
  - c.      The deceased member had ten or more years of accredited, contributing service.
  - d.      The death of the member was caused by an occupational disease or an accident arising out of and in the course of his employment regardless of service credit.
  - e.      The death of the member occurs within 18 months after termination of employment or commencement of leave without pay where a mental or physical condition required the termination or leave without pay.
  - f.      The death of member occurs while on leave of absence for training and the member met requirements of (a), (b), (c), or (d) at time such leave began.
  - g.      In the case of survivor benefits for an unmarried member, the deceased member had properly completed, signed, dated, and filed the approved form with the System designating a survivor beneficiary for receipt of the benefit before his or her death. Such filing must be evidenced by the System's records related to the member's account. The System will accept an approved form if it has been mailed before the member's death, as evidenced by the date of the postmark dated by the post office on the envelope in which it is mailed. Benefits will not be paid unless eligibility is established in accordance with this provision.

### BENEFITS

- 286.674      9.2      The spouse, registered domestic partner, or survivor beneficiary of an  
286.67675  
286.6769(2)
- a.      A cumulative monthly benefit of \$450. This benefit shall be paid until the end of the month in which the spouse, registered domestic partner or survivor beneficiary of an unmarried member dies. If the member has designated one or more payees in addition to the survivor beneficiary, the monthly allowance to which a survivor

beneficiary is entitled must be divided between the survivor beneficiary and any additional payee in the proportion designated by the member. If an additional payee predeceases the survivor beneficiary, the payment made to that additional payee must be equally distributed to the survivor beneficiary and any other additional payees beginning the first of the month following the additional payee's death.

- b. If there are no other eligible survivors, the spouse, registered domestic partner or survivor beneficiary of an unmarried member may waive the \$450 per month benefit and receive a refund of:
  1. The deceased member's employee contributions.
  2. The portion of the mandatory employer-pay contributions submitted on behalf of a deceased member.
  3. 50% of any employer-pay contributions made during the period of time for which the employee was not mandated under the employer-pay contribution plan.

286.676  
286.6768

9.3 The spouse, registered domestic partner or survivor beneficiary of an unmarried member of a deceased member with ten or more years of accredited contributing service may elect one of the following:

- a. A cumulative monthly benefit of \$450. This benefit shall be paid until the end of the month in which the spouse, registered domestic partner or survivor beneficiary of an unmarried member dies.
- b. The benefit provided by Retirement Option 3 for a beneficiary, if the deceased member had less than 15 years of service credit at the time of his death. The benefit shall be calculated as if the deceased member retired on the day of death and named the spouse, registered domestic partner or survivor beneficiary of an unmarried member as beneficiary with no reduction for the deceased member's age. This benefit shall be paid until the end of the month in which the spouse, registered domestic partner or survivor beneficiary of an unmarried member dies.
- c. The benefit provided by Retirement Option 2 for a beneficiary, if the deceased member had 15 or more years of service at the time of his death. The benefit shall be calculated as if the deceased member retired on the day of his death and named the spouse, registered domestic partner or survivor beneficiary of an unmarried member as beneficiary with no reduction for the deceased member's age. This benefit shall be paid until the end of the month in which the spouse or survivor beneficiary of an unmarried member dies.
- d. The benefit provided by Retirement Option 2 for a beneficiary of a deceased member who was fully eligible to retire both as to service and age at the time of death. The benefit shall be calculated as if

- the deceased member retired on the day of death and named the spouse, registered domestic partner or survivor beneficiary of an unmarried member as beneficiary. This benefit shall be paid until the end of the month in which the spouse, registered domestic partner or survivor beneficiary of an unmarried member dies.
- 286.6769(2) e. If the member has designated one or more payees in addition to the survivor beneficiary, the monthly allowance to which a survivor beneficiary is entitled must be divided between the survivor beneficiary and any additional payee in the proportion designated by the member. If an additional payee predeceases the survivor beneficiary, the payment made to that additional payee must be evenly distributed to the survivor beneficiary and any other additional payees beginning the first of the month following the additional payee's death.
- 286.678  
286.6769 f. If there are no other eligible survivors, the spouse, registered domestic partner or survivor beneficiary of an unmarried member may waive the monthly benefit in (a), (b), (c), or (d) above and receive a refund of the deceased member's employee contributions, plus the portion of the mandatory employer-pay contributions submitted on behalf of the deceased member, plus 50% of any employer-pay contributions made during the period of time for which the employee was not mandated under the employer-pay contribution plan.
- SB 173  
(1973)  
286.200 9.4 A surviving spouse or survivor beneficiary of an unmarried member whose benefits were canceled before July 1, 1977, because of restrictions on the amount of permissible earnings, which were removed in 1975, is entitled to the reinstatement of monthly benefits as of the date of application if the refund of unused employee contributions is repaid to the System including interest at the rate of 8% per annum from the date of the refund.

KILLED IN THE LINE OF DUTY

- 286.67695 9.5 The spouse, registered domestic partner, or survivor beneficiary of a deceased member whose death occurred on or after July 1, 2013, while in the line of duty as the direct or proximate result of the performance of their duty shall be entitled effective July 1, 2015 to receive: (1) fifty percent of the salary of the member on the date of the member's death; or (2) one hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

CHILD

- 286.673(1) 9.6 Each child of an eligible deceased member is entitled to receive a cumulative monthly benefit of \$400 per month.
- 286.673(2) 9.7 Survivor benefits paid to a child pursuant to NRS 286.673 shall be canceled as of the end of the month in which any one of the following occurs:
- a. The child is adopted.
  - b. The child dies.
  - c. The child marries.
  - d. Except as otherwise provided in Policy 9.8, 9.12 or 9.13, the child attains the age of 18 years.
- 286.673(3) 9.8 Except as otherwise provided in Policy 9.9, survivor benefits may be paid until the last day of the month of his 23<sup>rd</sup> birthday if, at the time that he attains 18 years, he is, and continues thereafter to be, a full-time student in any accredited high school, vocational or technical school, college, or university. Certification must be received that indicates that he was a full-time student as of:
- a. His 18<sup>th</sup> birthday; or
  - b. The last day of the previous semester if his birthday falls during the summer and he certifies that he intends to return to school full-time for the fall semester.
- 286.673 9.9 A school certification shall be required at least two times each year, and a letter signed by the student declaring his intent to return to school as of the next regular enrollment period shall be required once each year to ensure that the child has been and will continue to be a full-time student. Failure to comply with this requirement, or failure to remain a full-time student for the period of certification, shall cause the benefit to be suspended as of the end of the month in which full-time enrollment was last certified and completed.
- 286.673 9.10 The determination of what constitutes full-time student status shall be according to the policy of the particular school.
- 286.673 9.11 A child who provides certification of his intent to enroll the following semester and then fails to enroll must reimburse the System for benefits paid retroactively to the end of the month in which he turned 18 or in which he ceased to be a full-time student.
- 286.673(4) 9.12 If the payment of benefits are ceased to a child of a deceased member who received benefits pursuant to Policy 9.8 because the child ceased

being a full-time student, payments may be resumed until the last day of the month of the child's 23<sup>rd</sup> birthday if the child returns to full-time status at an accredited high school, vocational or technical school, college or university.

- 286.673(5) 9.13 Survivor benefits paid to a child may be commenced or extended indefinitely beyond the child's 18<sup>th</sup> birthday if, and as long as, the child is determined by the Board to be:
- a. Financially dependent; and
  - b. Physically or mentally incompetent.

#### DEPENDENT PARENT

- 286.677 9.14 If there are no other eligible survivors at the time of the member's death, each dependent parent is entitled to receive \$400 per month.
- 286.677 9.15 Survivor benefits paid to a dependent parent shall be canceled at the end of the month in which that dependent parent ~~marries or~~ dies.
- 286.200 9.16 Cancellation of benefits to any one survivor will not affect benefits to other eligible survivors.

#### GENERAL

- 286.6775 (1 & 2) 9.17 The total amount of the base allowance of survivor benefits, including any other survivor benefits received from any other source purchased by the expenditure of money of a public employer in this state, except for lump-sum payments under a group insurance or similar program, shall not exceed average compensation. Benefit payments made to eligible survivors that are capped by average compensation, must be adjusted based on the benefits provided by statute, should any other recipient become ineligible for benefits.
- 286.575  
286.5756  
286.577 -  
286.579 9.18 Survivor benefit recipients shall receive post-retirement increases in the same manner as provided to retired employees.

#### PROCEDURES

- 286.200 9.19 An application for survivor benefits form must be completed and submitted by the eligible survivor or guardian, together with required documents, including but not limited to, as applicable, [death certificate](#), marriage certificate, registration of domestic partnership, and birth certificate(s). If a member had designated one or more payees in

addition to the survivor beneficiary, required forms and documents must be received from the survivor beneficiary prior to payment to any additional payee.

- 286.674(1) 9.20 Monthly survivor benefit payments shall begin on the first day of the month following the death of the member, except for Option 2 or Option 286.676 3 payments, which begin on the day after the member's death unless service credit is extended beyond date of death.
- 286.673 9.21 The payment of survivor benefits to a minor child shall be paid on behalf of the minor child to the surviving parent or legally appointed guardian. If the payment of survivor benefits to a child is extended beyond the date the child attains age 18 in accordance with NRS 286.673(3) or resumed after the date the child attains age 18 in accordance with NRS 286.673(4), the payment of survivor benefits may be made directly to the child.
- 286.679(1) 9.22 If payments to a survivor cease before the total contributions of a deceased member have been paid in benefits and there is no person entitled to receive benefits under any provision of ~~this Chapter~~ [NRS Chapter 286](#), the surplus of employee contributions and/or the portion of mandatory employer-pay contributions submitted on his behalf over the benefits actually received may be paid in a lump sum to:
- a. The beneficiary whom the deceased member designated for this purpose in writing on a form approved by the System.
  - b. If no such designation was made or the person designated is deceased, the beneficiary who previously received the payments.
  - c. If no payment may be made pursuant to paragraphs (a) and (b), the person entitled as heirs or residuary legatees to the estate of the deceased member.
- 286.679(2) 9.23 A lump-sum payment made pursuant to Policy 9.22 fully discharges the obligations of the System.
- [286.67675](#), [286.6768](#), [286.67685](#), [286,5769](#), [286.67695](#) 9.24 [A recipient of survivor benefits may designate that his monthly benefit check be transmitted as follows:](#)
- [a. Mailed directly to any residence address or personal Post Office box; or](#)
  - [b. Through an electronic funds transfer \(EFT\) to his account at his financial institution.](#)



- a. The member will have reached the age and completed the years of service necessary for retirement, without actuarial reduction of his benefit, at the expiration of the term of the agreement.
- b. The member enters into an agreement with the member's public employer, which is approved by the Board.
- c. Employee and employer contributions are paid on the basis of full-time employment for that position. The compensation upon which the contributions are based cannot exceed the lesser of:
  - 1. The compensation paid the member during his last 12 months of full-time employment adjusted to include the normal cost-of-living increases provided similarly situated employees of the public employer; or
  - 2. The amount which other persons serving on a full-time basis in the same position would receive.
- d. The member agrees in writing to the forfeiture of all service credit which was not earned by actual work under this policy if:
  - 1. The member does not retire on or before the fifth anniversary of the effective date of the agreement; or
  - 2. At any time after entering into the agreement, the member returns to full-time employment in a position eligible for membership, except as an elected official.

BENEFIT CALCULATION

- |            |      |  |
|------------|------|--|
| 286.551(1) | 10.5 | <ul style="list-style-type: none"> <li>a. For members with an effective date of membership before January 1, 2010, a monthly service retirement allowance shall be determined by multiplying a member's average compensation by 2.50% for each year of service, or fraction thereof for partial years, for service earned through June 30, 2001, and by 2.67% for service earned on or after July 1, 2001 up to a maximum of 90% of average compensation. New members hired on or after July 1, 1985 shall not earn a benefit greater than 75% of average compensation.</li> <li>b. For members with an effective date of membership <del>on or after</del> <u>from</u> January 1, 2010, <u>through June 30, 2015</u>, a monthly service retirement allowance shall be determined by multiplying a member's average compensation by 2.50% for each year of service, or fraction thereof for partial years, up to a maximum of 75% of average compensation.</li> <li>c. <u>For member with an effective date of membership on or after July 1, 2015, a monthly service retirement allowance shall be determined by multiplying a member's average compensation by 2.25% for each year of service, or fraction thereof for partial years, up to a maximum of 75% of average compensation.</u></li> </ul> |
| 286.551(4) | 10.6 | The retirement allowance for a regular, part-time employee who earns   |



benefit eligibility under Policy 10.2 shall be computed from the salary which would have been received as a full-time employee, if it results in a greater benefit. A regular part-time employee is a person who works half-time or more, but less than full-time according to the regular work schedule established by the public employer and pursuant to an agreement between the employee and employer.

- 286.551  
(2 & 3)
- 10.7 a. Except as otherwise provided by NRS 286.551(4) for members with an effective date of membership on or after January 1, 2010, all members, except those in positions covered by Policies 10.9, 10.10, and 10.11 shall have their average compensation based on the average of the 36 consecutive months of highest compensation as reported by the public employer. In the event that this calculation is challenged by the member, then the public employer will provide certification of the earned compensation, and the benefit will be based upon a recalculation of the earned average compensation as determined by Staff.
- b. For members with an effective date of membership on or after January 1, 2010, the member's average compensation shall be based on the average of the 36 consecutive months of highest compensation as certified by the public employer, subject to the limits contained in NRS 286.551(3)-(4).
- 286.421(3b) 10.8 Upon retirement, a member under the employer-pay contribution plan shall have his average compensation increased to the amount it would have been under the employee/employer contribution plan.
- 286.367(4) 10.9 The unmodified allowance for a volunteer firefighter shall be calculated upon the assumed wage and service time factor in that capacity. If there is also service in a regular position, that unmodified allowance shall be calculated separately and then combined with the volunteer firefighter unmodified allowance.
- 286.470(1) 10.10 (a) The unmodified allowance for a County Commissioner, Councilman, or Mayor shall be calculated upon the average compensation and service factor for that service. Except as authorized in NRS 286.470(3) and Policy 10.10(b), if there is also service in a regular position, that unmodified allowance shall be calculated separately and then combined with the County Commissioner, Councilman, or Mayor unmodified allowance.
- (b) If a member who has service as a County Commissioner, Councilman or Mayor has an average salary for the entire period of elective service that is equal to or greater than the average salary of a member for regular service for the same period, the calculations required pursuant to NRS 286.470(3) and Policy 10.10(a) do not apply and the member must receive credit for

regular service.

- (c) To be eligible for the calculation in accordance with NRS 286.470(3) and Policy 10.10(b), the average salary of a member for regular service is as follows:

| Fiscal Year | Average Salary |
|-------------|----------------|
| 1971*       | \$ 9,000       |
| 1972*       | \$ 9,500       |
| 1973*       | \$ 9,750       |
| 1974        | \$10,241       |
| 1975        | \$10,962       |
| 1976        | \$11,001       |
| 1977*       | \$11,587       |
| 1978        | \$12,174       |
| 1979        | \$13,118       |
| 1980        | \$14,062       |
| 1981*       | \$15,940       |
| 1982        | \$17,819       |
| 1983        | \$18,974       |
| 1984        | \$20,129       |
| 1985*       | \$21,084       |
| 1986        | \$22,039       |
| 1987*       | \$23,103       |
| 1988        | \$24,168       |
| 1989        | \$25,004       |
| 1990        | \$26,186       |
| 1991        | \$27,650       |
| 1992        | \$28,931       |
| 1993        | \$30,383       |
| 1994        | \$30,511       |
| 1995        | \$31,190       |
| 1996        | \$31,420       |
| 1997        | \$32,149       |
| 1998        | \$32,714       |
| 1999        | \$33,397       |
| 2000        | \$35,185       |
| 2001        | \$36,615       |
| 2002        | \$38,106       |
| 2003        | \$39,193       |
| 2004        | \$40,069       |
| 2005        | \$40,901       |
| 2006        | \$41,929       |
| 2007        | \$43,355       |
| 2008        | \$46,159       |
| 2009        | \$48,151       |
| 2010        | \$49,407       |

|             |                 |
|-------------|-----------------|
| 2011        | \$49,248        |
| 2012        | \$48,808        |
| 2013        | \$48,626        |
| 2014        | \$48,057        |
| <u>2015</u> | <u>\$47,840</u> |

\*Estimated actuarial valuations not performed in odd-numbered years prior to 1988.

286.551(3) 10.11 The average compensation of a member who has a break in service, or partial months of compensation or both, as a result of service as a Legislator during a regular or special session of the Nevada Legislature, must be calculated on the basis of the average of his 36 consecutive months of highest compensation as certified by the public employer, excluding each month during any part of which the Legislature was in session.

PROCEDURE

286.541 10.12 A fully completed Application for Retirement form must be received in the System's office to be considered officially filed.

286.541 10.13 The application, to be properly completed, must include:  
286.200

- a. The member's selection of a retirement plan;
- b. The member's designation of beneficiary;
- c. A certification as to marital status or registered domestic partnership;
- d. The member's notarized signature; and
- e. If the member is married, the notarized signature of the spouse indicating consent to the plan selected.
- f. If the member is a registered domestic partner, the notarized signature of the member's registered domestic partner indicating consent to the plan selected.

286.545 10.14 If the spouse or registered domestic partner of the member does not consent to the retirement plan chosen by the member before the date on which the retirement becomes effective the System shall:

- a. Notify the spouse or registered domestic partner that he has 90 days to consent or have the member change his selection; and
- b. Pay the retirement benefit at the amount calculated for Option 2 provided in Policy 10.18(b) until the spouse or registered domestic partner consents or for 90 days, whichever is less.
- c. For purposes of this payment procedure, the beneficiary under Option 2 will be the member's spouse or registered domestic

partner.

- d. If the retired employee dies during the 90-day period specified in paragraph (a) above, without having obtained the consent of the spouse or registered domestic partner, the benefit will continue to be paid to the deceased retired employee's spouse or registered domestic partner under Option 2 in accordance with the conditions applicable to the Option 2 benefit payment.

286.545      10.15      Upon consent of the spouse or at the end of the 90 days, except as provided under Policy 10.14(d), the retirement benefit must be recalculated and paid under the terms of the option originally selected by the member retroactively to the date on which the retirement became effective.

286.541      10.16      Proof of birth date and continuity of name change documents are required for a member and the member's beneficiary within 90 days after the retirement effective date. If this documentation is not received within 90 days after retirement, the benefit shall be suspended until the requirement is met.

286.541      10.17      Proof of birth date and continuity of name change may be established by any one of the documents listed in Group 1 or any two of the documents listed in Group 2 below:

GROUP 1

- a. ~~Certified copy of b~~ Birth certificate.
- b. Infant baptism certificate, or certified copy.
- c. Delayed certificate of birth.

GROUP 2

- a. School age record, or certified copy.
- b. Military service record, or certified copy.
- c. Marriage record, if date of birth is shown, or certified copy.
- d. Naturalization certificate of individual, or of parents, providing participant's age is stated.
- e. Transcript of record from U.S. Bureau of Census.
- f. Certified copy of the family record in the family Bible stating:
  - 1. Name of person who entered date of birth in Bible.
  - 2. When date of birth was entered.
  - 3. Explanation of any corrections.
  - 4. Date of printing of Bible.
- g. Passport or passport card.

- h. Notarized statement of knowledge by a person who was an adult at time of member's birth.
- i. Motor vehicle records.
- j. Hospital record of birth.
- k. Social Security records.
- l. Voter registration records.
- m. [Certified court order.](#)
- n. Any other document over ten years old which lists the person's date of birth.

286.541(1)  
286.590(1-6)

10.18 In order to complete a retirement application, an applicant must elect one of the following retirement plans:

- a. Unmodified retirement allowance, which pays full monthly benefit to the retired employee for life but provides no protection for the beneficiary.
- b. Option 2 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, the same allowance will continue for the lifetime of the beneficiary.
- c. Option 3 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, 50% of the allowance will continue for the lifetime of the beneficiary.
- d. Option 4 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death and when the beneficiary reaches age 60, the allowance will continue for the lifetime of the beneficiary.
- e. Option 5 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death and when the beneficiary reaches the age of 60, 50% of the allowance will continue for the lifetime of the beneficiary.
- f. Option 6 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, a specific sum per month, not to exceed the monthly allowance paid to the retired employee, will continue for the lifetime of the beneficiary.
- g. Option 7 - Actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death and when the beneficiary reaches age 60, a specific sum per month, not to exceed the monthly allowance paid to the retired employee, will continue for the lifetime of the beneficiary.

Benefits are subject to the applicable Internal Revenue Code limitations including IRC 401(a).

286.592(5)

10.19 Retirement allowances under this Chapter must be paid until the end of

the month following the death of the retired employee or the beneficiary.

- 286.200      10.20      A retired employee may designate that his monthly benefit check be transmitted as follows:
- a. Mailed directly to any residence address or personal Post Office box; or
  - b. Through an electronic funds transfer (EFT) to his account in his financial institution.
- 286.592      10.21      A retired employee may not change the selected retirement plan or any beneficiary designation after effective date of retirement, except as follows:
- a. A retired employee may cancel the selected option and designation of beneficiary and change to the unmodified service retirement allowance, effective upon filing of a duly acknowledged application with the System. If the retired employee is married or a registered domestic partner, the application must include the consent of the spouse or registered domestic partner to the cancellation of option.
  - b. A retired employee's benefit is automatically changed to the unmodified allowance beginning the first day of the following month if a named beneficiary under an optional plan dies before the retired employee.
  - c. A retired employee may relinquish the right to an allowance and apply for a refund of the remaining contributions at any time. If the beneficiary under one of the Options 2 through 7 is the spouse or registered domestic partner, the retired employee must provide a notarized release before the cancellation will be effective.
  - d. The election by a retired employee to change retirement option will not in any way abrogate community property obligations.
- 286.592(4)
- 286.592  
(1 & 5)
- 286.592(3)
- 286.592(4)
- 286.592      10.22      A member may name any person as beneficiary under a retirement plan, unless otherwise prohibited by applicable law.
- 286.200      10.23      Upon the death of a retired employee, the benefits earned but not paid and/or the surplus of employee contributions and/or the portion of mandatory employer-pay contributions submitted on his behalf over the benefits received, will be disbursed as follows:
- a. If the retired employee is survived by a spouse or registered domestic partner, for those retired under the unmodified plan, any surplus of contributions in excess of benefits received shall be paid in one lump sum to the spouse or registered domestic partner. If there is no surviving spouse or registered domestic partner,

- payment will be made to the estate of the retired employee.
- b. If the beneficiary designated for this purpose on the retirement application is not a spouse or registered domestic partner, any surplus of employee contributions in excess of benefits received shall be paid to the named beneficiary or to the estate of the retired employee if the named beneficiary is deceased.
  - c. If communication is received that reasonably establishes that no probate will be established for the deceased, any benefits earned or employee contributions in excess of benefits received shall be paid to the heirs of the deceased.
  - d. If there is no living named beneficiary, heir, devisee, or legatee capable of receiving the amount owing, the funds shall be transferred to the System.
- 286.665

### REEMPLOYMENT

- 286.520(1) 10.24 Except as provided in Policy 2.10, a retired employee will forfeit the retirement benefit for the duration of any employment, to include an independent contract, which is accepted with a public employer during the first 90 days of retirement, unless the position is an elective public office in accordance with Policy 10.26, an exception in accordance with Policy 10.35, an exception in accordance with NRS 286.523 or Policy 10.34 in a position for which there is a critical labor shortage determined, or in accordance with Policy 10.36.
- 286.520(6) 10.25 The System may waive for one period of 30 days or less, a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.
- 286.520(5) 10.26 A retired employee may serve in an elective public office and continue receiving a retirement allowance:
- a. [U] unless he is serving in the same office in which he served and for which he received service credit as a member.
  - b. A retired employee serving in an elective public office who elects to continue receiving a retirement allowance shall not be enrolled in the System.
- 286.520 (1 & 2) 10.27 If a retired employee accepts employment or an independent contract with a public employer in a position that would not normally be eligible for membership, then:
- a. Both the retired employee and the public employer must notify the System within 30 calendar days of the beginning date of employment or contract.

- b. The retired employee may earn up to 50% of the average salary for regular members, as determined by the latest Actuarial Valuation, in any fiscal year without forfeiting the retirement benefit.
  - c. A retired employee who exceeds the earnings limitation in any fiscal year shall have the retirement benefit suspended for the duration of that employment or contract or any subsequent employment during that fiscal year, even if it extends into the next fiscal year. Both the public employer and retired employee must notify the System within ten days after the retired employee exceeds the earnings limitation.
- 286.520(1) 10.28 If a retired employee accepts employment or an independent contract with a public employer in a position that would normally be eligible for membership in the System, then:
- a. Both the retired employee and the public employer must notify the System within ten calendar days of the beginning date of employment or contract.
  - b. The retired employee forfeits all retirement benefits for the duration of that employment.
- 286.525  
[286.551\(2\)](#) 10.29 A retired employee who accepts employment in a position eligible for membership may enroll in the System ~~only if he had less than 36 years of service at time of retirement.~~ Contributions must be made on all compensation earned for the duration of that employment ~~even though it may later exceed the 36-year service limit.~~ Upon termination of employment, he is entitled to receive:
- a. If employed less than six months, a refund of all contributions made by him during the employment.
  - b. If employed for at least six months, an additional benefit, which must be calculated separately from the original benefit, or refund of all contributions made by him during the employment.
  - c. If employed for at least five years, the retired employee may select any option or designate any beneficiary, for the new benefit only, subject to spouse's concurrence, or the System will calculate a benefit, as provided in Policy 10.31.
  - d. Benefits may not exceed 90 percent of average compensation for members enrolled prior to June 30, 1985, and 75 percent of average compensation for members enrolled on or after July 1, 1985.
- 286.525(2) 10.30 If the retired employee chooses to re-retire under a different option or designate a different beneficiary, as provided in Policy 10.29, the computation of additional benefit shall be based upon the provisions in



effect at the time of the original retirement, as follows:

- a. The average compensation based upon the member's compensation during the highest 36 consecutive months in the reemployment period, or actual months if the reemployment period is less than 36 months.
- b. The yearly and maximum service factor in effect at the time of the retired employee's original retirement.
- c. Except as provided in Policy 10.29(c), the additional benefit must be under the same option and designation of beneficiary as the original benefit in effect at the time of forfeiture for reemployment. In the event of automatic reversion to the unmodified benefit per Policy 10.21(b), the additional benefit earned must also be under the unmodified.

- 286.525(3) 10.31 A retired employee who is reemployed by a Nevada public employer and enrolls in the System for at least 5 years may have this additional credit for service added to previous credit for service. This additional credit for service must not apply to more than one period of employment after the original retirement.
- 286.525(4) 10.32 The survivor of a deceased member who had previously retired and was rehired and enrolled in the System, who qualifies for benefits pursuant to Chapter 9 of these policies, inclusive, is eligible for the benefits based on the service accrued through the second period of employment.
- 286.200 10.33 A refund of any additional employee contributions and/or distribution of mandatory employer-pay contributions will be paid to the beneficiary designated by the retired employee for that purpose or to the retired employee's estate for a deceased retired employee who has reestablished membership and does not qualify for any additional benefits.

#### CRITICAL LABOR SHORTAGE REEMPLOYMENT

- 286.523 10.34 1. A retired employee who accepts employment or an independent contract with a public employer under the System is exempt from the provisions of NRS 286.520, paragraphs 1 and 2, if:
- (a) He fills a position for which there is a critical labor shortage; and
  - (b) At the time of his reemployment, he is receiving:
    - (1) A benefit that is not reduced for early retirement; or
    - (2) A benefit that is reduced for early retirement but he has reached the required age at which he could have retired without a reduction for early retirement.

2. A retired employee who is reemployed under the circumstances set forth in paragraph 1, may reenroll in the System as provided in NRS 286.525.
3. Positions for which there are critical labor shortages must be determined by the State Board of Examiners for positions in state government; by the Supreme Court for positions in the judicial branch of state government; by the Board of Regents for positions in the University and Community College System of Nevada; by the Department of Education for positions with the various school districts; by the governing body of a local government for positions within that local government entity; and the Board for positions within the System.
4. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall give consideration to:
  - (a) The history of the rate of turnover for the position;
  - (b) The number of openings for the position and the number of qualified candidates for those openings;
  - (c) The length of time the position has been vacant; and
  - (d) The success of recruiting persons in other states to fill the position.
5. Effective July 1, 2003, the designating authority may not designate any position, not previously designated as a critical labor shortage position, for a period longer than 2 years. To be re-designated as a critical labor shortage position, the designating authority must consider whether the position continues to meet the criteria set forth in paragraph 4.

This Policy 10.34 applies to positions designated as a critical labor shortage position prior to July 1, 2009.

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|---------|-------|--|
| 286.523 | 10.34 | <ol style="list-style-type: none"> <li>1. A retired employee who accepts employment or an independent contract with a public employer under the System is exempt from the provisions of NRS 286.520, paragraphs 1 and 2, if:           <ol style="list-style-type: none"> <li>(a) He fills a position for which there is a critical labor shortage; and</li> <li>(b) At the time of his reemployment, he is receiving:               <ol style="list-style-type: none"> <li>(1) A benefit that is not reduced for early retirement; or</li> <li>(2) A benefit that is reduced for early retirement but he has reached the required age at which he could have retired without a reduction for early retirement.</li> </ol> </li> </ol> </li> </ol> |
|---------|-------|--|

2. A retired employee who is reemployed under the circumstances set forth in paragraph 1, may reenroll in the System as provided in NRS 286.525.
3. Positions for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows: by the State Board of Examiners for positions in state government; by the Supreme Court for positions in the judicial branch of state government; by the Board of Regents for positions in the University and Community College System of Nevada; by the boards of trustees of each school district for positions within the school district; the governing body of a charter school for positions within the charter school; by the governing body of a local government for positions within that local government entity; and the Board for positions within the System.
4. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall make findings based upon the following criteria:
  - (a) The history of the rate of turnover for the position;
  - (b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;
  - (c) The length of time the position has been vacant;
  - (d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and
  - (e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.
5. A designating authority shall not designate a position as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in paragraph 4.

This Policy 10.34 applies to positions designated as a critical labor shortage position on or after July 1, 2009.

286.520(7) 10.35 A retired employee who is employed by either house of the Legislature or by the Legislative Counsel Bureau, or the Nevada Court System as a senior justice, senior judge, senior justice of the peace or senior

municipal judge, is exempt from the reemployment provisions for the duration of that employment or contract.

286.520(8) 10.36 A retired employee who accepts employment with a volunteer fire department of which all the volunteers have become members of the System pursuant to NRS 286.367 is exempt from the provisions of NRS 286.520(1)-(2) for the duration of that employment.

MISCELLANEOUS

286.5756 10.37 The CPI-U (all items/all cities) shall be the index used by the Board, in accordance with NRS 286.5756 (post-retirement increases), for determining average percentage increases in the CPI.

286.5756 10.38 The allowance or benefit of a retired employee must be increased by the percentages set forth in NRS 286.5756 if the allowance or benefit of a retired employee has not increased at a rate greater than or equal to the average of the CPI-U for the period between the date of his retirement and the end of the month prior to the effective date of the increase.

286.5756 10.39 The moving average for the three preceding years shall be determined by averaging the annual percentage increases of the CPI-U.

286.5756 10.40 a. For members with an effective date of membership before January 1, 2010, if the allowance of a benefit recipient has not kept pace with the CPI-U, a post-retirement increase will be based on the following: 2% in years 4 through 6; 3% in years 7 through 9; 3.5% in years 10 through 12; 4% in years 13 and 14 and 5% in the 15<sup>th</sup> year and thereafter.

b. For members with an effective date of membership ~~on or after~~ from January 1, 2010, through June 30, 2015, if the allowance of a benefit recipient has not kept pace with the CPI-U, a post-retirement increase will be based on the following: 2% in years 4 through 6; 3% in years 7 through 9; 3.5% in years 10 through 12; and 4% in the 13<sup>th</sup> year and thereafter.

c. For members with an effective date of membership on or after July 1, 2015, if the allowance of a benefit recipient has not kept pace with the CPI-U, a post-retirement increase will be based on the following: 2% in years 4 through 6; 2.5% in years 7 through 9; and the lesser of the CPI cap or 3% every year thereafter.

286.5756 10.41 If the allowance of a benefit recipient increased faster than the CPI-U, the post-retirement increase shall be capped by the moving average of the CPI-U at June 30<sup>th</sup> for the preceding three years. Any adjustment due under this policy shall remain in effect for one year.

286.200 10.42 A retired employee must receive a net benefit of at least \$10.00. If deductions are authorized by a retired employee, the retired employee's benefit must be at least \$10.00 plus the total of the deductions or the retired employee must make arrangements to pay the vendor or employer direct.

286.200 10.43 [In the event there are six consecutive uncashed checks, the account will be suspended until a notarized statement has been received from the retiree.](#)

## POLICE AND FIREFIGHTERS

### GENERAL

- 286.225(2) 11.1 All refunds, disability retirement, survivor benefits, and service retirement benefits paid to police/fire members and their beneficiaries shall be paid from the Police and Firefighter's Retirement Fund.
- 286.225(3) 11.2 All contributions paid by and for police/fire members shall be credited to the Police and Firefighter's Retirement Fund.
- 286.227  
(1 & 2) 11.3 The Board shall create a Police and Firefighter's Retirement Fund Advisory Committee, determine the number of its members and appoint its members. The term of each member is 4 years. The Board may remove a member for cause. The Committee shall make recommendations to the board concerning the administration of and benefits payable from the Police and Firefighter's Retirement Fund. The Board shall consult with the Committee on all matters concerning this fund, and consider its recommendations upon their merits.
- 286.230(3) 11.4 The Board may establish a separate and additional administrative fee for police/fire members and their public employers to pay the additional expense of maintaining a separate fund and to pay the actual and necessary travel expenses and other expenses, within the limits established by the Board, for meetings of the Police and Firefighter's Retirement Fund Advisory Committee.

### MEMBERSHIP

- 286.061(1) 11.5 "Police Officer" means a member who is:
- a. ~~A full-time employee of~~ Filling a full-time position with a participating public employer, whose principal duties require emotional stability and physical capacity in protecting the public and enforcing the laws of the State of Nevada or any of its political subdivisions.
  - b. The former holder of a position defined in (a) above who has earned at least two years of service in that position and has been promoted or transferred within the chain of command of the same public employer to a position related to the protection of the public and law enforcement.
  - c. The former holder of a position defined in (a) above who has earned at least two years of service in that position and is employed by a different public employer in a position that would have been eligible in (b) above.
- 286.061(2)
- 286.061(3)

- 286.042(1) 11.6 "Firefighter" means a member who is:
- a. ~~A full-time employee of~~ Filling a full-time position with a participating public employer, whose principal duties require emotional stability and physical capacity in protecting the public and controlling and extinguishing fires.
- 286.042(2) b. The former holder of a position defined in (a) above who has earned at least two years of service in that position and has been promoted or transferred within the chain of command of the same public employer to a position related to protecting the public and controlling and extinguishing fires.
- 286.042(3) c. The former holder of a position described in (a) above who has earned at least two years of service in that position and is employed by a different public employer in a position that would have been eligible in (b) above.
- 286.211(1) 11.7 The Board shall, with the advice of the Interim Retirement and Benefits Committee and subject to statutory limitations:
- a. Adopt regulations for the evaluation of requests for enrollment in the Police and Firefighter's Retirement Fund; and
  - b. Determine those positions eligible under the early retirement provisions for police officers and firefighters.
- 286.211(2) 11.8 Service in any position which has not been determined by the Board to be eligible does not entitle a member to early retirement as a police officer or firefighter.
- 286.200 11.9 The Board shall allow any member who is serving in a position for which he is enrolled under the Police and Firefighter's Retirement Fund on July 1, 1987, to continue to be eligible as long as he remains in that position.
- 286.200 11.10 New hires after July 1, 1987, will be enrolled in the same fashion as prior to July 1, 1987, pending final determination of eligibility for early retirement coverage by the Board.
- 286.200 11.11 Employees in positions currently covered under early retirement and subsequently determined by the Board to be ineligible for that coverage, will continue under that coverage so long as they remain in the same position.
- 286.200 11.12 A member serving in a position first eligible for coverage in the Police and Firefighter's Retirement Fund after July 1, 1987, and employed in that position at the time of Board approval may, by executing an

affidavit approved by the system, make a one-time election for coverage in that fund or the fund for regular members. The effective date of coverage shall be the date of Board approval of the position.

- 286.200      11.13      Persons presently serving or having formerly served in positions first eligible for coverage in the Police and Firefighter's Retirement Fund after July 1, 1987, and persons who earned Regular Member service in a training position who immediately move into a covered position following the training period regardless of when the training period occurred, can retroactively validate that service in that fund to the effective date of Board approval as follows:
- a. For those members under either the employer-pay or employee/employer contribution plans, the member must pay the full actuarial cost for validation of this service in accord with paragraph (b) of this policy.
  - b. The member must pay ~~3% of current average compensation for the entire period of employment for which validation is being sought.~~ the amount of the service purchase factor for Police/Fire (Policy \_\_\_\_\_) based on the member's age and subtract the corresponding Regular (Policy \_\_\_\_\_) service purchase factor. This difference between the two factors would then be multiplied by the years of service being transferred, resulting in a lump sum cost for the transfer, expressed as a percentage of pay. This rate is open for actuarial evaluation at a future date.
  - c. The member may pay for all or part of the service to be validated in a lump sum or by an agreement approved by the System.
  - d. A public employer may pay for all or part of the validation cost.
  - e. Only 50% of the principal amount paid to validate service for credit in the Police and Firefighter's Retirement Fund will be refunded under any circumstance, except as stated in Policies 6.19 and 11.14.
- 286.200      11.14      If a member fails to complete payment on a validation of service for credit in the Police and Firefighter's Retirement Fund agreement, the agreement will be terminated with the following options available to the member.
- a. Pay the remaining balance in a lump sum.
  - b. Receive service credit in the Police and Firefighter's Retirement Fund in the proportion that the principal paid bears to the principal due under the agreement.
  - c. Receive a refund of all monies paid including interest.
- 286.225      11.15      Transfer between the Public Employees' Retirement Fund and the Police and Firefighter's Retirement Fund or between one public employer and



another will not impair membership rights.

### CONTRIBUTIONS

- 286.410 11.16 Contributions under the employee/employer contribution plan shall be the matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and shall become effective and adjusted as specified in Policy 3.8.
- 286.421(6) 11.17 Contributions under the employer-pay contribution plan for police/fire members shall be the total contribution rate for employers that is actuarially determined for police/fire members and shall become effective as specified in Policy 3.8 and adjusted in accordance with Policy 3.11.
- 286.421(9) 11.18 All police/fire members employed by political subdivisions of the State of Nevada must be under the employer-pay contribution plan effective July 1, 1981.
- 286.200 11.19 Policies 3.10 through 3.52 shall also apply to police/fire members.

### SERVICE

- 286.510 11.20 Only service performed in a position officially recognized as a "police officer" or "firefighter" or prior credit for military service in the Police and Firefighter's Retirement Fund may be used for early retirement eligibility. A vested or active police/fire member may purchase eligible service to be credited in the Police and Firefighter's Retirement Fund. Other creditable service may be used in retirement computations to improve monthly benefits.
- 286.300 11.21 A member who has at least five years of service credit in the police/fire fund and five years of service in the fund for regular members may purchase service for credit in either the regular fund or the police/fire fund. The member shall acknowledge that the service purchased would be creditable in the fund corresponding to the rate at which it was purchased. The aggregate amount of service credit purchased cannot exceed the five-year limitation under Policy 6.1.
- 286.300 11.22 Except as provided for in Policy 11.21, an active and vested police/fire member shall purchase service at the actuarially determined purchase percentages for police/fire members as specified in Policy 11.23.
- 286.300 11.23 The member must pay the full actuarial cost to purchase service as determined by an actuary of the System. The cost to purchase service is calculated using the purchase percentage corresponding to the age and

average compensation of the member at time of purchase. The actuarially developed purchase percentages for police/fire members are as follows:

Members Hired Prior to 1/1/2010:

| <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> |
|------------|----------------|------------|----------------|------------|----------------|
| 30         | 24.5           | 47         | 38.9           | 64         | 33.0           |
| 31         | 25.2           | 48         | 40.0           | 65         | 32.2           |
| 32         | 25.8           | 49         | 41.2           | 66         | 31.3           |
| 33         | 26.5           | 50         | 42.4           | 67         | 30.5           |
| 34         | 27.3           | 51         | 41.8           | 68         | 29.7           |
| 35         | 28.0           | 52         | 41.3           | 69         | 28.8           |
| 36         | 28.8           | 53         | 40.7           | 70         | 28.0           |
| 37         | 29.6           | 54         | 40.1           | 71         | 27.1           |
| 38         | 30.4           | 55         | 39.4           | 72         | 26.2           |
| 39         | 31.2           | 56         | 38.8           | 73         | 25.3           |
| 40         | 32.1           | 57         | 38.1           | 74         | 24.4           |
| 41         | 32.9           | 58         | 37.4           | 75         | 23.4           |
| 42         | 33.9           | 59         | 36.7           | 76         | 22.5           |
| 43         | 34.8           | 60         | 36.0           | 77         | 21.6           |
| 44         | 35.8           | 61         | 35.3           | 78         | 20.7           |
| 45         | 36.8           | 62         | 34.5           | 79         | 19.8           |
| 46         | 37.8           | 63         | 33.7           | 80         | 18.9           |

Members Hired on or After 1/1/2010:

| <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> | <u>Age</u> | <u>Percent</u> |
|------------|----------------|------------|----------------|------------|----------------|
| 30         | 22.9           | 47         | 36.4           | 64         | 30.9           |
| 31         | 23.6           | 48         | 37.5           | 65         | 30.1           |
| 32         | 24.2           | 49         | 38.6           | 66         | 29.4           |
| 33         | 24.8           | 50         | 39.7           | 67         | 28.6           |
| 34         | 25.5           | 51         | 39.2           | 68         | 27.8           |
| 35         | 26.2           | 52         | 38.6           | 69         | 27.0           |
| 36         | 26.9           | 53         | 38.1           | 70         | 26.2           |
| 37         | 27.7           | 54         | 37.5           | 71         | 25.4           |
| 38         | 28.4           | 55         | 36.9           | 72         | 24.5           |
| 39         | 29.2           | 56         | 36.3           | 73         | 23.7           |
| 40         | 30.0           | 57         | 35.7           | 74         | 22.8           |
| 41         | 30.9           | 58         | 35.0           | 75         | 22.0           |
| 42         | 31.7           | 59         | 34.4           | 76         | 21.1           |
| 43         | 32.6           | 60         | 33.7           | 77         | 20.2           |
| 44         | 33.5           | 61         | 33.0           | 78         | 19.4           |
| 45         | 34.4           | 62         | 32.3           | 79         | 18.5           |
| 46         | 35.4           | 63         | 31.6           | 80         | 17.7           |

These percentages apply even if service is purchased at time of retirement.

- 286.200 11.24 The System shall honor all valid purchase agreements entered into prior to October 1, 1979.

SERVICE RETIREMENT

- 286.510 11.25 a. Police/fire members who have an effective date of membership before January 1, 2010 are eligible to retire with 5 or more years of service at age 65, with 10 or more years of police/fire service at age 55, with 20 or more years of police/fire service at age 50, or with 25 years of service at any age.
- b. All police/fire members who have an effective date of membership ~~on or after~~ from January 1, 2010, through June 30, 2015, are eligible to retire with 5 or more years of service at age 65, with 10 or more years of police/fire service at age 60, with 20 or more years of police/fire service at age 50, or with 30 or more years of service at any age.
- c. Police/fire members with an effective date of membership on or after July 1, 2015, are eligible to retire with 5 or more years of service at age 65, with 10 or more years of police/fire service at age 60, with 20 or more years of police/fire service at age 50. For the purposes of this paragraph, any year or part of a year of service purchased by a police officer or firefighter pursuant to subsection 2 or 3 of NRS 286.300 or subsection 7 of NRS 286.367 or purchased on behalf of the police officer or firefighter as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a police officer or firefighter unless the police officer or firefighter has a family medical emergency.
- 286.551(1) 11.26 a. For members with an effective date of membership before January 1, 2010, a monthly service retirement allowance shall be determined by multiplying the member's average compensation by 2.50% for each year of service or fraction thereof for partial years, for service earned through June 30, 2001, and by 2.67% for service earned on or after July 1, 2001, up to a maximum of 90% of average compensation. New members hired on and after July 1, 1985 shall not earn a benefit greater than 75% of average compensation.
- b. For members with an effective date of membership on or after January 1, 2010, a monthly service retirement allowance shall be determined by multiplying a member's average compensation by 2.50% for each year of service, or fraction thereof for partial years,

up to a maximum of 75% of average compensation.

- 286.510(2) 11.27 Any member who earns ten years of service as a police officer or firefighter shall vest the right to retire early as provided by Policy 11.25, even if the member transfers employment to a non-police/fire position.
- 286.667 11.28 A member whose effective date of retirement is on or after July 1, 1981, who is in a police/fire position and covered under the employer-pay contribution plan at time of retirement may elect:
- a. Any of Options 2 through 7 in Policy 10.18; or
  - b. An unmodified allowance with the provision that a person who was the spouse or registered domestic partner at time of retirement, shall be entitled, at the time of the retired employee's death or upon the attainment of age 50, whichever is later, to a benefit of 50% of the deceased retired employee's benefit earned at the time of his death in an eligible police/fire position plus 50% of the subsequent post-retirement increases.
- 286.667 11.29 A member whose benefit is payable from the Police and Firefighter's Retirement Fund and whose current position is not specified in Policy 11.18 shall become eligible for the benefit provided in Policy 11.28(b) if he is covered under the employer-pay contribution plan at the time of retirement.
- 286.667 11.30 Members may not elect the benefit plan payable under Policy 11.28(b) if it was not available to them at the time of retirement or if they are not contributing under the employer-pay contribution plan.
- 286.667(4) 11.31 A member whose benefit is payable from the Police and Firefighter's Retirement Fund, is contributing under the employer-pay contribution plan, and has regular service which is not creditable toward the benefit described in Policy 11.28(b), may elect to:
- a. Select a retirement option described in Policy 11.28(a).
  - b. Receive the retirement option described by Policy 11.28(b) with the spouse's or registered domestic partner's benefit reduced by the proportion equal to that which the non-police/fire service bears to his total service.
  - c. Purchase the additional spouse's or registered domestic partner's benefit at the time he retires by paying the full actuarial cost as computed for his situation by the Actuary of the System.
- 286.200 11.32 The policies of this chapter apply to specific provisions for police/fire members. However, when no specific policy applies, police/fire

members shall be eligible for benefits as provided elsewhere in the policies for regular members.

### EVALUATION PROCESS

- 286.061 11.33 In order for a position to be evaluated for consideration as a "police officer" under NRS 286.061 it must be deemed a "peace officer" in the Nevada Revised Statutes.
- 286.042 11.34 In order for a position to be evaluated for consideration as a "firefighter" under NRS 286.042 fire suppression training must be a requirement of the position.
- 286.200 11.35 In order for a position to be considered for coverage in the police/fire retirement fund, the appropriate application and supporting materials must be provided. Supporting materials may include, but are not limited to, statistical reports, work performance standards, duty rosters or any other materials that the requesting entity wishes to provide to further clarify the duties of the position or percentage of time spent in performing noted job duties. In addition to the application, the requesting entity must provide a current official job description and an organizational chart, which depicts the chain of command in which the position is included. The application must be completed in its entirety and be signed by the ranking officer of the applicable division, department or agency. He shall certify the accuracy of the information reflected on the application and in the supporting materials. The agency liaison officer shall also certify to the accuracy of the job description and chain of command set forth in the application with the understanding that neither signature constitutes an endorsement for coverage in the police/fire retirement fund.
- 286.200 11.36 Positions will be rated on the basis of a 100 point scale. In order for staff to recommend approval for inclusion in the police/fire fund, a position must receive a score of 75 points out of 100.
- 286.200 11.37 **Police Officer Position Evaluation.** The position rating shall include the following factors for consideration for coverage as a police officer:
- a. Specialized requirements of law enforcement (worth 5 points each) to include:
    - 1. Whether the duties of the position require carrying a duty weapon.
    - 2. Successful completion of Peace Officer Standards Training (POST) as a condition of permanent employment.
    - 3. A physical agility examination at the time of hire.

4. An annual medical examination.
- b. Physical agility demands of law enforcement (worth 20 points) to include the strength, stamina, and equilibrium necessary for protection of the public from physical harm. The amount of points received shall be assigned and supported by written documentation of the job duties of the position, percentage of time spent in the performance of each job duty, statistical reports related to law enforcement elements of the position, and other pertinent information provided by the entity seeking police/fire coverage. The amount of points shall be determined based on the information provided and will be assigned in ten-percent increments.
- c. Public protection duties (worth 40 points) which are reflective of those law enforcement duties which directly protect the public from physical harm. These shall include first response to emergencies, patrolling an assigned area to protect the public, guarding and supervision of suspects, apprehension and arrest of suspects, and conducting initial investigations of felonious crimes. The amount of points received shall be based on the information provided and will be assigned in ten-percent increments.
- d. Emotional stability requirements (worth 20 points) associated with situational awareness in the public protection role. Duties associated with emotional stability shall include direct field encounters with suspects of felonious crimes, direct contact with inmates, and direct encounters with the public involving domestic disputes and substance abuse and initial encounters with victims of crime. The amount of points shall be based on the information provided and will be assigned in ten-percent increments.
- e. The point percentage for physical agility, public protection and emotional stability on the position rating form shall be determined based on information provided as follows:
  1. Degree 1 = 1% to 10%
  2. Degree 2 = 11% to 20%
  3. Degree 3 = 21% to 30%
  4. Degree 4 = 31% to 40%
  5. Degree 5 = 41% to 50%
  6. Degree 6 = 51% to 60%
  7. Degree 7 = 61% to 70%
  8. Degree 8 = 71% to 80%
  9. Degree 9 = 81% to 90%
  10. Degree 10 = 91% to 100%
- f. Staff shall create a position rating form based upon the above described criteria.

286.200

11.38 **Firefighter Position Evaluation.** The position rating form shall include the following factors for consideration for coverage as a firefighter:

- a. Specialized requirements of a firefighter (worth 5 points each) to include:
  1. EMT certification.
  2. Successful completion of a fire suppression training course.
  3. A physical agility examination at the time of hire.
  4. An annual medical examination.
- b. Physical agility demands of a firefighter (worth 20 points) to include the strength, stamina and equilibrium necessary for frontline fire fighting. The amount of points shall be based on the information provided and will be assigned in ten-percent increments.
- c. Public protection duties (worth 40 points) which are reflective of those firefighter duties which directly protect the public from physical harm. These shall include front-line fire fighting and operating fire fighting apparatus. The amount of points shall be determined based on the information provided and will be assigned in ten-percent increments.
- d. Emotional stability requirements (worth 20 points) associated with situational awareness in the public protection role. Duties associated with emotional stability shall include judgment required when rendering First Aid and other assistance on the scene to fire or accident victims. The amount of points shall be determined based on the information provided and will be assigned in ten-percent increments.
- e. The point percentage for physical agility, public protection and emotional stability on the position rating form shall be determined based on information provided as follows:
  1. Degree 1 = 1% to 10%
  2. Degree 2 = 11% to 20%
  3. Degree 3 = 21% to 30%
  4. Degree 4 = 31% to 40%
  5. Degree 5 = 41% to 50%
  6. Degree 6 = 51% to 60%
  7. Degree 7 = 61% to 70%
  8. Degree 8 = 71% to 80%
  9. Degree 9 = 81% to 90%
  10. Degree 10 = 91% to 100%

286.200

11.39 **On-site inspections.** On-site reviews by staff may be conducted for

those positions:

1. On which conflicting information is received.
2. For which no like position exists.
3. On which a request for reevaluation is received after denial of coverage.

- 286.200 11.40 Staff shall return any position application, submitted for coverage in the police/fire fund that does not contain complete documentation or information. In addition, requesting entities must provide additional documentation or information as requested by staff, the Police and Firefighter's Retirement Fund Advisory Committee or the Retirement Board.
- 286.200 11.41 A member of the Police and Firefighter's Retirement Fund Advisory Committee will review all information and documentation provided by a requesting entity in all instances where denial of position coverage appears to be the recommendation. For a review pursuant to this Policy 11.41, a police representative will only be allowed to review police position requests and a firefighter representative will only be allowed to review firefighter position requests. The Committee member who assists in the review of the position will not be able to vote on a matter on which he has advised staff.
- 286.200 11.42 Any position which has been previously evaluated based on prior evaluation criteria and been denied coverage in the police/fire fund, may be reevaluated. The requesting entity will be required to submit the appropriate application, a current official job description, and an organizational chart, which depicts the chain of command in which the position is included. Once a position has been evaluated by staff and has been reviewed by the Police and Firefighter's Retirement Fund Advisory Committee and the Retirement Board it cannot be reevaluated unless the requesting entity can show a material change in job duties. A denial or reevaluation under this policy is subject to appeal to the Committee and Retirement Board pursuant to Policy 12.4.



## GENERAL

- 286.200      12.1      All policies previously adopted are hereby rescinded.
- 286.200      12.2      Policies 1.1 through 15.11 reflect staff procedures, Board policy, Attorney General Opinions, Board interpretation of Chapter 286 of NRS, and the procedures necessary to implement the intent of the Nevada Revised Statutes.
- 286.170(1)    12.3      The Executive Officer is responsible for the administration of the System in accordance with the Nevada Revised Statutes, Retirement System Policies, and directives approved by the Board.
- 286.200      12.4      Under certain circumstances, the Board has the authority to adjust the service or correct the records, allowance or benefits after an error or inequity has been determined. The Board also may require repayment of money that was paid within 6 years before demand for its repayment. ~~Any~~ member, retired employee, ~~benefit recipient, respective spouse,~~ or beneficiary (collectively referred to as “member”) ~~any person~~ having a ~~claim against the System who has had the~~ request denied by Staff, may ~~request an~~ petition appeal ~~a~~ of the Staff decision to the Board.

In addition, Staff may submit to the Board a petition if they believe an error or inequity has occurred or records needs to be corrected and Staff does not have the authority to make such correction. Requests for a petition appeal shall be processed as follows, subject to the following limitations:

- a. A petition Appeals regarding the constitutionality or legality of any provisions of Chapter 286 of NRS cannot be granted by the Board and, therefore, will be denied by Staff after consultation with the general counsel. The Board will be provided with a copy of the denial ~~and the issue will be included with requests for legislative change to be considered by the Board prior to the next legislative session.~~ If a Board member disagrees with the denial, ~~Staff interpretation of the Retirement Act,~~ that Board member may request that the matter be presented for Board consideration at a future meeting.
- b. A petition Appeals that disputes Staff’s interpretation of the Retirement Act, including the challenge of a Board Policy not specific in the Retirement Act, shall be submitted to the Board for their consideration if the general counsel agrees there is a bona fide dispute involving interpretation of a statute or Board Policy and it could lead to the adjustment of service credit, records or allowance of benefits. If the general counsel does not

agree, staff will deny the petition and the Board will be provided with a copy of the denial. If a Board member disagrees with the denial, that Board member may request that the matter be presented for Board consideration at a future meeting.

- c. A petition involving a ~~C~~laims of "error or inequity" shall be submitted to the Board if there is a compelling reason that an "error or inequity" exists. "Error or inequity" means the existence of extenuating circumstances including, but not limited to, a member's reasonable and detrimental reliance on representations made by the System or by the public employer pursuant to NRS 286.288 which prove to be erroneous, or the mental incapacity of the member. One example of "error or inequity" can be found in the case *Nevada Pub. Employees' Retirement Bd v. Byrne*, 96 Nev. 276 (1980). In the event Staff, after consultation with the general counsel, determines there is not a compelling reason that an error or inequity as defined above exists, the Board will be provided a copy of the denial and, if a Board member disagrees with Staff determination, that Board member can request that the matter be presented for Board consideration at a future meeting.
- d. All other petitions will be denied unless extenuating circumstances exist and the general counsel believes the Board has jurisdiction to hear the matter pursuant to NRS 286.190. The Board will be provided with a copy of the denial but if a Board member disagrees with the denial the Board member may request that the matter be presented for Board consideration at a future meeting.

286.200            12.5            Any person whose petition appeal was denied by ~~Staff or~~ the Board shall have the right to one reconsideration of the petition appeal if he can present new evidence which was not available or the existence of which was not known to him at the time the matter was originally presented.

286.200            12.6            The presentation of an ~~an-appeal~~ petition before the Board shall be conducted as follows:

- a.    The Chairman shall instruct all parties involved in the presentation of an ~~an-appeal~~ petition to confine their remarks to the subject at hand, be concise, and acknowledge rather than repeat previous testimony. The Chairman has the prerogative to interrupt a speaker if, in the Chairman's mind, the speaker has deviated from the instructions.
- b.    Staff will provide a brief objective summary of the problem and the reasons for Staff decisions. Also, Staff must submit a written statement for the record listing the legal basis for their

determination, the chronological development of events, the situation as indicated by the records and documents submitted, and any legal references which may be relevant to the decision making process.

- c. The member appellant, or his representative, will give a brief presentation advising the Board of the basis for the petition appeal and the legal or equity reason for requesting relief, together with the specific relief being requested from the Board.
- d. Upon request, T~~he Deputy Attorney General~~ general counsel shall provide a legal interpretation and state whether or not he feels the board has the authority to act in the matter.
- e. Individual Board members may then ask questions of Staff, the member, or his representative, ~~appellant~~, and/or the ~~Deputy Attorney General~~ general counsel.
- f. The Board Chairman ~~may will~~ then request whether or not Staff, the member or his representative, ~~appellant~~, or ~~Deputy Attorney General~~ the general counsel ~~haves~~ any additional statements to make.
- g. The Board Chairman will then state that the matter will be taken under advisement by the Board and that a decision will probably be made before adjournment of the meeting, with the decision to be provided to the member or his representative appellant in writing, by Staff in consultation with the general counsel, in the form of findings and opinions.

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12.7

The Board may:

- ~~a. — Adjust the service or correct the records of any member, retired employee, or beneficiary after an error or inequity has been determined and require payment of any money determined to have been paid by the System in error within six years before demand for its payment. As used in this paragraph, "error or inequity" means the existence of extenuating circumstances, including, but not limited to, a member's reasonable and detrimental reliance on representations made by the System or by the public employer pursuant to NRS 286.288, which prove to be erroneous, or the mental incapacity of the member.~~
- ~~b. — Consider appeals and grant relief to the claimant provided it is not in violation of the Nevada Revised Statutes.~~
- ae. Require an annual notarized statement from a retired employee or beneficiary that he is in fact receiving an allowance or benefits and withhold the payment if he fails to provide the statement.

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12.8

Any person convicted of the murder or voluntary manslaughter of a member of the System is ineligible to receive any benefit conferred by any provision of Chapter 286 of NRS by reason of the death of that

member. The System may withhold the payment of any benefit otherwise payable under Chapter 286 of NRS by reason of the death of any member from any person charged with the murder or voluntary manslaughter of that member, pending final determination of those charges, the resolution of any and all appeals, and/or the time to file an appeal or any type of request for reconsideration or rehearing has expired.

- |          |       |  |
|----------|-------|--|
| 286.6703 | 12.9  | The System will not make payment of a member's contributions or benefits to any community property claimant until and unless the member applies for a refund, retirement benefit, or dies.   |
| 286.200  | 12.10 | The System will not provide estimates of the present or future value of an individual's retirement benefits.   |
| 286.820  | 12.11 | Any person who knowingly makes a false statement, certifies to an incorrect document, or withholds information for the purpose of receiving or assisting another person in receiving benefits under Chapter 286 of NRS to which the person is not entitled is guilty of a misdemeanor.   |
| 286.117  | 12.12 | All records maintained for a member, retired employee, or beneficiary may be reviewed and copied only by the System, the member, the member's public employer, spouse or registered domestic partner, the retired employee, or the retired employee's spouse, or pursuant to a court order, or by a beneficiary after the death of the employee on whose account benefits are received.  |
| 286.117  | 12.13 | Any member, retired employee, beneficiary, or respective spouse or registered domestic partner must submit a written authorization to the System before a representative of said individual will be allowed to review or copy records. An attorney who has provided written notice of representation of a member, retired employee, benefit recipient, respective spouse or registered domestic partner may review and copy the records of the client without further written authorization from the client. |
| 286.200  | 12.14 | After the System has received an official written notice from the member, retired employee, benefit recipient, or the legal representative, the System will provide future consultation and correspondence directly with the legal representative until the matter in question has been resolved or until a written cancellation of legal representation is received from the member, retired employee, or benefit recipient.  |
| 286.117  | 12.15 | The official correspondence records, minutes, and books of the   |

System, except for the files of individual members and retired employees and certain documents related to investments, are public records and are available for public inspection.

286.665      12.16      Any contributions remaining in a deceased member's, retired employee's, or beneficiary's individual account will be transferred to the Public Employees' Retirement Fund or the Police and Firefighter's Retirement Fund upon the death of the individual if there is no heir, devisee, or legatee capable of receiving the money.

Any check for benefits or a refund not paid within five years after being transferred to unclaimed benefits or refunds will be transferred to the Public Employees' Retirement Fund or the Police and Firefighter's Retirement Fund.

Under conditions outlined in NRS 286.665, subsections 2, 3, and 4, petitions may be filed with the Carson City District Court to claim money so transferred.

286.670      12.17      The member's rights, employee contributions, and benefits are:

- a.    Exempt from all State, county, and municipal taxes.
- b.    Not subject to execution, garnishment, attachment, or any other process.
- c.    Not subject to the operation of any bankruptcy or insolvency law.
- d.    Not assignable by power of attorney or otherwise.
- e.    Subject to withholding for support of a child pursuant to NRS 31A.150.

286.670      12.18      The System may withhold money from a refund or benefit when the person applying for or receiving that refund or benefit owes money to the System.

286.200      12.19      Effective July 2, 1991, part-time employees enrolled in the System who regularly work 20 hours or less per week shall be exempt from the federal retirement system dual coverage prohibition.

## PUBLIC EMPLOYERS

- 286.110(4) 12.20 The respective participating public employers are not liable for any obligation of the System.
- 286.367(1) 12.21 The volunteers of a regularly organized and recognized fire department may, by the joint application of a majority of such volunteers addressed to the Board, become members of the System. A volunteer firefighter who joins the fire department in which he volunteers have become members of the System becomes a member of the System. The volunteers of a participating fire department may withdraw from the System by the joint application of a majority of such volunteers addressed to the Board.
- 286.370(1) 12.22 Excluded or new public employers may obtain membership status by:
- a. Making written request to the Board for consideration for enrollment in the System.
  - b. Holding an election among all eligible employees in which at least two-thirds elect membership.
  - c. Providing applicable state statute or other authority which establishes the public employer as a state agency or political subdivision.
  - d. Receiving Board approval as a public employer.
- 286.486 12.23 A public employer must withdraw from Social Security or any other retirement plan before it may become a member of the System.
- 286.288 12.24 On an approved form, the Chief Administrator of a public employer shall select an employee to serve as Retirement Liaison Officer to certify retirement records, receive information, and coordinate matters pertaining to retirement between the System and members or the public employer. The employee selected must be a member of the System through his employment with a public employer.
- a. The Liaison Officer may designate on an approved form up to three employees as Deputy Liaison Officers to serve in the same capacity as a Liaison Officer.
  - b. The Liaison Officer may designate on an approved form additional employees who will have signature authority for the agency. These employees may only access information provided from their public employer to the System, such as enrollment, termination and wage and contribution information.

- c. The Liaison Officer is ultimately responsible for all actions taken by any designated Deputy Liaison Officer, and any employee with signature authority, on all matters pertaining to retirement between the System and members or the public employer.

CERTIFICATION

- 286.015  
286.200
- 12.25 Each public employer shall certify to the System the regular daily, weekly, and biweekly full-time work schedule for their employees, except that:
- a. A school district may certify a separate full-time work schedule for teachers and non-teaching employees and classified employees.
  - b. The University may certify a separate full-time work schedule for classified employees and professional staff.
  - c. Employers, other than the University and school districts, may certify a separate full-time work schedule for regular employees, police and firefighters.
  - d. For employers who certify a standard full-time work schedule of at least 8 hours daily, 40 hours weekly, and 80 hours biweekly for regular employees under (c) above, but have employees who work greater than 8 hour daily schedules, their employer shall certify a second full-time work schedule if the employees who work greater than 8 hour shifts also work more than the regular weekly or biweekly hours in the given full-time work schedule. The base hours reported on the monthly report of wages and contribution shall be the same as for the standard workweek certified by the public employer with actual hours worked not to exceed base hours for the reporting period. The employer must report compensation at the straight time or base pay rate.
  - e. Employers may not certify a second full-time work schedule if the hours of employees who work other than the 8 hour day do not meet or exceed the hours of the regular work schedule as set forth above.
- 286.015  
286.200
- 12.26 All public employers shall certify as part of their regular workweek, any hours worked for which overtime is paid in accord with the Fair Labor Standards Act (FLSA) if the overtime hours are not in excess of the full-time work period for the position as certified by the public employer to the System. All overtime hours payable as a result of the FLSA, which are not in excess of the normal full-time work period, must be reported and contributed on at the "base-pay" or "straight-time" rate.

- 286.421      12.27    The public employer shall certify the mechanism by which the member's portion of the employer pay contribution rate is being paid to the System no later than July 1 in a year when there is a contribution rate change to the employer pay plan.
- a.      In the event of a contribution rate decrease, the public employer must certify that the member's portion of the decrease is reflected in the member's pay schedule.
  - b.      In the event of a contribution rate increase, the public employer must certify that the member's portion of the increase is 1) in lieu of equivalent basic salary increases or cost-of-living adjustments; or 2) counterbalanced by equivalent reductions in employees' salaries.

COORDINATION OF RETIREMENT MATTERS

- 286.015      12.28    The public employer shall timely and accurately complete and submit all forms necessary to enroll a new hire in the System. Prior to submission of an enrollment form, a public employer whose employees have a choice of contribution plan must confirm the member's eligibility to select the employee/employer contribution plan if that member has previously been enrolled in the System.
- 286.200
- 286.425

286.200      12.29    The public employer shall timely and accurately complete and submit all forms necessary to terminate a member or retiree in the System.

286.200      12.30    In the event a member is on leave without pay for a period of 30 days or more, notification is required on a form prescribed by the Board.

286.520      12.~~29~~31    A public employer must develop and maintain procedures to ensure compliance with Policy 10.27 et. seq. prior to the employment of, or independent contract with, a retired employee, including but not limited to, procedures to notify the System of the employment or contract, monitoring of any applicable earnings limitations, and determining eligibility for enrollment.

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286.460      12.3~~0~~2    A public employer must develop and maintain procedures to ensure all wage and contribution reports are timely, contain accurate information, and are in compliance with Policy 4.1 et. seq.

286.015      12.3~~1~~3    The public employer shall distribute communications from the System to the members employed by that agency, ~~including but not limited to, member newsletters, member statements, notification of informational~~

286.200

286.288



~~programs, informational bulletins, and forms to be executed by the member. All such communications must be distributed~~ within 15 days of receipt by the public employer.

- 286.200 12.3~~2~~4 The public employer shall post all notices from the System regarding proposed rules or policies of the System immediately upon receipt on a bulletin board or in a conspicuous place in or near its headquarters. The public employer shall post all other notices from the System in a similar manner.
- 286.015 12.3~~3~~5 The public employer shall timely and accurately complete and submit  
286.200 all forms necessary to change the status of a member, including but not limited to, contribution plan changes, fund changes, leave without pay, and terminations.
- 286.015 12.3~~4~~6 The public employer shall ensure that each employee designated as a  
286.288 liaison officer or a deputy liaison officer, or whose duties include completing and submitting wage and contribution reports, providing information or forms to the System, or providing information from the System to members has appropriate training within six months of designation or assumption of such duties. Appropriate training may include attendance at employer conferences sponsored by the System or training by System employees.

#### REVIEW OF EMPLOYER BY SYSTEM

- 286.015 12.3~~5~~7 Each public employer is subject to review by the System with or  
286.200 without prior notice on all matters pertaining to the Retirement Act  
286.460 and these ~~Official~~ Policies.
- 286.015 12.3~~6~~8 The public employer shall comply with all written requests for  
286.200 information pertaining to the Retirement Act and these ~~Official~~  
286.460 Policies, including but not limited to, personnel forms and payroll records, within 15 days of request.
- 286.015 12.3~~7~~9 The public employer shall provide auditors employed or retained by  
286.200 the System with full and immediate access to all information  
286.460 pertaining to the Retirement Act and these ~~Official~~ Policies while such auditors are conducting field reviews at the public employer's location.
- 286.015 12.3~~8~~40 The public employer shall make all adjustments to wage and  
286.200 contribution reporting within 90 days of notice by the System to the  
286.460 public employer of the necessary adjustments, except all adjustments pertaining to retired employees must be made within 45 days of such

notice.

12.39~~41~~ Time periods contained in Policies 12.36 and 12.38 may be extended by System staff upon good cause being demonstrated by the public employer.

???

12.42 All employers listed in Policy 3.22 or with the effective date of membership on or after December 31, 1991, must provide a compensation schedule for each contribution plan.

### VESTING

286.6793 12.40~~3~~ Notwithstanding any provisions of the System to the contrary, the retirement allowance for a member of the System becomes vested at least as soon as the member reaches normal retirement age. Solely for purposes of this section, normal retirement age is the later of the date the member completes 5 years of accredited contributing service under NRS 286.6793 or the date the member reaches age 65.

### CODE SECTION 415 LIMIT

Policy 12.41~~4~~ Solely for purposes of this Article, the term “System” shall mean the Public Employees’ Retirement System and the term “member” shall include a member of the foregoing.

286.537 12.42~~5~~ The defined benefit payable to a member of the System shall not exceed the applicable limits under section 415(b) of the Internal Revenue Code (IRC), as periodically adjusted by the Secretary of the Treasury pursuant to IRC 415(d). The limitation year is the calendar year. This limit shall apply to a member who has had a severance from employment or, if earlier, an annuity starting date. Benefits that are subject to IRC 415(b) shall comply with the foregoing limit in each year during which payments are made. The foregoing limit shall be adjusted pursuant to the requirements of IRC 415(b)(2)(C) and (D) relating to the commencement of benefits at a date prior to age 62 or after age 65, subject to other applicable rules under IRC 415. No adjustment shall be required to a benefit subject to an automatic benefit increase feature described in Treasury Regulation section 1.415(b)-1(c)(5). To the extent that IRC 415 and the Treasury Regulations thereunder require that an interest rate under IRC 417(e) apply, the applicable lookback month shall be the calendar month preceding the current month and the applicable stability period is one calendar month.

The total annual additions allocated to a member for any limitation year

shall not exceed the applicable limits under IRC 415(c), as periodically adjusted by the Secretary of the Treasury pursuant to IRC 415(d). To the extent that a definition of “compensation” under IRC 415 is required in order to apply the limits under IRC 415(c) and the Treasury Regulations thereunder to benefits subject to such limits, the term “compensation” shall be defined in accordance with IRC 415(c)(3) and Treasury Regulation section 1.415(c)-2(d)(4), including, to the extent provided by paragraph (e)(3)(i) of Treasury Regulation section 1.415(c)-2, payments described in paragraph (e)(3)(ii) thereof. Effective for years beginning after December 31, 2008, for purposes of this section, “compensation” shall include differential wage payments described in IRC 3401(h). In the event that a member participates in another defined contribution plan of the member’s employer, as determined pursuant to IRC 414(b), 415(c), and 415, that is a tax-qualified defined contribution plan, contributions or allocations that would otherwise be made on behalf of the member to the other plan shall first be reduced to the extent necessary to avoid exceeding the limitations of this Policy.

- Policy 12.436 If a member is, or has ever been, a participant in another qualified defined benefit plan (without regard to whether the plan has been terminated) maintained by the member’s employer, as determined pursuant to Internal Revenue Code sections 414(b), 415(c), and 415, the sum of the member’s benefits payable annually in the form of a straight life annuity from all such plans may not exceed the limit described in item (1) above. Where the member’s employer-provided benefits under all such defined benefit plans (determined as of the same age) would exceed the limit described in (1) above applicable at that age, the benefits accrued under all such other plans shall be reduced first in order to avoid exceeding the limit and shall be reduced under the System only to the extent that the reduction under such other plans is insufficient to avoid exceeding the limit.

#### MINIMUM REQUIRED DISTRIBUTIONS

- Policy 12.447 For purposes of this Article, the term “System” shall mean the Public Employees’ Retirement System.
- 286.533 12.458 Pursuant to Treasury Regulations under section 401(a)(9) of the Internal Revenue Code (IRC), notwithstanding any provision of the System to the contrary, the System shall comply with IRC 401(a)(9), including the minimum distribution incidental benefits rule of IRC 401(a)(9)(G), pursuant to a reasonable and good faith interpretation of IRS 401(a)(9).

## ELIGIBLE ROLLOVER DISTRIBUTIONS

Policy

12.49 Notwithstanding any provisions of the System to the contrary, any “eligible rollover distribution” (within the meaning of section 402(c)(4) of the Internal Revenue Code (IRC)) may be rolled over to an “eligible retirement plan.” The election and rollover of an “eligible rollover distribution” shall be effected in a manner consistent with IRC 401(a)(31) and applicable Treasury Regulations.

- a. For purposes of this section, an “eligible retirement plan” is an individual retirement account described in IRC 408(a), an individual retirement annuity described in IRC 408(b), an annuity plan described in IRC 403(a), a qualified trust described in IRC 401(a), an annuity contract described in IRC 403(b), or an eligible plan under IRC 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, that accepts a distributee’s eligible rollover distribution. Effective for distributions after December 31, 2007, the term “eligible retirement plan” shall also mean a Roth individual retirement account as described in IRC 408A. The general definition of “eligible retirement plan” shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in IRC 414(p).
- b. For purposes of this section, an “eligible rollover distribution” is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under IRC 401(a)(9); the portion of any other distribution(s) that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); any other distribution(s) that is reasonably expected to total less than \$200 during a year; and any distribution on account of hardship.

A portion of a distribution shall not fail to be an “eligible rollover distribution” merely because the portion consists of after-tax employee contributions which are not includible in gross income.

However, such portion may be transferred only to an individual retirement account or annuity described in IRC 408(a) or IRC 408(b) or to a qualified trust which is part of a defined contribution plan described in IRC 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible. Without limiting the foregoing, for taxable years beginning after December 31, 2006, such portion may also be transferred to any type of a qualified trust (whether or not a defined contribution plan) or to an annuity contract described in IRC 403(b), if such trust or contract provides for separate accounting for amounts so transferred (including earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible. Without limiting the foregoing, for distributions after December 31, 2007, such portion may also be transferred to a Roth individual retirement account as described in IRC 408A that provides for separate accounting for amounts so transferred (including earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

Notwithstanding the foregoing, effective July 1, 2010, a non-spouse beneficiary may elect to make a direct rollover to an inherited individual retirement account or annuity described in IRC 408(a) or IRC 408(b) that is established on behalf of the beneficiary. Such rollover shall be made in a manner consistent with IRC 402(c)(11) and any other applicable guidance.

#### MILITARY DEATH BENEFITS

Policy      12.4750 Effective for deaths occurring on or after January 1, 2007, in the case of a member who dies while performing qualified military service (as defined in section 414(u) of the Internal Revenue Code), the survivors of the member are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the System had the member resumed and then terminated employment on account of death.

## DOMESTIC RELATIONS ORDER

- 286.6703 13.1 The System will acknowledge receipt of and honor written community property claims made under NRS 123.240 against a member's contributions or benefits.
- 286.6703(1) 13.2 A person may submit a judgment, decree, or order of a district court, [Court of Appeals](#), or the Supreme Court of the State of Nevada relating to child support, alimony, or the disposition of community property to the Executive Officer or his designee for a determination of whether the judgment, decree, or order entitles an alternate payee to receive from the System all or a portion of the allowance or benefit of a member or a retired employee.
- 286.6703(2) 13.3 The judgment, decree, or order submitted to the Executive Officer must be signed by a District Judge, [the Judges of the Court of Appeals](#), or by the Justices of the Supreme Court and entered and certified by the Clerk of the District Court or the Clerk of the Supreme Court.
- 286.6703(3) 13.4 The System shall, in accordance with rules prescribed by the Board, determine whether the judgment, decree, or order entitles the alternate payee to receive an allowance or benefit from the System.
- 286.6703 13.5 The System shall provide a written notice to the parties to the action of any determination that a judgment, decree, or order is not in compliance with retirement statutes or rules adopted by the Board.
- 286.6703(3) 13.6 An alternate payee is entitled to receive an allowance or benefit from the System if the judgment, decree or order:
- a. Specifies clearly the names and last known mailing address, if any, of the member or retired employee and the alternate payee;
  - b. Specifies clearly the amount, percentage, or manner of determining the amount of the allowance or benefit of the member or retired employee that must be paid by the System to each alternate payee;
  - c. Specifically directs the System to pay an allowance or benefit to the alternate payee;
  - d. Does not require the System to provide an allowance, benefit, or any option not otherwise provided in Chapter 286 of NRS; and
  - e. Does not require the payment of an allowance or benefit to an alternate payee before the retirement of a member or the distribution to or withdrawal of contributions by a member.
- 286.6703 13.7 The Social Security Numbers of the member or retired employee and the alternate payee must be submitted to the System at the time of

submission of the judgment, decree or order. The System will not process the judgment, decree or order until the required Social Security Numbers are submitted.

- 286.6703 13.8 Receipt of a judgment, decree, or order which does not comply with Chapter 286 of NRS, or the System's ~~Official~~ Policies, will serve as a temporary notice to the System of a forthcoming order regarding distribution of a member's benefit. Any attempts to obtain a refund of contributions or retirement allowance from such member's account will not be allowed for a period of 90 days from receipt by the System of such judgment, decree, or order.
- 286.6703 13.9 If the judgment, decree, or order awards 100% of the benefit to the alternate payee, the alternate payee shall receive 100%, less a minimum check of \$10.00 to the retired employee.
- 286.6703 13.10 If a retired employee submits a judgment, decree or order awarding a portion of their benefit to an alternate payee, the benefit change will be effective with the next monthly check run following the receipt of the approved certified copy of the order.
- 286.6703 13.11 If a judgment, decree, or order indicates that arrearages are owed by the member or retired employee to an alternate payee, the System will not participate in the collection of these arrearages. Arrangements for payment must be made between the two parties.
- 286.6703 13.12 If a retired employee returns to work for a Nevada public employer in a position eligible for membership and fails to notify the System in a timely manner, as delineated in NRS 286.520(2)(a), the retired employee is responsible for reimbursing the System for all benefits that have been overpaid, including any benefits paid to his alternate payee.
- 286.6703 13.13 If the retired employee's account is suspended for any reason, his alternate payee's account shall also be suspended. If the retired employee's account is canceled, the alternate payee's benefit shall be stopped indefinitely unless the alternate payee is the beneficiary under one of the Options 2 through 7.
- 286.6703 13.14 If the judgment, decree, or order indicates that the System is to pay the alternate payee for a specific period of time, it is the responsibility of the retired employee to apprise the System 30 days prior to the date the payments to the alternate payee are to stop or change.

## BENEFIT RESTORATION PLAN AND TRUST

Adopted pursuant to Section 3 of Assembly Bill 555 (2001) providing the Retirement Board with the authority to adopt policies for compliance with federal law.

### ARTICLE I. ESTABLISHMENT OF PLAN AND TRUST

- 286.200      14.1      **Establishment of Plan and Trust.**  
The Nevada Public Employees' Benefit Restoration Plan and Trust is hereby established effective as of July 1, 2001.
- 286.200      14.2      **Purpose.**  
The purpose of this Plan is solely to provide the part of a Participant's Retirement Benefit that would otherwise have been payable by PERS except for the limitations of Code Section 415(b). This Plan is intended to be a "qualified governmental excess benefit arrangement" within the meaning of Code Section 415(m)(3) and shall be interpreted and construed consistently with such intent.

### ARTICLE II. DEFINITIONS AND CONSTRUCTIONS

- 286.200      14.3      **Definitions.**  
When the initial letter of a word or phrase is capitalized herein, it shall have the same meaning as defined below:
- (a) **"Administrator"** means the System.
  - (b) **"Benefit Recipient"** means a retired member of the System who is receiving a benefit from the System, or a beneficiary of a retired member.
  - (c) **"Board"** means the Retirement Board, within the meaning of NRS 286.020.
  - (d) **"Code"** means the Internal Revenue Code of 1986, as amended, as applicable to a governmental plan, or corresponding provisions of any subsequent federal income tax law.
  - (e) **"Employer"** has the meaning ascribed to it in NRS 286.070.
  - (f) **"Excess Benefit"** means the benefit determined in accordance with Section 14.6 of this Plan.
  - (g) **"Participant"** means a benefit recipient who is entitled to benefits under this Plan.
  - (h) **"Plan"** means the Nevada Public Employees' Retirement System Benefit Restoration Plan as adopted herein.
  - (i) **"Plan Year"** for the purpose of this Plan means the year beginning January 1 and ending December 31.



- (j) **"Retirement Benefit"** means the amount of retirement income payable to a benefit recipient of the System, as reduced by any limitations on such retirement income or benefit under Code Section 415.
- (k) **"Retirement Fund"** means the fund created pursuant to NRS 286.220.
- (l) **"State"** means the State of Nevada.
- (m) **"System"** means the Public Employees' Retirement System of Nevada.
- (n) **"System's Actuary"** means the actuary selected by the Public Employees' Retirement System of Nevada.
- (o) **"Trust Fund"** means the trust fund established by the Board pursuant to Article VI of this Plan that constitutes a valid trust under the law of the State.
- (p) **"Trustees"** mean the members of the Board.

286.200

14.4 **Construction.**

- (a) Words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.
- (b) Whenever any actuarial present value or actuarial equivalency is to be determined under the Plan to establish a benefit, it shall be based on such reasonable actuarial assumptions as may be approved in the sole discretion of the Board, and shall be determined in a uniform manner for all similarly situated Participants.

ARTICLE III.  
PARTICIPANTS

286.200

14.5 All benefit recipients of the System are eligible to participate in the Plan if their Retirement Benefits from the System for a Plan Year are or have been since January 1, 2002, limited by Code Section 415(b). The Board, on recommendation of the System's Actuary, shall determine for each Plan Year which benefit recipients are eligible to participate in the Plan. Participation in the Plan will cease for any Plan Year in which the Retirement Benefit of a benefit recipient is not limited by Code Section 415(b) or if all benefit obligations under the Plan to the benefit recipient have been satisfied.

ARTICLE IV.  
PAYMENT OF BENEFITS

286.200

14.6 **Benefit Amount.**

A Participant in the Plan shall receive a benefit in an amount equal to the excess, if any, of (A) the amount of retirement income that would have been payable for any month to, or with respect to, a Participant by

the System except for the application of the limitations on such retirement income under Code Section 415(b) over (B) the Retirement Benefit of the Participant. An Excess Benefit under the Plan shall be paid only if and to the extent the Participant is receiving Retirement Benefits from the System in the applicable Plan Year.

- 286.200 14.7 **Time for Payment; Form of Benefit.**  
The Excess Benefit to which a Participant is entitled under the Plan shall be paid at the same time and in the same manner as the Retirement Benefit payable under the System. No election is provided at any time to the Participant, directly or indirectly, to defer compensation under this Plan.

ARTICLE V.  
CONTRIBUTIONS AND FUNDING

- 286.200 14.8 **Funding.**  
The Plan shall be, and remain, unfunded and the rights, if any, of any person to any benefits hereunder shall be those specified herein. The Plan constitutes a mere unfunded promise by Employers to make benefit payments in the future.

- 286.200 14.9 **Contributions.**
- (a) The Trustees, upon the recommendation of the System's Actuary, shall determine the amount necessary to pay the Excess Benefit under the Plan for each Plan Year. The required contribution shall be the aggregate of the Excess Benefits payable to all Participants for such Plan Year and an amount determined by the Trustees to be a necessary and reasonable expense of administering the Plan. The amount determined to be necessary to pay the Excess Benefit of a Participant and administrative expenses of the Plan shall be paid by Employer deposits, pursuant to NRS 286.410 and NRS 286.421, unless otherwise determined by the Board, and the amount shall be made before the deposits are credited to the Public Employees' Retirement Fund. Any contributions not used to pay the Excess Benefit for a current Plan Year, together with any income accruing to the Trust Fund, shall be used to pay the administrative expenses of the Plan for the Plan Year.
  - (b) The amounts determined to be necessary to provide the Excess Benefit under the Plan for each Participant shall be accounted for separately; provided, however, such separate accounting shall not be deemed to set aside such amounts for the benefit of a Participant. Benefits under the Plan shall be paid from the Trust Fund.
  - (c) The consultants, independent auditors, attorneys, and actuaries performing services for the System may also perform services for

this Plan; provided, however, any fees attributable to services performed with respect to this Plan shall be payable solely from the Trust Fund.

ARTICLE VI.  
TRUST FUND

- 286.200      14.10    **Establishment of Trust Fund.**  
A Benefit Restoration Trust Fund (hereinafter called the "Trust Fund") is hereby established, which is separate from the Retirement Fund, to hold contributions of the Employers. Contributions to this Trust Fund shall be held separate and apart from the funds comprising the Retirement Fund but may be commingled for purposes of investment with the Retirement Fund, but must be accounted for separately. In addition, this Plan will use the Public Employees' Retirement Fund to pay Plan benefits. Detailed accounting will allocate Plan benefits and cash payments from other System benefits and cash payments.
- 286.200      14.11    **Trust Fund Purpose.**  
The Trust Fund is maintained solely for the purpose of providing benefits under a qualified governmental excess benefit arrangement within the meaning of Code Section 415(m).
- 286.200      14.12    **Trust Fund Assets.**  
All assets held by such Trust Fund to assist in meeting the Employers' obligations under the Plan, including all amounts of Employers' contributions made pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be, and remain, the general, unpledged, unrestricted assets of the Trust Fund. Title to, and beneficial ownership of, any assets so held in the Trust Fund shall remain at all times in the Trust Fund.
- 286.200      14.13    **Grantor Trust.**  
The Trust Fund is intended to be a grantor trust, of which the Employers are the grantors, within the meaning of subpart E, part I, subchapter J, chapter 1, subtitle A of the Internal Revenue Code of 1986, as amended, and shall be construed accordingly. This provision shall not be construed to create an irrevocable trust of any kind.
- 286.200      14.14    **Trust Fund Income.**  
Income accruing to the Trust Fund in respect of the Plan shall constitute income derived from the exercise of an essential governmental function upon which the Trust shall be exempt from tax under Code Section 115, as well as Code Section 415(m)(1).

ARTICLE VII.  
ADMINISTRATION

- 286.200      14.15    **Administrative Authority.**  
The Trustees shall have the authority to control and manage the operation and administration of the Plan. The Trustees shall have the same rights, duties and responsibilities respecting the Plan as the board has with respect to the System pursuant to NRS 286.120 to 286.225. The Trustees shall have such power and authority (including discretion with respect to the exercise of that power and authority) as may be necessary, advisable, desirable or convenient to enable the Trustees:
- (1) to establish procedures with respect to administration of the Plan not inconsistent with the Plan and the Code, and to amend or rescind such procedures;
  - (2) to determine, consistent with the Plan, applicable law, rules or regulations, all questions of law or fact that may arise as to the eligibility for participation in the Plan and eligibility for distribution of benefits from the Plan, and the status of any person claiming benefits under the plan;
  - (3) pursuant to Article IV of the Plan, to make payments from the Trust Fund to Participants;
  - (4) to contract with a third party to perform designated administrative services under this Plan;
  - (5) subject to and consistent with the Code, to construe and interpret the Plan as to administrative issues and to correct any defect, supply any omission or reconcile any inconsistency in the Plan with respect to same.
    - (a) Any action by the Trustees which is not found to be an abuse of discretion shall be final, conclusive and binding on all individuals affected thereby. The Trustees may take any such action in such manner and to such extent as the Trustees in their sole discretion may deem expedient, and the Trustees shall be the sole and final judge of such expediency.
- 286.200      14.16    **Advice.**  
The Trustees may employ one (1) or more persons to render advice with regard to its responsibilities under the Plan.
- 286.200      14.17    **Payment of Benefits.**  
The Trustees, if in doubt concerning the correctness of its action in making a payment of a benefit, may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment.

ARTICLE VIII.  
PLAN AMENDMENTS

286.200        14.18    The Board from time to time may amend, suspend, or terminate any or all of the provisions of this Plan as may be necessary to comply with Code Section 415(m) and to maintain the Plan's or the System's qualified status under the Code.

ARTICLE IX.  
NONASSIGNABILITY AND EXEMPTION FROM TAXATION AND EXECUTION

286.200        14.19    The rights of Participants under this Plan are hereby exempt from any State, county, municipal or local tax, and shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable, except as otherwise provided by NRS 286.670.

ARTICLE X.  
MISCELLANEOUS

286.200        14.20    **Federal and State Taxes.**  
The Trustees, the Employers, and the Administrator, if any, do not guarantee that any particular Federal or State income, payroll, or other tax consequence will occur because of participation in this Plan.

286.200        14.21    **Investment.**  
The Trustees may hold such portion of the Plan uninvested as the Trustees deem advisable for making distributions under the Plan, or may invest assets of the Plan pending the Excess Benefit payments.

286.200        14.22    **Conflicts.**  
In resolving any conflict between provisions of the Plan and in resolving any other uncertainty as to the meaning or intention of any provision of the Plan, the interpretation that (j) causes the Plan to constitute a qualified governmental excess benefit plan under the provisions of Code Section 415(m) and the Trust to be exempt from tax under Code Sections 115 and 415(m), (ii) causes the Plan and the System to comply with all applicable requirements of the Code, and (iii) causes the Plan and the System to comply with all applicable Nevada statutes and rules, shall prevail over any different interpretation.

286.200        14.23    **Limitation on Rights.**  
Neither the establishment or maintenance of the Plan, nor any amendment thereof nor any act or omission under the Plan (or resulting from the operation of the Plan) shall be construed:

- (a) as conferring upon any Participant, or any other person a right or claim against the Board, Trustees, Employers, or Administrator, if any, except to the extent that such right or claim shall be specifically expressed and provided in the Plan;
- (b) as creating any responsibility or liability of the Employers for the validity or effect of the Plan;
- (c) as a contract between the Employers and the Participant or other person;
- (d) as being consideration for, or an inducement or condition of, employment of any Participant or other person, or as affecting or restricting in any manner or to any extent whatsoever the rights or obligations of the Employers or any Participant or other person to continue or terminate the employment relationship at any time; or
- (e) as giving any Participant the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant or other person at any time.

286.200      14.24    **Erroneous Payments.**  
 Any benefit payment that according to the terms of the Plan and the benefits provided hereunder should not have been made may be recovered as provided by NRS 286.670(2).

286.200      14.25    **Release.**  
 Any payment to any Participant shall, to the extent thereof, be in full satisfaction of the claim of such Participant being paid thereby, and the Trustee(s) may condition payment thereof on the delivery by the Participant of the duly executed receipt and release in such form as may be determined by the Trustees.

286.200      14.26    **Liability.**  
 The Board, Trustees, or Administrator, if any, shall not incur any liability in acting upon any notice, request, signed letter, telegram or other paper or document or electronic transmission believed by the Board, Trustees, or Administrator to be genuine or to be executed or sent by an authorized person.

The Plan shall save harmless and indemnify the Board, the Trustees, and the Administrator, and the officers and employees thereof, from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act by such board member, trustee, officer or employee, provided that such board member, trustee, officer or employee at the time of such alleged negligence or act was acting in the discharge of his or her duties and within the scope of his or her employment and that such damages did not result from the willful and wrongful act of gross negligence of such board member, trustee, officer or employee and provided further that such board member, trustee,

officer or employee shall, within five days of the time he or she is served with any summons, complaint, process, notice, demand or pleading, deliver the original or a copy thereof to the Administrator's legal advisor.

- 286.200      14.27    **Governing Laws.**  
The law of the State of Nevada shall apply in determining the construction and validity of this Plan.
- 286.200      14.28    **Necessary Parties to Disputes.**  
Necessary parties to any accounting, litigation or other proceedings relating to the Plan shall include only the Administrator. The settlement or judgment in any such case in which the Administrator is duly served shall be binding upon all affected Participants in the Plan, their beneficiaries, estates and upon all person claiming by, through or under them.
- 286.200      14.29    **Severability.**  
If any provision of the Plan shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.

## ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Adopted pursuant to Section 3 of Assembly Bill 555 (2001) providing the Retirement Board with the authority to adopt policies for compliance with federal law.

### Preamble

*This amendment to PERS Official Policies is adopted to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). These policies as adopted, are intended as good faith compliance with the requirements of EGTRRA and are to be construed in accordance with EGTRRA and guidance issued thereunder.*

*Except as otherwise provided, these policies shall be effective on January 16, 2002, in accordance with the notification and filing requirements of NRS 286.200.*

*These policies are intended to supersede the provisions of the plan to the extent those provisions are inconsistent with the provisions of these policies.*

### GENERAL

- 286.200      15.1      **Increase in limit.** Except as otherwise provided at NRS 286.535(1), the annual compensation of each participant taken into account in determining benefit accruals in any plan year beginning after December 31, 2001, shall not exceed \$200,000. Annual compensation means compensation during the plan year or such other consecutive 12-month period over which compensation is otherwise determined under the plan. For purposes of determine benefit accruals in a plan year beginning after December 31, 2001, compensation for any prior determination shall be limited to the compensation limits in effect at the time.
- 286.200      15.2      **Cost of living adjustments.** The \$200,000 limit annual compensation in Policy 15.1 shall be adjusted for cost of living increases in accordance with section 401(a)(17)(B) of the Internal Revenue Code (IRC). The cost of living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.
- 286.200      15.3      **Benefit limits.** The defined benefit dollar limitation and maximum permissible benefit have the meaning ascribed to them in IRC 415(d) as amended by EGTRRA of 2001.

### DIRECT ROLLOVERS OF PLAN DISTRIBUTIONS

- 286.200      15.4      **Effective Date.** This section shall apply to distributions made after December 31 2001.



286.200 15.5 **Modification of definition of eligible retirement plan.** For purposes of the direct rollover provisions in Policy 15.7, an eligible retirement plan shall also mean an annuity contract described in section 403(b) of the Internal Revenue Code and an eligible plan under section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Policy 13.6.

286.200 15.6 **Modification of definition of eligible rollover distribution to include after-tax employee contributions.** For purposes of the direct rollover provisions in Policy 15.7, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in section 401(a) or 403(b) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

#### ROLLOVERS FROM OTHER PLANS

286.200 15.7 The System will accept participant rollover contributions and direct rollovers of distributions made after December 31, 2001, from the types of plan specified herein, beginning on the effect date of these policies.

286.200 15.8 **Direct Rollovers:**

The System will accept a direct rollover of an eligible rollover distribution from:

- (a) A qualified plan described in section 401(a) or 403(b) of the Internal Revenue Code.
- (b) An annuity contract described in 403(b) of the Internal Revenue Code.

- (c) An eligible plan under section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state.

286.200      15.9      **Participant Rollover Contributions from Other Plans:**

The System will accept a participant contribution of an eligible rollover from:

- (a) A qualified plan described in section 401(a) or 403(b) of the Internal Revenue Code.
- (b) An annuity contract described in section 403(b) of the Internal Revenue Code.
- (c) An eligible plan under section 457 of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

286.200      15.10      **Participant Rollover Contributions from IRA's:**

The system will accept a participant rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includible in gross income.

286.200      15.11      **Effective Date of Direct Rollover and Participant Rollover Contribution Provisions.** Policies 15.3 to 15.10 shall be effective on January 16, 2002, in compliance with NRS with the notification and filing requirements of NRS 286.200.