

Retirement Board

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Memorandum

To: Retirement Liaison Officers

From: Kabrina Feser, Operations Officer

Date: August 24, 2021

Re: Public Employees' Retirement System Official Policies

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(2)(b), which states:

As soon as a public employer receives a copy of the proposed rule, the public employer immediately shall cause the copy to be posted on a bulletin board or in some conspicuous place in or near its headquarters.

Please comply with this statute.

The public hearing on the revised policy will take place no earlier than 11:00 a.m. on September 16, 2021, in the PERS' Board Room, 693 W. Nye Lane, **Carson City** and will be videoconferenced to the PERS' Las Vegas Board Room, 5740 S. Eastern Avenue, Suite 120, Las Vegas. Any person wishing to testify should be in attendance at the meeting. The revised policies may be adopted, as proposed or as modified by the Retirement Board, at the September 16, 2021, meeting and become effective November 1, 2021.

The following pages include the proposed changes to the policies; additions are underlined and deletions have a strikethrough line.

286.025(2) 1.7 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. For reporting purposes, the call-back period must not exceed 24 hours or extend beyond the beginning of the member's next regularly scheduled shift, whichever is shortest.
- 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 December 31, 2009.

286.025(2) 1.7 CALL-BACK PAY –

- a. Returning to duty within 12 hours after one's regular working hours to respond to an emergency. For reporting purposes, the call-back period must not exceed 24 hours or extend beyond the beginning of the member's next regularly scheduled shift, whichever is shortest.
- b. As used in this Policy 1.7(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.

286.460(3) 1.29 MONTHLY RETIREMENT REPORT – Monthly Retirement Reports certifying employment, compensation, and contributions for all employees including non-eligible, reemployed retiree, and/or independent contractor must be filed with the System by the 15th day of the following month in a format prescribed by the Board.

286.200 2.11 The Retiree Reemployment Notification PERS Eligible Position ~~Form notification~~ and the ~~Membership Enrollment Form notice of enrollment date from the member's public employer~~ must be completed by the employee and certified by the public employer. ~~The Membership Enrollment Form for~~ Notification of a retired employee of ~~this~~-the System who is employed and has elected to return to membership must be clearly marked "retired employee."

286.200 3.46 New hires at a choice employer ~~failing to make an election to contribute under either the employee/employer contribution plan or the employer pay contribution plan under Policy 3.44~~ shall be enrolled in the employee/employer contribution plan unless they elected employer pay by providing a change of member contribution plan designation to the system.

(Section Header between policy 3.35 and policy 3.35)

REPAY WITHDRAWN MANDATORY EMPLOYER-PAY
CONTRIBUTIONS

286.460(4) 4.2 Monthly Retirement Reports are to include accurate information. Adjustments of over and/or under payments must be taken through Monthly Retirement Reports. ~~wage and contribution report.~~

286.460 4.4 Employees in PERS eligible positions shall be added to the Monthly Retirement Report and the public employer shall provide the effective date to the System on a format prescribed by the Board. ~~a completed Member Enrollment form is required.~~

286.200 5.3 The public employer shall provide to the System all employment and termination information ~~documents~~ that affect service credit.

286.300(3) 6.23 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 inclusive~~ dates for the periods of Operation Enduring Freedom ~~and Operation Iraqi Freedom is September 11, 2001~~ are October 1, 2001 through December 31, 2014.
- d. The inclusive dates for the periods of Operation Iraqi Freedom are March 20, 2003 through December 18, 2011.

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. After 90 days from the first refund check being issued, and if all contributions have been submitted by the public employer, issue ~~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 distribution, if less than \$10, 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.
- d. Should an initial refund check, or a remainder balance check, be lost or stolen, a replacement check will be reissued after 90 days from issuance.

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 first of the month following the date the ~~form request~~ is received in the System's office.

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.
- be. The child marries.

cd. Except as otherwise provided in Policy 9.8, 9.12 or 9.13, the child attains the age of 18 years.

286.470(1) 10.10(c) (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:

<u>2018</u>	<u>\$51,193</u>
<u>2019</u>	<u>\$52,007</u>
<u>2020</u>	<u>\$53,013</u>

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. Birth certificate.
- b. Infant baptism certificate, or certified copy.
- c. Delayed certificate of birth.
- d. Global Entry Card.
- e. Passport or passport card.
- f. Real ID.

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.
- hi. Motor vehicle records.
- ij. Hospital record of birth.
- ~~jk.~~ Social Security records.
- kl. Voter registration records.

- lm. Certified court order.
- mn. Any other document over ten years old which lists the person's date of birth.
- ne. Death certificate.
- op. Resident alien card.
- p. Tribal ID.
- q. Concealed Weapon permit.
- r. Domestic Partner Certificate, if date of birth is shown.

286.592(5) 10.19 Retirement allowances under this Chapter must be paid until the end of the month immediately following the death of the retired employee or the beneficiary.

286.520(1) 10.24 ~~Except as provided in Policy 2.9, a~~ 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.

286.118 12.15 Except as otherwise provided in this section, all information about a current or former member as well as a beneficiary of a member of the System is confidential regardless of the form, location, and manner of creation or storage of a record or file containing the information. The following information about a current or former member is a public record:

- a. The name of the current or former member; and
- b. The amount of annual pension benefit paid to the current or former member.

286.118(3) 12.16 The Board may only disclose information made confidential pursuant to subsection 1 to a third party if:

- a. Such disclosure is necessary for the Board to carry out its duties; and
- b. The Board executes a confidentiality agreement with the third party before providing the third party with any confidential information.

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~~ a fire department in which ~~he~~ the 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.

286.288 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 as prescribed by the Board. 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 87 employee with signature authority, on all matters pertaining to retirement between the System and members or the public employer.

286.015 12.25 Each public employer shall certify to the System the regular daily,
286.200 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 based on bargaining agreement, if applicable, for regular, 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 of less than 36 hours per week ~~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
286.425

12.28 The public employer shall timely and accurately provide the effective date to enroll a new hire in the System on a format prescribed by the Board ~~complete and submit all forms information 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

12.29 The public employer shall timely and accurately complete and submit ~~all forms~~ the effective date of termination on a format prescribed by the Board. ~~necessary to terminate a member or retiree in the System~~

286.460

12.32 A public employer must develop and maintain procedures to ensure ~~all wage and contribution reports~~ Monthly Retirement Reports are timely, contain accurate information, and are in compliance with Policy 4.1 et. seq.

286.200
~~286.015~~

12.35 The public employer shall timely and accurately complete and submit all forms necessary to change the status of a member, including but not limited to, contribution plan changes, and fund changes. ~~leave without pay, and terminations.~~

286.015
286.288

12.36 The public employer shall ensure that each employee designated as a liaison officer or a deputy liaison officer, or whose duties include completing and submitting Monthly Retirement Reports ~~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.

286.015 12.40 The public employer shall make all adjustments to [Monthly](#)
286.200 [Retirement Reports](#) ~~wage and contribution reporting~~ within 90 days of
286.460 notice by the System to the public employer of the necessary
adjustments, except all adjustments pertaining to retired employees
must be made within 45 days of such notice.