
BOARD OF TRUSTEES OF THE INDIANA PUBLIC RETIREMENT SYSTEM

Resolution No. 2020-06-26

Adopting rules related to the administration of the Fund as described herein.

WHEREAS, the Indiana Public Retirement System exists to provide retirement benefits to its members, their survivors, and beneficiaries;

WHEREAS, the Board of Trustees of the Indiana Public Retirement System, by statute, administers the Fund;

WHEREAS, the Board of Trustees, pursuant to [IC 5-10.5-4-2](#), may establish and amend rules and regulations for the administration of the Fund without adopting a rule under [IC 4-22-2](#);

WHEREAS, the Board of Trustees of the Indiana Public Retirement System wishes to adopt, amend, and/or repeal certain rules contained or to be contained in the Indiana Administrative Code related to the administration of the Fund as described herein; and

WHEREAS, the following adoptions and amendments are effective immediately, unless otherwise stated or covered by law;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Indiana Public Retirement System that:

SECTION 1. [35 IAC 1.2-3-2.1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.2-3-2.1](#) Suspension of membership and withdrawal of contributions

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.2-3-6.5](#); [IC 5-10.3-7-6](#)

Sec. 2.1. (a) This section applies to:

- (1) vested members who suspend their membership and withdraw their ASA after December 31, 2008; and
- (2) vested and nonvested members who suspend their membership and withdraw their ASA after June 30, 2018; and

(3) vested members actively serving in a covered position who withdraw amounts from their ASA after June 30, 2020, under [IC 5-10.2-3-6.5](#).

(b) Service credit for a member described in subsection ~~(a)(1) or (a)(2)~~ **(a)** will not be cancelled **canceled** due to withdrawal of the member's ASA. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.2-3-2.1](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 2. [35 IAC 1.2-5-1.5](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.2-5-1.5](#) Distribution options

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-6.5](#)

Sec. 1.5. (a) A partial distribution means any distribution from a member's defined contribution account that is less than one hundred percent (100%) of the member's balance.

(b) A member may elect a partial or full distribution of the member's defined contribution account (ASA) consistent with [IC 5-10.2-3-6.5](#) and [35 IAC 1.2-6-6](#). *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.2-5-1.5](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 3. [35 IAC 1.2-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.2-6-6](#) Withdrawal of ASA

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2](#); [IC 5-10.3](#)

Sec. 6. **(a)** A member who is on an approved leave of absence is not eligible for a refund of contributions and accumulated interest **withdrawal of his or her annuity savings account** unless the reason for the leave is a layoff. In order for a member to receive a refund **distribution of his the member's PERF contributions and accumulated interest, annuity savings account**, the member must have terminated his the member's employment and be certified by his the member's employer as being off the payroll and the date of termination **and must meet the terms described in subsection (b) or (c)**. Employer verification is not required whenever more than one (1) year lapses from the date of the member's separation from employment and contributions to the fund cease. An application for ~~voluntary withdrawal of contributions~~ **distribution of the member's annuity savings account** submitted by the member is an affirmation by the member that the member has separated from employment. Refunds will be made on or after the fifteenth day of the month next following the month of termination, if such termination is on or prior to the fifteenth day of the month and the application for ~~refund~~ **distribution** is received prior to the end of the month of termination. ~~If the~~

(b) Prior to December 31, 2020, a member may withdraw money from the member's annuity savings account no sooner than thirty (30) days after separation from covered employment and service with the employer. A member who becomes reemployed in a PERF-covered position within thirty (30) days from the date of such termination ~~then is not entitled to a distribution from the member's annuity savings account~~. The effective date of the suspension of membership shall be automatically deferred and the member shall not be eligible for such ~~refund~~. **withdrawal of the member's annuity savings account**. The member shall notify PERF immediately if the member becomes reemployed within such thirty (30) day period.

(c) After December 31, 2020, a member who has not reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account no sooner than thirty (30) days after separation from PERF-covered service with the employer.

(d) This applies after December 31, 2020. A member who has reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account after separation from PERF-covered service from the PERF employer without waiting thirty (30) days after such separation. A member who has reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account under [IC 5-10.2-3-6.5](#) without separating from service. (*Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.2-6-6](#); filed Dec 20, 1988, 1:00 p.m.: 12 IR 1086; readopted filed Oct 31, 2001, 2:18 p.m.: 25 IR 897; adopted Nov 9, 2007: [20071205-IR-035070818ONA](#); adopted Dec 17, 2010: [20101229-IR-035100777ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#)*)

SECTION 4. [35 IAC 1.3-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-2-1](#) Definitions

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-2-2](#); [IC 5-10.2-4-3](#); [IC 5-10.3-12](#)

Sec. 1. The definitions in [35 IAC 1.2-2-1](#) apply throughout this article, unless the term is defined in this section or unless the context otherwise clearly requires:

(1) "Annuity savings account" or "ASA" means the annuity savings account maintained under [IC 5-10.2-2-2\(a\)\(1\)](#), as described in [IC 5-10.3-12-3](#).

(2) "Compensation", for the purposes of [IC 5-10.3-12-23](#) and this plan, means all compensation that is included as gross income as reported on the member's W-2 for covered service by a covered employer, plus the amounts stated in [IC 5-10.2-4-3](#) that are not paid directly to the member.

(3) "Employer contributions" means contributions made by the state, political subdivisions, and miscellaneous participating entities credited to the member's employer contribution subaccount, as described in [IC 5-10.3-12-9](#) and [IC 5-10.3-12-24](#). **The term does not include contributions from a political subdivision related to volunteer firefighters covered under the plan.**

(4) "Member's contributions" means the member's contributions credited to the member's contribution subaccount, as described in [IC 5-10.3-12-13](#) and [IC 5-10.3-12-23](#), which includes the member's compensation under [IC 5-10.3-12-5](#).

(5) "Normal cost of the fund", for purposes of [IC 5-10.3-12-24](#) and this plan, means the present value of the portion of the actuarial cost of projected benefits allocated to the current plan year. The normal cost is calculated by determining the projected future benefits to members, discounting the projected future benefits to the valuation date to establish the present value of benefits, and allocating the cost of the present value of benefits to past service, current service, and future service. The amount allocated to the current service is the normal cost. The normal cost of the fund is calculated annually by the actuary as part of the valuation

process.

(6) "Plan" means the public employees' defined contribution plan established under [IC 5-10.3-12](#).

(7) "Vested" or "vested portion" means the portion of the employer contribution subaccount that is vested as described in [IC 5-10.3-12-25](#).

(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-2-1](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Jun 20, 2014: [20140820-IR-035140335ONA](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Dec 13, 2019: [20191225-IR-035190683ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 5. [35 IAC 1.3-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-3-3](#) Reinstatement

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2](#); [IC 5-10.3-12](#)

Sec. 3. A member whose service is involuntarily terminated and who is later reinstated as a result of a court determination and order or administrative final determination and order may be eligible for employer and employee contributions **or political subdivision contributions as a volunteer firefighter** as provided in the court determination and order or administrative final determination and order. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-3-3](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 6. [35 IAC 1.3-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-4-2](#) Membership options

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.3-6-1](#); [IC 5-10.3-7-1](#); [IC 5-10.3-12-1](#)

Sec. 2. (a) An employee's participation in the fund or the plan is determined by the employer classification of a participant's position, in the employer resolution on file with INPRS.

(b) **Except as provided in subsection (d)**, a participant with only prior fund service shall become a member of the fund, only if the employer offers fund membership to that participant's position. If an employer requires all new employees to become members of the fund, the employee becomes a member of the fund regardless of the member's service or participation history.

(c) **Except as provided in subsection (d)**, a participant with only prior plan service shall become a member of the plan, only if the employer offers plan membership to that participant's position. If an employer requires all new employees to become members of the plan, the employee becomes a member of the plan regardless of the member's service or participation history.

(d) A participant with both prior fund service and prior plan service shall become a member of the plan, only if the employer offers plan membership to that participant's position. If an employer offers new employees a choice between fund or plan membership, the **new** employee may choose membership in either the fund or the plan, regardless of the employee's PERF service or participation history. The employee's choice is irrevocable. Once an employee makes a decision between the fund or the plan with a specific employer, that employee will not receive another choice if later reemployed with that specific employer.

(e) An employer may require all new employees without prior PERF service or participation to enter into only either the fund or plan. The same employer may allow new employees with prior PERF service or years of participation a choice between plan and fund membership.

(f) A previous PERF covered state employee rehired by the state who did not have a previous opportunity to elect plan participation with the state may make the irrevocable election to participate in the plan under same terms and conditions as a newly hired first-time PERF covered state employee.

(g) **Employers Political subdivisions** may designate whether employees **or volunteer firefighters** who are retired from the fund may be enrolled in the plan **within an ordinance or resolution. If the political subdivision does not explicitly allow employees or volunteer firefighters who are retired from the fund to be enrolled in the plan within the resolution or ordinance, then employees and volunteer firefighters who have retired from the fund are prohibited from participation in the plan.**

(h) A volunteer firefighter with a participating political subdivision shall become a member of the plan unless otherwise excluded by retirement fund law. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-4-2](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Nov 4, 2016: [20161116-IR-035160500ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 7. [35 IAC 1.3-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-5-1](#) Member accounts

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-10](#); [IC 5-10.3-12](#)

Sec. 1. (a) **Except as provided in subsection (d),** each member in the plan will have an account that includes the following subaccounts:

- (1) A member contribution subaccount as defined in [IC 5-10.3-12-13](#).
- (2) An employer contribution subaccount as defined in [IC 5-10.3-12-9](#).

(b) To the extent a member has made rollover contributions to the plan, a rollover account as defined in [IC 5-10.3-12-2](#) and [IC 5-10.3-12-29](#) will be maintained on behalf of the member as a separate subaccount within the member's account.

(c) The accounts will be held and invested in the annuity savings account, subject to the provisions of [IC 5-10.3-12](#) and this title, and the plan shall be a component of the fund.

(d) A volunteer firefighter member who joined the plan as result of [IC 5-10.3-12-1\(a\)\(7\)](#) shall have only a member contribution subaccount with respect to volunteer firefighter service. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-5-1](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Dec 14, 2012: [20121226-IR-035120663ONA](#); adopted May 3, 2019: [20190515-IR-035190262ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 8. [35 IAC 1.3-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-6-1](#) Member distribution options

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-10](#); [IC 5-10.2-4-7](#); [IC 5-10.3-12](#)

Sec. 1. (a) As provided under [IC 5-10.3-12-26](#), [IC 5-10.3-12-29](#), and this article, a member who terminates service in covered employment is entitled to withdraw the vested portion of the member's account as:

- (1) a lump sum or partial distribution;
- (2) a direct rollover to an eligible retirement plan; or
- (3) if the member has attained normal retirement age, as defined in [IC 5-10.3-12-14](#), as a monthly annuity, subject to this article.

(b) For a member electing a distribution under subsection (a)(3), the forms of monthly annuity payments that are available under the annuity savings account of the fund shall be available for the member's selection.

(c) Members who have not reached normal retirement age are entitled to withdraw the vested portion of their account under subsection (a) thirty (30) days after termination of covered employment in a covered position and separation from service with the employer.

(d) After December 31, 2020, a member who has reached normal retirement age may withdraw money from the member's account without separating service. A member who has reached normal retirement age and separates from the covered position and service with the employer may withdraw money from the member's annuity savings account without waiting thirty (30) days after such separation. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-6-1](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Dec 14, 2012: [20121226-IR-035120663ONA](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Feb 22, 2019: [20190227-IR-035190137ONA](#); adopted Dec 13, 2019: [20191225-IR-035190683ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 9. [35 IAC 1.3-6-4](#) IS AMENDED TO READ AS FOLLOWS:

35 IAC 1.3-6-4 In service for disability and survivor benefits

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.3-12-30](#)

Sec. 4. (a) "In service", for purposes of availability of account distribution under the plan, means that the member was in an employer-employee relationship as determined by the employer within established rules of the employer. **If the member is a volunteer firefighter, then "in service" for purposes of availability of account distribution under the plan means that the person was a current member of the volunteer firefighter plan as determined by the political subdivision within established rules of the political subdivision.**

(b) To be eligible to receive disability benefits, the member must be receiving salary, worker's compensation benefits, employer-provided income protection benefits, **in service as a volunteer firefighter as certified by the political subdivision**, or on leave under the Family and Medical Leave Act on the date the Social Security Administration determines the member becomes disabled.

(c) For the purpose of [IC 5-10.3-12-30](#) only, "while in a covered position" includes the last check date for a member, but does not include any checks received later than thirty (30) days from the last day the member was paid for physical work, for used sick time, for used compensatory time, or while on other leave or vacation. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-6-4](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Dec 14, 2012: [20121226-IR-035120663ONA](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 10. [35 IAC 1.3-7-4](#) IS AMENDED TO READ AS FOLLOWS:

35 IAC 1.3-7-4 Annuity savings account contributions received by PERF subsequent to processing of retirement benefit

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-4-2](#)

Sec. 4. (a) Notwithstanding a member's election to receive an annuity provided by the amounts credited to the member's annuity savings account at retirement, annuity savings account contributions totaling not more than one thousand dollars (\$1,000) posted to a member's account after the final date on which the member's benefit is processed shall be distributed to the member in a lump-sum payment.

(b) No later than October 1, 2014, a member may elect to receive annuity savings account contributions exceeding one thousand dollars (\$1,000) posted to a member's account after the final date on which the member's benefit is processed in either a lump-sum payment or as a direct rollover to a non-PERF tax deferred account.

(c) Pursuant to [IC 5-10.2-4-2](#)(b)(2), a member electing to fully or partially annuitize the member's annuity savings account in contemplation of separation from service and retirement, excluding state long-term disabilities, will have the entire amount in the member's annuity savings account moved into a fixed value account. Once the annuity savings account is moved into a fixed value account in contemplation of retirement, the election cannot be changed. In addition, any annuity savings account contributions posted to a member's account subsequent to payment of the first annuity check shall be held in an account valued at the PERF Money Market rate, until such time as that amount is distributed to the member. If the member cancels the retirement process, the member's account will be moved into the Money Market Fund until a new election is made by the member.

(d) Pursuant to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who:

(1) terminates service in a covered position; and

(2) does not perform any service in a position covered by the ~~fund plan~~ **plan or with the employer** for at least thirty (30) days after the date on which the member terminates service;

is entitled to withdraw amounts in the member's account to the extent the member is vested in the account.

(e) After December 31, 2020, a member who has reached normal retirement age may withdraw money from the member's account without separating service. A member who has reached normal retirement age and separates from the covered position and service with the employer may withdraw money from the member's annuity savings account without waiting thirty (30) days after such separation. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.3-7-4](#); adopted Sep 16, 2011: [20110928-IR-035110564ONA](#); adopted Dec 14, 2012: [20121226-IR-035120663ONA](#); adopted Jun 20, 2014:

SECTION 11. [35 IAC 1.3-7-7](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.3-7-7](#) Resolutions filed by political subdivisions; contributions

Authority: [IC 5-10.3-12-18](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-2-11](#); [IC 5-10.3-6-1](#); [IC 5-10.3-12-23](#); [IC 5-10.3-12-32](#)

Sec. 7. (a) Resolutions to join, expand coverage in, modify, or withdraw from the plan or fund may be submitted any time prior to the effective date.

(b) Resolutions to join shall be effective ~~the later of January 1st or July 1st after~~ on the date of approval by the board. All other resolutions described in subsection (a) and modifications described in subsection (c) shall be effective when the necessary actuarial costs are calculated and the respective statutory requirements to expand coverage in or otherwise modify participation have been met and approved by INPRS.

(c) Resolutions and modifications to resolutions should include the following:

- (1) Whether the employer will pay mandatory contributions or voluntary contributions, or both.
- (2) The employer contribution rate, as a percentage of each member's compensation, between zero percent (0%) and the normal cost of participation in the fund, as described in [IC 5-10.2-2-11](#).
- (3) Whether the employer will match fifty percent (50%) of each participant's additional contributions to the plan.
- (4) A default plan election.
- (5) Whether the employer will allow a member retired from the fund to enroll in the plan, in accordance with [IC 5-10.3-12-32](#).

(6) A designation whether a political subdivision decides to cover volunteer firefighters including the frequency and amount of political subdivision-paid member contributions.

(d) Modifications may be made during an "open enrollment" period, communicated to participating entities in advance.

(e) If an employer elects to pay all or part of the member contributions, the employer must pay the same amounts for all eligible employees participating in the plan or fund. (*Board of Trustees of the Indiana Public Retirement System*; [35 IAC 1.3-7-7](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Nov 4, 2016: [20161116-IR-035160500ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 12. [35 IAC 2-5-5](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 2-5-5](#) 1977 Police Officers' and Firefighters' Pension and Disability Fund disability procedures

Authority: [IC 5-10.5-4-2](#); [IC 36-8-8-5](#)

Affected: [IC 4-21.5](#); [IC 36-8-8-12.5](#); [IC 36-8-8-13.5](#)

Sec. 5. (a) The disability application process shall be as described as follows:

(1) The local board shall submit to the state board the following documents:

(A) A completed disability application form that includes the following:

- (i) The member's name, address, and Social Security number.
- (ii) The date of the local board's hearing.
- (iii) The date the local board determined a covered impairment exists.

The local board shall use the applicable forms developed by the state board for this purpose.

(B) The applicable form developed by the state board shall require the following:

- (i) The local board to submit its determinations, including findings of fact, with regard to the existence of a covered impairment and the class of impairment for a fund member who was hired for the first time after December 31, 1989, or who had elected coverage under [IC 36-8-8-12.5](#) and [IC 36-8-8-13.5](#) (Class 1 duty related injury, Class 2 duty related disease, and Class 3 all other covered impairments).
- (ii) A copy of the written job description for the member's position.
- (iii) A statement from the local board that certifies that the member cannot perform the essential functions of the job as reflected on the written job description by identifying the specific functions the member is incapable of performing.
- (iv) A statement from the appointing authority that certifies that there is no suitable and available work in the member's department for which the member is or may be capable of becoming qualified, considering reasonable accommodations to the extent required by the Americans with Disabilities Act.

- (v) The local board's findings with respect to self-inflicted injury, attempted suicide, commission of felony, or preexisting conditions.
 - (vi) The local board's determination on whether the impairment resulted from an accidental injury.
 - (vii) A statement that certifies that the local board's decision was communicated, in writing, to the fund member and the appointing authority.
 - (C) A transcript of the local board's hearing. The transcript should be signed by the person doing the transcription and by the pension secretary reflecting that the transcript is a true and accurate report of the testimony and exhibits presented during the local board's hearing.
 - (D) Copies of all exhibits accepted by the local pension board. These exhibits would include the medical evaluations of the fund member. Tests and examination results must be included.
 - (E) Certification by the appointing authority or the local board with regard to the fund member's last day of pay (including the last payment for any type and all forms of paid leave).
 - (F) Certification by the appointing authority of years of service.
- (2) Unless the application is complete, the 1977 Fund will not accept the application. If the application is not accepted, the 1977 Fund shall do the following:
- (A) Determine whether the file is complete.
 - (B) Send a letter to the local board stating that either a complete file has been received or the file is incomplete and will not be accepted until the specified items have been received by the 1977 Fund. If the file is incomplete, the 1977 Fund will send a letter stating the file is complete after all previously specified items have been received by the 1977 Fund.
 - (C) Once a completed file is accepted, the 1977 Fund will give the completed file to the medical authority **or the mental health disability review panel.**
- (3) INPRS may make a provisional determination and invite the applicant to provide further records or evidence for review by INPRS before the initial determination is made. The INPRS board or its duly authorized representative will make an initial determination within sixty (60) days from the date the complete application is received by the 1977 Fund unless there is a delay attributable to the fund member or the appointing authority. The initial determination by the INPRS board for members who were hired for the first time after December 31, 1989, or who had elected coverage under [IC 36-8-8-12.5](#) and [IC 36-8-8-13.5](#), shall include a determination of class of impairment and degree of impairment. In making this determination, the 1977 Fund shall treat a member as first hired using the member's first date of employment with the local unit where the member is currently employed. However, in the case of a fund member who directly transferred from covered employment with one (1) local unit to covered employment with another local unit, the fund member's date of employment with the first local unit shall be used. If the application is not accepted, the 1977 Fund shall do the following:
- (A) The 1977 Fund will not consider the sixty (60) day period to begin until a completed file is accepted.
 - (B) The initial determination will be mailed, by certified mail return receipt requested, to the member, the local board, and the appointing authority. An appeal of the initial determination must be filed within fifteen (15) days after receiving written notice of the initial determination pursuant to [IC 4-21.5](#).
 - (C) If the INPRS board or its duly authorized representative does not make an initial determination within sixty (60) days and if the delay is not attributable to the fund member or the appointing authority, the local board's determination, or the fund member's statement in the case of an appeal of a local board determination, shall constitute the INPRS board's initial determination. A letter confirming this initial determination shall be sent by the 1977 Fund to the local board, the fund member, and the appointing authority.
 - (D) The letter communicating the INPRS board's initial determination shall inform the parties of the time limit on filing objections and shall clearly state that, if no objections are filed, the initial determination shall automatically become the state board's final order.
- (4) If no objection to the INPRS board's initial determination is filed with the 1977 Fund within fifteen (15) days after the date of the INPRS board's initial determination letter, the INPRS board's initial determination shall become the INPRS board's final order.
- (5) If a timely objection to the INPRS board's initial determination is filed, the 1977 Fund shall follow an internal hearing procedure. The 1977 Fund shall notify the member if the appeal is not timely. Such notice will indicate that the initial determination automatically became the INPRS board's final order.
- (6) After receiving a timely objection to the initial determination, the 1977 Fund shall designate a hearing officer to review the case. The hearing officer must make a recommendation to the 1977 Fund with regard to a final decision within sixty (60) days after the hearing. The hearing will be recorded and a transcript prepared.
- (7) Based upon the complete record and the recommendation from the hearing officer, the INPRS board shall issue a final order. The INPRS board may accept, but shall not be required to accept, the hearing officer's recommendation as its final order. The final order will be communicated in a letter, sent certified mail return receipt requested, to the fund member, the local board, and the appointing authority. In addition, the INPRS

board may do the following:

- (A) The INPRS board may request or accept additional information before issuing a final determination.
- (B) The INPRS board shall issue a final order within one hundred eighty (180) days from the date the complete application is received by the 1977 Fund unless there is a delay attributable to the fund member or the appointing authority. If an order is not issued within one hundred eighty (180) days and if the delay is not attributable to the fund member or the appointing authority, the initial determination statements shall constitute the INPRS board's final order.

(b) The review of a fund member's impairment may be initiated by the 1977 Fund, the fund member, the safety board, or the local board. The review shall follow the procedure for disability applications. The cost of any medical examination required by the local board shall be paid by the party who petitioned for review.

(c) Requirements for recovered disabilitants shall be as follows:

- (1) If there is a final determination that a disabilitant has recovered as result of a review described in **section subsection (b)**, the 1977 Fund shall solicit a certification from the local authorities with regard to the existence of suitable and available work on the police or fire department.
- (2) Benefits will be terminated if suitable and available work on the police or fire department has been offered to the member. Benefits shall terminate in such a case regardless of the member's decision to accept or reject the employment offer from the police or fire department.
- (3) In the event that a recovered member returns to 1977 Fund covered duties by the employing unit as a result of being released to such reinstatement of duties by the member's treating physician, the employing unit shall notify INPRS in writing of such reinstatement and disability benefits shall stop beginning the first of the month following the date of such reinstatement. Any benefits paid to the member after the first of the month following reinstatement must be repaid to the 1977 Fund.
- (4) A recovered member returning to the same department will not be treated as a new applicant and will not be subjected to the application process for new members in the fund.
- (5) In the event a member recovers from a covered impairment, returns to active service with the police or fire department, and becomes unable to perform all suitable and available work on the police or fire department within two (2) years of returning to active duty due to a covered impairment that is based on the same condition or conditions for which disability benefits were previously paid to the member, the member shall be entitled to receive monthly disability benefits equal to the amount of the monthly disability benefits that were paid to the member at the time of the member's return to active service plus any applicable cost of living adjustments.

(Board of Trustees of the Indiana Public Retirement System; [35 IAC 2-5-5](#); filed May 7, 1998, 4:15 p.m.: 21 IR 3329; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: [20071205-IR-035070818ONA](#); adopted Nov 21, 2008: [20090107-IR-035080955ONA](#); adopted Dec 14, 2012: [20121226-IR-035120663ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 13. [35 IAC 13-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 13-1-1](#) Required minimum distribution procedure

Authority: [IC 5-10.2-2-1](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-4-2](#); [IC 5-10.2-4-7](#); [IC 5-10.5](#)

Sec. 1. (a) Distribution of each member's entire benefit must begin by April 1 of the calendar year following the later of the calendar year in which the member:

- (1) attains seventy and one-half (70 1/2) years of age **or if the member turns seventy and one-half (70 1/2) on or before December 31, 2019;**
- (2) **attains seventy-two (72) years of age if the member turns seventy and one-half (70 1/2) on or after January 1, 2020; or**
- (3) retires (the required beginning date).

(b) Members who are not vested and retired members who deferred withdrawal of their ASA will automatically receive annual required minimum distributions if the member reaches the required beginning date without taking a distribution. The balance of the account shall remain invested as previously directed by the member.

(c) A vested member entitled to a monthly benefit is subject to mandatory distribution of the pension benefit if the member did not elect to begin the pension benefit before the required beginning date. The pension benefit shall be calculated based on a five (5) year guarantee as described in [IC 5-10.2-4-7\(b\)](#).

(d) INPRS will attempt to notify members of a potential required minimum distribution prior to the member's required beginning date if INPRS is able to locate a current valid address for the member utilizing an existing locator service. If INPRS is unable to locate a current valid address for a member who has not taken a distribution by the required beginning date, no such distribution shall be made until the member is located. Once a valid address is located distributions will proceed as set forth in subsections (b) and (c), less any taxes or penalties owed. (*Board of Trustees of the Indiana Public Retirement System; 35 IAC 13-1-1; adopted Feb 19, 2010: 20100310-IR-035100124ONA; adopted Jun 23, 2017: 20170705-IR-035170307ONA; adopted Jun 26, 2020: 20200708-IR-035200360ONA*)

SECTION 14. [35 IAC 13-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 13-1-2](#) Compliance with Code Section 401(a)(9) for required minimum distributions

Authority: [IC 5-10.2-2-1](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-2-1.5](#); [IC 5-10.5](#)

Sec. 2. The retirement system will pay all benefits in accordance with a good faith interpretation of the requirements of Section 401(a)(9) of the Internal Revenue Code and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code. The retirement system is subject to the following provisions:

(1) Distribution of a member's benefit must begin by the required beginning date, which is the later of the April 1 following the calendar year in which:

- (A) the member attains seventy and one-half (70 1/2) years of age ~~on April 1 of the year following the calendar year in which~~ **if the member turns seventy and one-half (70 1/2) on or before December 31, 2019;**
- (B) **the member attains seventy-two (72) years of age if the member turns seventy and one-half (70 1/2) on or after January 1, 2020; or**
- (C) the member terminates.

(2) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary.

(3) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.

(4) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

- (A) distributed (in accordance with federal regulations) over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year following the calendar year of the member's death; or
- (B) distributed within five (5) years of the member's death.

(5) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.

(6) The death and disability benefits provided by the retirement system are limited by the incidental benefit rule set forth in Section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed twenty-five percent (25%) of the cost for all of the members' benefits received from the retirement system.

(7) Notwithstanding the other provisions of this rule or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies Section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that section.

(*Board of Trustees of the Indiana Public Retirement System; 35 IAC 13-1-2; adopted Feb 19, 2010: 20100310-IR-035100124ONA; adopted Jun 26, 2020: 20200708-IR-035200360ONA*)

SECTION 15. [35 IAC 14-2-8.5](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-2-8.5](#) Distribution options

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-6.5](#)

Sec. 8.5. (a) A partial distribution means any distribution from a member's defined contribution account that is less than one hundred percent (100%) of the member's balance.

(b) A member may elect a partial or full distribution of the member's defined contribution account consistent with [IC 5-10.2-3-6.5](#) and [35 IAC 14-3-2](#). (Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-2-8.5](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 16. [35 IAC 14-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-3-2](#) Membership following the withdrawal of ASA

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-6.5](#); [IC 5-10.4-4-13](#)

Sec. 2. (a) Except as provided under [IC 5-10.2-3-6.5](#) and this article, a member is not entitled to receive benefits after membership is suspended and the amount held in the annuity savings account withdrawn unless the member returns to covered employment in Indiana and remains employed long enough to earn at least one-half (1/2) year of service credit. However, if the member shows to the satisfaction of the fund that there was bona fide intent to return to employment and comply with this rule and the employee was capable of performing such employment, but was prevented from working for the requisite period due to illness, injury, death of the employee, or other reason, which occurred subsequent to the date of the reemployment, then such reemployment period requirement may be waived. Time spent on an employer approved leave of absence granted under the Family Medical Leave Act (FMLA) or pursuant to a leave granted under [IC 5-10.4](#) taken during the reemployment period shall be used in determining whether the person met the requirements of this section provided that the member returned to covered employment immediately after termination of such leave.

(b) ~~Should the fund become aware that a~~ **Prior to December 31, 2020, a member may withdraw money from the member's annuity savings account no sooner than thirty (30) days after separation from covered employment and service with the employer. A member who has reemployed in a covered position within thirty (30) days after having requested the withdrawal and termination of covered employment and service with the employer is not entitled to a distribution from the member's annuity savings account.** If no withdrawal distribution has been made, the fund will not make the withdrawal distribution and the suspension of membership shall be automatically deferred and the member shall not be eligible for such ~~refund~~ distribution. The member shall notify the fund immediately upon accepting such employment.

(c) **After December 31, 2020, a member who has not reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account no sooner than thirty (30) days after separation from TRF-covered service and separation from the TRF employer.**

(d) **This applies after December 31, 2020. A member who has reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account after separation from TRF-covered service from the TRF employer without waiting thirty (30) days after such separation. A member who has reached age and service eligibility for normal retirement may withdraw money from the member's annuity savings account pursuant to [IC 5-10.2-3-6.5](#) without separating from service.** (Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-3-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#); adopted Dec 16, 2009: [20100106-IR-550090990ONA](#); adopted Dec 17, 2010: [20101229-IR-550100778ONA](#); adopted Apr 26, 2013: [20130508-IR-035130167ONA](#); adopted Jun 20, 2014: [20140820-IR-035140335ONA](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))
NOTE: Transferred from the Board of Trustees of the Indiana State Teachers' Retirement Fund ([550 IAC 2-3-2](#)) to the Board of Trustees of the Indiana Public Retirement System ([35 IAC 14-3-2](#)) by P.L.23-2011, SECTION 22, effective July 1, 2011.

SECTION 17. [35 IAC 14-3-3.1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-3-3.1](#) Suspension of membership and withdrawal of contributions

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.2-3-6.5](#); [IC 5-10.4](#)

Sec. 3.1. (a) This section applies to:

- (1) vested members who suspend their membership and withdraw their ASA after June 30, 2009; and
- (2) vested and nonvested members who suspend their membership and withdraw their ASA after June 30, 2018; and

(3) vested members actively serving in a covered position who withdraw amounts from their ASA after June 30, 2020, under [IC 5-10.2-3-6.5](#).

(b) Service credit for a member described in subsection ~~(a)(1) or (a)(2)~~ **(a)** will not be cancelled ~~canceled~~ due to withdrawal of ~~their the member's~~ ASA. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-3-3.1](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))

SECTION 18. [35 IAC 14-7-7](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-7-7](#) Required minimum distribution procedure

Authority: [IC 5-10.2-2-1](#); [IC 5-10.2-2-1.5](#); [IC 5-10.4-3-9](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-4-2](#); [IC 5-10.2-4-7](#)

Sec. 7. (a) Distribution of each member's entire interest must begin by April 1 of the calendar year following the later of **the year in which the member:**

- (1) ~~the calendar year in which the member attains age seventy and one-half (70 1/2) or~~ **years of age if the member turns seventy and one-half (70 1/2) on or before December 31, 2019;**
- (2) ~~the calendar year in which the member attains seventy-two (72) years of age if the member turns~~ **seventy and one-half (70 1/2) on or after January 1, 2020; or**
- (3) retires (the required beginning date).

(b) If a nonvested member or a retired member who deferred withdrawal of his or her ASA reaches the required beginning date without taking an ASA distribution, ~~they he or she~~ will be subject to a mandatory lump-sum distribution of ~~their his or her~~ account less any monies owed for taxes ~~and/or or~~ penalties, **or both.**

(c) If a vested member has not started receiving his or her monthly pension benefit by the required beginning date, the member's account will be automatically processed utilizing the five (5) year guarantee as described in [IC 5-10.2-4-7](#)(b) and annuitizing any available ASA monies.

(d) TRF will attempt to notify members of a potential required minimum distribution prior to the member's required beginning date if TRF is able to locate a current valid address for the member utilizing an existing locator service. If TRF is unable to locate a current valid address for a member who has not taken a distribution from ~~their the member's~~ pension ~~and/or or~~ ASA, **or both**, by the required beginning date, no such distribution shall be made until the member is located. Once a valid address is located, distributions will proceed as set forth in subsections (b) and (c), less any withholdings or penalties owed. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-7-7](#); adopted Dec 16, 2009: [20100106-IR-550090990ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#)) NOTE: Transferred from the Board of Trustees of the Indiana State Teachers' Retirement Fund ([550 IAC 2-7-5.5](#)) to the Board of Trustees of the Indiana Public Retirement System ([35 IAC 14-7-7](#)) by P.L.23-2011, SECTION 22, effective July 1, 2011.

SECTION 19. [35 IAC 14-7-8](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-7-8](#) Compliance with Code Section 401(a)(9) for required minimum distributions

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-2-1.5](#); [IC 5-10.5](#)

Sec. 8. The retirement system will pay all benefits in accordance with a good faith interpretation of the requirements of Section 401(a)(9) of the Internal Revenue Code and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code. The retirement system is subject to the following provisions:

- (1) Distribution of a member's benefit must begin by the required beginning date, which is the later of the April 1 following the calendar year in which:
 - (A) ~~the member attains age seventy and one-half (70 1/2) or April 1 of the year following the calendar year in which~~ **years of age if the member turns seventy and one-half (70 1/2) on or before December 31, 2019;**
 - (B) **the member attains seventy-two (72) years of age if the member turns seventy and one-half (70 1/2) on or after January 1, 2020; or**
 - (C) the member terminates.
- (2) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the

member and a designated beneficiary.

(3) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.

(4) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

(A) distributed (in accordance with federal regulations) over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year following the calendar year of the member's death; or

(B) distributed within five (5) years of the member's death.

(5) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.

(6) The death and disability benefits provided by the retirement system are limited by the incidental benefit rule set forth in Section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed twenty-five percent (25%) of the cost for all of the members' benefits received from the retirement system.

(7) Notwithstanding the other provisions of this rule or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies Section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that section.

(Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-7-8](#); adopted Dec 16, 2009: [20100106-IR-550090990ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#)) NOTE: Transferred from the Board of Trustees of the Indiana State Teachers' Retirement Fund ([550 IAC 2-7-5.7](#)) to the Board of Trustees of the Indiana Public Retirement System ([35 IAC 14-7-8](#)) by P.L.23-2011, SECTION 22, effective July 1, 2011.

SECTION 20. [35 IAC 14.1-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14.1-6-1](#) Participant distribution options

Authority: [IC 5-10.4-8-4](#); [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-10](#); [IC 5-10.2-4-7](#); [IC 5-10.4-8-2](#); [IC 5-10.4-8-12](#)

Sec. 1. (a) As provided under [IC 5-10.4-8-12](#) and this article, a participant who terminates service in covered employment and does not perform any service in a position covered by the fund for at least thirty (30) days is entitled to withdraw the vested portion of the participant's account as:

(1) a lump sum or partial distribution as permitted by [IC 5-10.4-8-12](#);

(2) a direct rollover to an eligible retirement plan; or

(3) if the participant has attained normal retirement age, as defined in [IC 5-10.4-8-2](#)(10), a monthly annuity, subject to this article.

(b) For a participant electing a distribution under subsection (a)(3), the forms of monthly annuity payments that are available under the annuity savings account of the fund shall be available, pursuant to [IC 5-10.2-4-7](#).

(c) Participants who have not reached normal retirement age are entitled to withdraw the vested portion of the participant's account under subsection (a) thirty (30) days termination of employment in a covered position and separation from service with the employer. After December 31, 2020, a participant who has reached normal retirement age may withdraw money from the participant's account without separating service. A participant who has reached normal retirement age and separates from the covered position and service with the employer may withdraw money from the participant's annuity savings account without waiting thirty (30) days after such separation. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 14.1-6-1](#); adopted May 3, 2019: [20190515-IR-035190262ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#))*

SECTION 21. [35 IAC 14.1-7-3](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14.1-7-3](#) Refund of contributions

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2](#); [IC 5-10.3](#); [IC 5-10.4-8-11](#); [IC 5-10.4-8-12](#)

Sec. 3. **(a)** A participant may withdraw the participant's contributions and earnings subject to the provisions of [IC 5-10.4-8-11](#) and [IC 5-10.4-8-12](#) and this rule.

(b) A participant who has not reached normal retirement age is entitled to withdraw the vested portion of the participant's account thirty (30) days after the participant has terminated service in a covered position and with the employer. (*Board of Trustees of the Indiana Public Retirement System; [35 IAC 14.1-7-3](#); adopted May 3, 2019: [20190515-IR-035190262ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#)*)

SECTION 22. [35 IAC 18-1-4](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 18-1-4](#) Trustee-to-trustee transfer

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.5-5-7.5](#); [IC 5-10.2-3-1.2](#); [IC 5-10.2-3-10](#); [IC 5-10.3](#); [IC 5-10.4](#); [IC 5-10.5](#)

Sec. 4. (a) For purposes of accepting a rollover for the reason of purchasing service under [IC 5-10.2-3-1.2](#)(c)(4) or to be deposited into a rollover account described in [IC 5-10.2-3-10](#), a member who is otherwise qualified to purchase service credit or rollover money into a rollover account ~~must do so while the member is in active service.~~ **may do so at any time.**

(b) A retiring member, who was under contract or in an employment relationship to earn one (1) year of service credit during the year in which the application to purchase service credit is made, who makes application for the purchase of service credit contemporaneously with the member's application for retirement not more than thirty (30) days following the cessation of covered service is deemed to have met the active service requirement. The funds need not have been received by INPRS within the thirty (30) day time period to meet the requirements of this rule. For example, Kelly ended service as a teacher on May 15. On May 20, Kelly attends a TRF retirement counseling session and learns that she can apply for a trustee to trustee rollover to purchase additional service credit from her 403(b) account sponsored by her school corporation. Kelly may complete the rollover to purchase additional service so long as the application for the rollover is done within thirty (30) days of May 15 and at the same time she files for retirement.

(c) A retiring member who was in a covered employment position who makes application to rollover funds into a rollover account not more than thirty (30) days following covered service and contemporaneously with the member's application for retirement is deemed to have met the active service requirement. The funds need not have been received by INPRS within the thirty (30) day time period to meet the requirements of this rule. For example: Floyd is a PERF covered snow plow driver for a municipality who ends employment on January 1. Floyd may apply to roll his 457 deferred compensation account into a PERF rollover account so long as he applies to do this within thirty (30) days of employment termination and he makes his rollover account retirement option selections on his retirement application.

(d) A member who makes application for retirement, is no longer in a PERF or TRF covered position but did not separate from employment with the member's employer formerly sponsoring the TRF or PERF participation, who makes application to rollover funds into a rollover account not more than thirty (30) days following cessation of such employment and contemporaneously with the member's application for retirement is deemed to have met the active service requirement. The funds need not have been received by PERF within the thirty (30) day time period to meet the requirements of this rule. Sally worked for a state university in a PERF covered position for fifteen (15) years. Sally was promoted into a non-PERF covered position, continued to work for the university for another ten (10) years, and contributed to a 403(b) plan. Sally, now sixty five (65) years of age, terminates her employment with the university on August 1. Sally may rollover her 403(b) funds into a PERF rollover account so long as she applies to do this within thirty (30) days of employment termination and she makes her rollover account retirement option selections at the time she files for retirement. (*Board of Trustees of the Indiana Public Retirement System; [35 IAC 18-1-4](#); adopted Jun 20, 2014: [20140820-IR-035140335ONA](#); adopted Jun 26, 2020: [20200708-IR-035200360ONA](#)*)

DATED: June 26, 2020

Bret Swanson, Chairman
INPRS Board of Trustees
Indiana Public Retirement System

Resolution adopted by 6 affirmative, 0 negative votes.

Posted: 07/08/2020 by Legislative Services Agency

