

## **ARTICLE 4. STATE EXCISE POLICE, GAMING AGENT, GAMING CONTROL OFFICER & CONSERVATION ENFORCEMENT OFFICERS' RETIREMENT PLAN**

### **Rule 1. Survivor Benefits**

#### **35 IAC 4-1-1 Death of member and beneficiary**

Authority: IC 5-10-5.5-3; IC 5-10.3-3-8

Affected: IC 5-10-5.5-17

Sec. 1. Survivor Benefits. If a retired member and his beneficiary die prior to recovering contributions plus interest there is no lump sum refund payable to the estate of the last beneficiary. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-1-1; filed May 9, 1979, 11:31 am: 2 IR 680; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: 20071205-IR-035070818ONA*)

#### **35 IAC 4-1-2 Death in service; compliance with the Heroes Earning Assistance and Relief Tax Act of 2008 (HEART)**

Authority: IC 5-10-5.5-3; IC 5-10.3-3-8

Affected: IC 5-10-5.5-17

Sec. 2. (a) Effective with respect to deaths occurring on or after January 1, 2007, while a member is performing qualified military service (as defined in Chapter 43 of Title 38, United State *[sic]* Code), to the extent required by Section 401(a)(37) of the Internal Revenue Code, survivors of a member in the retirement system are entitled to any additional benefits that the system would provide if the member had resumed employment and then died, such as accelerated vesting or survivor benefits that are contingent on the member's death while employed.

(b) Effective with respect to deaths or disabilities occurring on or after January 1, 2007, while a member is performing qualified military service (as defined in Chapter 43 of Title 38, United State *[sic]* Code), to the extent permitted by Section 414(u)(8) of the Internal Revenue Code, for benefit accrual purposes, the member will be treated as having returned to employment on the day before the death or disability and then terminated on the date of death or disability. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

(c) Beginning January 1, 2009, to the extent required by Sections 3401(h) and 414(u)(2) of the Internal Revenue Code, an individual receiving differential wage payments (while the individual is performing qualified military service (as defined in Chapter 43 of Title 38, United State *[sic]* Code)) from an employer shall be treated as employed by that employer and the differential wage payment shall be treated as earned compensation. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-1-2; adopted Nov 20, 2009: 20091209-IR-035090927ONA*)

### **Rule 2. Creditable Service**

#### **35 IAC 4-2-1 Re-employment after withdrawal of contributions**

Authority: IC 5-10-5.5-3; IC 5-10.3-3-8

Affected: IC 5-10-5.5-7

Sec. 1. Creditable Service. If a participant in the fund terminates employment prior to accumulating 15 years of service and withdraws his monies in a lump sum he forfeits all service in the Plan. If the former participant is re-employed as an Excise Officer or Conservation Officer he must repay all withdrawn monies to receive credit for the prior service. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-2-1; filed May 9, 1979, 11:31 am: 2 IR 680; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: 20071205-IR-035070818ONA*)

#### **35 IAC 4-2-2 Transfers with public employees retirement fund**

Authority: IC 5-10-5.5-3; IC 5-10.3-3-8

Affected: IC 5-10-5.5-7

Sec. 2. PERF Service. Service as a Conservation Officer, Excise Officer, Gaming Agent, or Gaming Control Officer can be transferred to PERF. Service in PERF cannot be transferred to the Plan except as specifically authorized by statute. Duplicate service

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cannot be granted. *(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-2-2; filed May 9, 1979, 11:31 a.m.: 2 IR 680; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: 20071205-IR-035070818ONA)*

**Rule 3. Retirement Benefits**

**35 IAC 4-3-1 Retirement benefits**

Authority: IC 5-10-5.5-3; IC 5-10.3-3-8

Affected: IC 5-10-5.5-10

Sec. 1. Retirement Benefits. The normal form of benefits is joint and 50% Survivor Benefit. *(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-3-1; filed May 9, 1979, 11:31 am: 2 IR 681; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: 20071205-IR-035070818ONA)*

**Rule 4. Vesting of Benefits**

**35 IAC 4-4-1 Vesting of benefits (Repealed)**

Sec. 1. *(Repealed by Board of Trustees of the Public Employees' Retirement Fund; adopted Nov 9, 2007: 20071205-IR-035070818ONA)*

**35 IAC 4-4-2 Vesting of benefits**

Authority: IC 5-10.3-3-8

Affected: IC 5-10-5.5-22

Sec. 2. Vesting. A participant is vested under this fund upon:

(1) accumulating fifteen (15) years of creditable service; or

(2) for an officer who becomes a participant after becoming fifty (50) years of age, accumulating ten (10) years of creditable service. Pursuant to IC 5-10-5.5-22, officers who become participants after becoming fifty (50) years of age will not be eligible for the DROP until they have accumulated ten (10) years of service.

*(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 4-4-2; adopted Nov 21, 2008: 20090107-IR-035080955ONA)*

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