

Notice of Rulemaking

Please take notice that the Board of Trustees of the Arkansas Public Employees Retirement System, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201 has voted to amend the following regulation:

“REGULATION 220 - 2009- TERMINATION OF COVERED EMPLOYMENT REQUIRED FOR RETIREMENT (as amended in January 2011)

When used in the context of ACA 24-4-520, “terminate covered employment,” shall mean that the employee/employer relationship has been brought to an end and no longer exists in any form, currently or prospectively, between the APERS member and the APERS covered employer. In the case of elected public officials, in addition to the foregoing, they shall have complied with state-law requirements for vacating their office.

Any retiring elected official shall execute an affidavit, along with the local official responsible for certifying that the public office has been vacated, stipulating compliance with this regulation. This affidavit shall be filed with the System at least thirty (30) calendar days prior to the effective date of retirement.

In compliance with ACA 24-4-520(b)(1), when a member who does not have service credit under A.C.A. 24-4-521 at a rate of two (2) or more years credited service for each year of actual service (Act 774) terminates for retirement purposes, they are not eligible to return to employment in any position or capacity with an APERS covered employer within one hundred eighty (180) days of the person’s effective date of retirement, unless said position is covered by another retirement system or is an elected position that has never been covered by APERS. When a member who does have service credit under A.C.A. 24-4-521 at a rate of two (2) or more years credited service for each year of actual service terminates for retirement purposes, they are not eligible to return to employment in any position or capacity with an APERS covered employer within one year from the person’s effective date of retirement, unless said position is covered by another retirement system or is an elected position that has never been covered by APERS. Any prearranged agreement that the member will return to work for any participating employer in any capacity, full-time or part-time (including as a leased employee) before the expiration of the period mandated by A.C.A. 24-4-520(b)(1) shall create a rebuttable presumption that the member has not terminated covered employment.

When a member terminates in compliance with ACA 24-4-520(b)(2) and (3), they are not eligible to return to employment in any position or capacity with an APERS covered employer sooner than thirty (30) days from the commencement of his or her retirement, unless said position is covered by another retirement system or is an elected position that has never been covered by APERS. Any prearranged agreement that the member will return to work for any participating employer in any capacity, full-time or part-time (including as a leased employee) before the expiration of the 30 day period mandated by A.C.A. 24-4-520(b)(2) or (b)(3) shall create a rebuttable presumption that the

member has not terminated covered employment.

Persons failing to terminate covered employment shall forfeit all APERS retirement benefits to the System until the requirements of A.C.A. 24-4-520 and this regulation are met. Failure to meet termination requirements shall not operate to revoke a members' retirement election.

However, those individuals returning to employment in a position covered by another retirement system or having been elected to an office covered by this retirement system should be free to pursue said endeavors without unnecessary restriction.”

REGULATION 220 - 2009- TERMINATION OF COVERED EMPLOYMENT REQUIRED FOR RETIREMENT (as amended in January 2011) advises members and retirees of the procedure to properly terminate employment to receive retirement benefits.

By unanimous vote, the APERS Board of Trustees hereby finds and determines that there exists peril to the public health, safety and welfare of Arkansas citizens who are members of APERS and wish to retire but then decide to return to work for an APERS covered employer. This amendment will allow such individuals to return to work for a covered employer when they properly terminate their prior employment.

Copies of this proposed amendment are available for inspection and copying during normal business hours, 7:30 a.m. to 4:30 p.m., at APERS's principal offices, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201 and written public comment concerning these regulations may be addressed to: Jessica Middleton, Arkansas Public Employees Retirement System, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201. The public hearing on these rules will held be Friday, September 8, 2017, at 10:00 a.m. in the fourth floor conference room in APERS's main offices, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201.