

CHAPTER 353D

AMBULANCE SERVICE PERSONNEL RETIREMENT PLAN

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353D.01 AMBULANCE SERVICE PERSONNEL RETIREMENT PLAN.

Subdivision 1. **Establishment.** The ambulance service personnel retirement plan is administered by the public employees retirement association under supervision of the association board of directors. To assist it in governing the operations of the plan, the board may appoint an advisory committee of not more than seven members who are representative of ambulance service operators and ambulance service personnel.

Subd. 2. **Coverage.** Coverage under the retirement plan is open to basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate. First response personnel and emergency medical service personnel who are currently covered by a public or private pension plan because of their employment or provision of services are not eligible to participate in the plan.

History: 1987 c 372 art 5 s 1

353D.02 ELECTION OF COVERAGE.

Each public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity with eligible personnel may elect to participate in the plan. If a service elects to participate, its eligible personnel may elect to participate or to decline to participate. An individual's election must be made within the latter of 30 days of the service's election to participate or 30 days of the date on which the individual was employed by the service or began to provide service for it. An election by a service or an individual is irrevocable.

History: 1987 c 372 art 5 s 2

353D.03 FUNDING OF PLAN.

A public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate in the plan shall fund benefits for its qualified personnel who individually elect to participate, except that personnel who are paid for their services may elect to make member contributions in an amount not to exceed the service's contribution on their behalf. Ambulance service contributions on behalf of salaried employees must be a fixed percentage of salary. An ambulance service making contributions for volunteer or largely uncompensated personnel may assign a unit value for each call or each period of alert duty for the purpose of calculating ambulance service contributions.

History: 1987 c 372 art 5 s 3

353D.04 CONTRIBUTIONS TO PLAN.

Ambulance service contributions to the plan may be made from any source of funds available to the ambulance service. Contributions must be remitted monthly to the association together with any member contributions paid or withheld during the preceding month. Contributions shall be credited to the individual account of each participating member.

History: 1987 c 372 art 5 s 4

353D.05 INVESTMENT OF FUNDS.

Subdivision 1. **Investment.** Ambulance service contributions, after the deduction of an amount for administrative expenses, and member contributions must be remitted to the state board of investment for investment in the Minnesota supplemental investment fund established by section 11A.17.

Subd. 2. **Investment options.** (a) An individual participant may elect to purchase shares in the income share account, the growth share account, the money market account, the bond market account, or the common stock index account established by section 11A.17, or a combination of those accounts. The participant may elect to purchase shares in a combination of those accounts by specifying the percentage of contributions to be used to purchase shares in each of the accounts.

(b) Twice in a calendar year, a participant may indicate in writing a choice of options for subsequent purchases of shares. Thereafter, until the participant makes a different written indication, the executive director of the association shall purchase shares in the supplemental investment fund or funds specified by the participant. If no initial option is indicated by a participant, the executive director shall invest all contributions made by or on behalf of a participant in the income share account. A choice of investment options is effective no later than the first pay date first occurring more than 30 days after receipt of the written choice of options.

(c) Twice in a calendar year, a participant or former participant may also change the investment options selected for all or a portion of the individual's previously purchased shares. If a partial transfer of previously purchased shares is selected, a minimum of \$500 must be transferred and a minimum balance of \$500 must remain in the previously selected investment option. A change may be made only from one account or a combination of accounts to a single account. A change under this paragraph is effective as soon as cash flow to an account permits, but not later than six months from the requested change.

Subd. 3. **Administrative expenses.** The public employees retirement association may deduct an amount, set annually by the executive director of the association, but not to exceed two percent of ambulance service contributions to the plan, to defray the expenses of the association in administering the plan.

History: 1987 c 372 art 5 s 5

353D.06 REPORTING BY AMBULANCE SERVICES.

The executive director of the public employees retirement association shall prescribe the form of monthly and any other reports required from an ambulance service and the election forms required from ambulance service members. Member forms shall contain names, identification numbers, amount of contribution by and on behalf of each member, and such other data as is required to keep an accurate account of the account value of each participating employee.

History: 1987 c 372 art 5 s 6

353D.07 BENEFITS.

Subdivision 1. **Type of plan; uniformity.** The plan is a defined contribution plan where the benefits payable upon retirement, death, or withdrawal when permitted, are determined by the value of accumulated contributions plus a proportionate share of investment income of the fund credited to each individual account. Each ambulance service shall determine eligibility for participation subject to terms of this act. Eligibility standards must be uniform among all ambulance service personnel of an ambulance service electing to participate.

Subd. 2. **Age; vesting.** Normal retirement age is 50 years. Early retirement is not allowed. Sixty months of service credit are required for vesting of retirement benefits. No minimum period of service is required for vesting of death benefits. Withdrawal of or a retirement benefit based on member contributions plus accrued investment income vests immediately. Upon completion of 60 months of service under the plan

with one or more ambulance services, a participant terminating active service prior to age 50 is entitled to receive the value of the participant's individual account upon or after attaining age 50. An application by or on behalf of the participant must be filed before any payment of benefits may be made.

Subd. 3. Form of benefit. A retirement benefit is payable in a lump sum equal to the value of a participant's account at the date of retirement and may be rolled over into another qualified plan at the option of the member. As an alternative to a lump sum distribution, the member may choose to have the association use the total account value to purchase an annuity payable at a designated age from an insurance company licensed to do business in the state.

Subd. 4. Disability or death. No disability coverage shall be provided by the plan. In the event of the death of an active participant with any credited service or a deferred participant under age 50, the total value of the account shall be paid in a lump sum to the designated beneficiary or, if none, the heirs at law of the decedent.

Subd. 5. Forfeitures. The account value of any participant terminating service prior to acquiring a vested interest or of a participant who dies leaving no designated beneficiary or heirs at law must be returned to the public employees retirement association and credited against future ambulance service contributions by the applicable ambulance service or services after the expiration of two years from the date of termination or death.

History: 1987 c 372 art 5 s 7

353D.08 PORTABILITY.

Qualified ambulance service personnel who change employment or membership among participating ambulance services may continue participation in the plan without penalty or forfeiture after their interest vests. Qualified ambulance service personnel who change employment or membership to a nonparticipating ambulance service are not subject to the forfeiture required by section 353D.07, subdivision 5.

History: 1987 c 372 art 5 s 8

353D.09 TAX QUALIFICATION.

The public employees retirement association shall adopt rules required for administration of the plan. The proposed plan shall be formulated and adopted in accordance with applicable restrictions and standards of the Internal Revenue Code and rulings and regulations of the Internal Revenue Service in order to assure the tax exempt status of the plan as a qualified pension plan. Contributions by ambulance service personnel and by ambulance service operators may be accepted only after approval by the Internal Revenue Service.

History: 1987 c 372 art 5 s 9

353D.10 NOT CONSIDERED A LOCAL PLAN.

The plan is not a local governmental pension plan or fund for purposes of section 356.25.

History: 1987 c 372 art 5 s 10