

## CHAPTER 352D

### STATE UNCLASSIFIED EMPLOYEES RETIREMENT PROGRAM

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#### 352D.01 ESTABLISHMENT.

There is hereby established within the Minnesota State Retirement System a retirement program for certain public employees to be known as the Minnesota unclassified employees retirement program. The program must be administered by the Minnesota State Retirement System.

**History:** 1Sp2005 c 8 art 10 s 30

#### 352D.015 DEFINITIONS.

*[For text of subds 1 and 2, see M.S.2004]*

Subd. 3. **Supplemental investment fund.** "Supplemental investment fund" means the fund established and governed by section 11A.17.

Subd. 4. **General fund.** "General fund" means the general state employees retirement fund except the moneys for the unclassified program.

*[For text of subds 5 to 9, see M.S.2004]*

**History:** 1Sp2005 c 8 art 10 s 31,32

#### 352D.03 TRANSFER OF ASSETS.

Unless an eligible employee enumerated in section 352D.02, subdivision 1, has elected coverage under the individual retirement account plan under chapter 354B, a sum of money representing the assets credited to each employee exercising the option contained in section 352D.02, plus an equal employer contribution together with interest for the employment period at the applicable preretirement interest actuarial assumption rate during this period, compounded annually, must be used for the purchase of shares on behalf of each employee in the accounts of the supplemental retirement fund established by section 11A.17.

**History:** 1Sp2005 c 8 art 10 s 33

#### 352D.05 WITHDRAWAL OPTIONS.

*[For text of subds 1 and 3, see M.S.2004]*

Subd. 4. **Repayment of refund.** (a) A participant in the unclassified program may repay regular refunds taken under section 352.22, as provided in section 352.23.

(b) A participant in the unclassified program or an employee covered by the general plan who has withdrawn the value of the total shares may repay the refund taken and thereupon restore the service credit, rights and benefits forfeited by paying into the fund the amount refunded plus interest at an annual rate of 8.5 percent compounded annually from the date that the refund was taken until the date that the refund is repaid. If the participant had withdrawn only the employee shares as permitted under prior laws, repayment must be pro rata.

(c) Except as provided in section 356.441, the repayment of a refund under this section must be made in a lump sum.

**History:** 1Sp2005 c 8 art 10 s 34

**352D.085 COMBINED SERVICE.**

Subdivision 1. **Combined service.** Except as provided in section 356.30, 356.302, or 356.303, service under the unclassified program for which the employee has been credited with employee shares may be used for the limited purpose of qualifying for benefits under sections 352.115, 352.72, subdivision 1, 352.113, 354.44, 354.45, 354.48, and 354.60. The service also may not be used to qualify for a disability benefit under section 352.113 or 354.48 if a participant was under the unclassified program at the time of the disability. Also, the years of service and salary paid while the participant was in the unclassified program may not be used in determining the amount of benefits.

**History:** 1Sp2005 c 8 art 10 s 35

**352D.09 ADMINISTRATION.**

*[For text of subds 1 to 4, see M.S.2004]*

Subd. 5. **Unclaimed benefits.** If the beneficiary, surviving spouse or estate has not made application for benefits within ten years after the date of the death of a participant, the value of the shares is appropriated to the general state employees retirement fund and the provisions of section 352.12, subdivision 12, govern. If a former participant fails to make a claim for benefits within five years after the termination of covered service or by age 70, whichever is later, the value of the shares is appropriated to the general state employees retirement fund and the provisions of section 352.22, subdivision 8, apply.

*[For text of subds 5a and 7, see M.S.2004]*

**History:** 1Sp2005 c 8 art 10 s 36

**352D.12 TRANSFER OF PRIOR SERVICE CONTRIBUTIONS.**

(a) An employee who is a participant in the unclassified program and who has prior service credit in a covered plan under chapter 352, 353, 354, 354A, or 422A may, within the time limits specified in this section, elect to transfer to the unclassified program prior service contributions to one or more of those plans.

(b) For participants with prior service credit in a plan governed by chapter 352, 353, 354, 354A, or 422A, "prior service contributions" means the accumulated employee and equal employer contributions with interest at an annual rate of 8.5 percent compounded annually, based on fiscal year balances.

(c) If a participant has taken a refund from a retirement plan listed in this section, the participant may repay the refund to that plan, notwithstanding any restrictions on repayment to that plan, plus 8.5 percent interest compounded annually and have the accumulated employee and equal employer contributions transferred to the unclassified program with interest at an annual rate of 8.5 percent compounded annually based on fiscal year balances. If a person repays a refund and subsequently elects to have the money transferred to the unclassified program, the repayment amount, including interest, is added to the fiscal year balance in the year which the repayment was made.

(d) A participant electing to transfer prior service contributions credited to a retirement plan governed by chapter 352, 353, 354, 354A, or 422A as provided under this section must complete a written application for the transfer and repay any refund within one year of the commencement of the employee's participation in the unclassified program.

**History:** 1Sp2005 c 8 art 10 s 37