

**352.75 TRANSFER OF PENSION COVERAGE SAVINGS CLAUSE; INCREASE IN EXISTING ANNUITIES AND BENEFITS.**

Subdivision 1. **Existing employees.** Notwithstanding any law to the contrary, as of July 1, 1978, all active employees of the Transit Operating Division of the former Metropolitan Transit Commission and all employees on authorized leaves of absence from the Transit Operating Division who are employed on July 1, 1978, by a labor organization which is the exclusive bargaining agent representing employees of the Transit Operating Division shall cease to be members of the former Metropolitan Transit Commission-Transit Operating employees retirement fund and shall cease to have any accrual of service credit, rights, or benefits under that retirement fund. After July 1, 1978, those employees become members of the Minnesota State Retirement System, are considered state employees for purposes of this chapter, unless specifically excluded by section 352.01, subdivision 2b, and shall have past service with the Transit Operating Division of the former Metropolitan Transit Commission credited by the Minnesota State Retirement System in accordance with section 352.01, subdivision 11, clause (10). Any employees on authorized leaves of absence from the Transit Operating Division of the former Metropolitan Transit Commission who become employed by the labor organization which is the exclusive bargaining agent representing employees of the Transit Operating Division after July 1, 1978, shall be entitled to be members of the Minnesota State Retirement System under section 352.029.

Subd. 2. **New employees.** All persons first employed by the former Metropolitan Transit Commission as employees of the Transit Operating Division on or after July 1, 1978, are members of the Minnesota State Retirement System and are considered state employees for purposes of this chapter unless specifically excluded under section 352.01, subdivision 2b.

Subd. 3. **Existing retired members and benefit recipients.** As of July 1, 1978, the liability for all retirement annuities, disability benefits, survivorship annuities, and survivor of deceased active employee benefits paid or payable by the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund is transferred to the Minnesota State Retirement System, and is no longer the liability of the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund. For persons receiving benefits as survivors of deceased former retirement annuitants, the benefits must be considered as having commenced on the date on which the retirement annuitant began receiving the retirement annuity.

Subd. 4. **Existing deferred retirees.** Any former member of the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund is entitled to a retirement annuity from the Minnesota State Retirement System if the employee:

(1) is not an active employee of the Transit Operating Division of the former Metropolitan Transit Commission on July 1, 1978; (2) has at least ten years of active continuous service with the Transit Operating Division of the former Metropolitan Transit Commission as defined by the former Metropolitan Transit Commission-Transit Operating Division employees retirement plan document in effect on December 31, 1977; (3) has not received a refund of contributions; (4) has not retired or begun receiving an annuity or benefit from the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund; (5) is at least 55 years old; and (6) submits a valid application for a retirement annuity to the executive director of the Minnesota State Retirement System.

The person is entitled to a retirement annuity in an amount equal to the normal old age retirement allowance calculated under the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund plan document in effect on December 31, 1977,

subject to an early retirement reduction or adjustment in amount on account of retirement before the normal retirement age specified in that former Metropolitan Transit Commission-Transit Operating Division employees retirement fund plan document.

The deferred retirement annuity of any person to whom this subdivision applies must be augmented. The required reserves applicable to the deferred retirement annuity, determined as of the date the allowance begins to accrue using an appropriate mortality table and an interest assumption of five percent, must be augmented by interest at the rate of five percent per year compounded annually from January 1, 1978, to January 1, 1981, three percent per year compounded annually from January 1, 1981, until the date that the annuity begins to accrue or January 1, 2012, whichever is earlier, and two percent after December 31, 2011, to the first day of the month in which the annuity begins to accrue. After the commencement of the retirement annuity, the annuity is eligible for postretirement adjustments under section 356.415. On applying for a retirement annuity under this subdivision, the person is entitled to elect a joint and survivor optional annuity under section 352.116, subdivision 3.

**Subd. 5. Savings clause for certain existing employees.** Any person who is a member of the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund on July 1, 1978, is entitled to retain past and prospective rights under the retirement benefit formula, normal retirement age, and early reduced retirement age provisions of the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund plan document in effect on July 1, 1978, in lieu of the provisions in sections 352.115; 352.116; 352.22, subdivisions 3 to 11; and 356.30.

**Subd. 6. Increase in existing annuities and benefits.** All persons receiving retirement allowances or annuities, disability benefits, survivorship annuities and survivor of deceased active employee benefits from the former Metropolitan Transit Commission-Transit Operating Division employees retirement fund on December 31, 1977, and on July 1, 1978, are entitled to have the allowances, annuities, or benefits increased by an amount equal to \$20 per month. Increases in payments under this subdivision must be made automatically unless the intended recipient files written notice with the executive director of the Minnesota State Retirement System requesting that the increase not be made. If any actuarial reduction or adjustment was applied to the retirement allowance or annuity, disability benefit, survivorship annuity, or survivor of deceased active employee benefit, the increase specified in this subdivision must be similarly reduced or adjusted. Upon the death of any person receiving an annuity or benefit if the person elected a joint and survivor optional annuity the survivor is entitled to the continued receipt of the increase provided for under this subdivision, but the increase must be reduced or adjusted in accordance with the optional annuity election.

**History:** 1978 c 538 s 8-10; 1980 c 607 art 14 s 35,45 subd 2; 1981 c 224 s 56; 1987 c 229 art 6 s 1; 1994 c 628 art 3 s 29; 1996 c 305 art 1 s 75; 2009 c 169 art 1 s 16,17; 2010 c 359 art 1 s 9