

**CHAPTER 15. UNIFORM RETIREMENT SYSTEM
FOR JUSTICES AND JUDGES**

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[Authority: 20 O.S., §§ 1101 et seq.]

[Source: Codified 12-27-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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[Source: Codified 5-25-06]

590:15-1-1. Purpose

The rules of this Chapter have been adopted to establish policies and procedures for implementing and administering the Uniform Retirement System for Justices and Judges. The Board of Trustees of the Oklahoma Public Employees Retirement System shall be responsible for the general oversight of the Judicial System and shall generally manage the two Systems in the same manner, except where the statutes or rules specifically provide otherwise.

[Source: Amended at 22 Ok Reg 131, eff 10-06-04 (emergency); Amended at 22 Ok Reg 1363, eff 5-26-05]

590:15-1-2. Administration

(a) The Oklahoma Public Employees Retirement System shall administer the Uniform Retirement System for Justices and Judges, in accordance with the provisions outlined in Title 20 O.S. Section 1101 et seq., as amended, and will coordinate with the Administrative Director of the Courts in the administration of the Uniform Retirement System for Justices and Judges.

(b) The Administrative Director of the Courts shall remit all required court and employee contributions on a monthly basis. All required contributions and supporting documentation must be received by the System on or before the fifteenth (15th) day of the month following the month for which the contributions are due. The Administrative Director of the Courts will be assessed a late charge of 1.5% for any contributions remitted later than 30 days following the due date. The late charge will be calculated on the unpaid balance and will compound monthly until paid.

[Source: Amended at 22 Ok Reg 131, eff 10-06-04 (emergency); Amended at 22 Ok Reg 1363, eff 5-26-05]

590:15-1-3. Withholding

The Executive Director shall be responsible for withholding Federal and State income taxes from benefits paid by the Uniform Retirement System for Justices and Judges, unless election is made to make an estimated tax payment directly to the IRS and the Oklahoma Tax Commission. Alternatives are available to retirants for withholding purposes.

590:15-1-4. Average monthly salary and maximum compensation

(a) For any Justice or Judge retiring prior to June 30, 2004, average monthly salary shall be computed averaging the last thirty-six (36) consecutive months of salary received as an active Judge or Justice. Partial months will be included in the average.

(b) For any Justice or Judge retiring after June 30, 2004, average monthly salary shall be calculated as follows:

(1) The highest thirty-six (36) months of salary, excluding longevity payments, received as a Justice or Judge will be determined and totaled;

(2) If applicable, the three (3) highest annual longevity payments upon which retirement contributions have been paid will be added to the sum of the highest thirty-six (36) months of salary. If a Justice or Judge is scheduled to receive a prorated longevity payment at or near the effective date of retirement, the prorated longevity payment will be used only in the amount actually paid for which contributions are withheld and if it is one of the three (3) highest longevity payments;

(3) Average monthly salary will be determined by adding the total of the highest thirty-six (36) months of salary to the highest three (3) longevity payments if applicable, and dividing by thirty-six (36). This calculation is illustrated by the following formula:
Total of Thirty-six Months of Highest Salaries + Three Highest Longevity Payments ÷ 36
= Average Monthly Salary;

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(c) The monthly benefit amount shall be determined by multiplying four percent (4%) of the average monthly salary by the total number of years of credited service, provided the monthly benefit may not exceed one hundred percent (100%) of the average monthly salary calculated in subsection (b) of this rule.

(d) Except for errors in contribution or service, any amounts of compensation reported to the System as salary prior to June 30, 2004, and for which retirement contributions were paid may be used in the calculations provided in this rule.

(e) Effective for plan years beginning after December 31, 2001, the maximum compensation level for retirement purposes shall not exceed \$200,000. This limit shall be adjusted for cost-of-living increases in accordance with section 401(a)(17)(B) of the Internal Revenue Code. The cost-of-living adjustment in effect for a calendar year applies to compensation for the determination period that begins with or within such calendar year. The determination period is the plan year beginning July 1 through June 30. For retirement purposes in plan years beginning after December 31, 2001, the maximum compensation level for determination periods beginning before January 1, 2002, shall be \$200,000 provided all required contributions have been made on that salary.

[Source: Amended at 12 Ok Reg 3245, eff 7-27-95; Amended at 12 Ok Reg 3664, eff 9-1-95 through 7-14-96 (emergency); Amended at 13 Ok Reg 3331, eff 7-25-96; Amended at 19 Ok Reg 744, eff 12-20-01 (emergency); Amended at 19 Ok Reg 1479, eff 5-28-02; Amended at 22 Ok Reg 131, eff 10-06-04 (emergency); Amended at 22 Ok Reg 1363, eff 5-26-05]

590:15-1-5. Final benefit and Death benefit

(a) The retirement benefit payable for the month of death of a member or survivor shall be payable to said member or survivor, whichever is applicable. In the event the final benefit is returned to the System or is not otherwise paid, said benefit will be paid to the member's estate or survivor's estate, whichever is applicable.

(b) The four thousand dollars (\$4,000) death benefit available for any retired member who dies on or after July 20, 1987, shall be payable to the beneficiary listed by the member or to the member's estate. This beneficiary designation is not affected by any designation of joint-annuitant, deferred compensation beneficiary or insurance beneficiary, unless otherwise specifically designated in writing by member. For any retired member who died on or after July 1, 1999, the death benefit amount shall be five thousand dollars (\$5,000).

[Source: Amended at 12 Ok Reg 3245, eff 7-27-95; Amended at 17 Ok Reg 609, eff 12-2-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3183, eff 7-27-00; Amended at 22 Ok Reg 131, eff 10-06-04 (emergency); Amended at 22 Ok Reg 1363, eff 5-26-05; Amended at 23 Ok Reg 1485, eff 5-25-06]

590:15-1-6. Revoking survivor benefits [REVOKED]

[Source: Amended at 17 Ok Reg 609, eff 12-2-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3183, eff 7-27-00; Revoked at 23 Ok Reg 1485, eff 5-25-06]

590:15-1-7. Refund of survivor contributions [REVOKED]

[Source: Revoked at 17 Ok Reg 609, eff 12-2-99 through 7-14-00 (emergency); Revoked at 17 Ok Reg 3183, eff 7-27-00]

590:15-1-8. Re-entry after revocation [REVOKED]

[Source: Revoked at 17 Ok Reg 609, eff 12-2-99 through 7-14-00 (emergency); Revoked at 17 Ok Reg 3183, eff 7-27-00]

590:15-1-9. Actuarial cost for purchases

Effective January 1, 1991, all purchases of service credit pursuant to 20 O.S. §1103G., shall be based upon the actuarial cost of the incremental projected benefits to be purchased.

- (1) The actuarial cost and any tables formulated for the purpose of determining such cost, shall be based on the actuarial assumptions utilized in the actuarial valuation report for the Fiscal Year ending June 30 of the prior year.
- (2) The actuarial value shall be based upon the member's age, salary and contribution level at the time of purchase, together with the earliest age for retirement with maximum benefits and actuarially assumed salary at the time of retirement. If purchase is not made by the due date on the billing statement, the purchase must be recalculated and the actuarial cost may increase.
- (3) For purposes of determining this actuarial cost, the member's age shall be rounded up or down to the nearest birthday.
- (4) For purposes of determining this actuarial cost, the mortality tables shall be formulated as a unisex table assuming a 50% male and a 50% female population, based upon the actuarial assumptions in subsection (1) of this Section.
- (5) In the event a member who chooses to purchase service has been employed less than twelve (12) months, his salary shall be averaged based upon the most current months payroll information.
- (6) In the event that the actuarial cost is less than the contributions that would have been required by law, the member and/or the employer shall pay the actual contributions cost.

[Source: Amended at 12 Ok Reg 3245, eff 7-27-95]

590:15-1-10. Purchase price payments

- (a) An active member of the System may elect the payment of the actuarial purchase price, the repayment of a previous withdrawal, or any other purchase or repayment permitted and authorized by the statutes governing the System, to be amortized in monthly installments to the extent allowed by law.

(1) A payment schedule may be established allowing the member to make monthly payments through payroll deductions by the member's employer if the employer agrees to make the deductions and remit payments to the System. Payments remitted by an employer for its employees must be kept separate from employer's regular retirement contributions or any other payments to the System including Deferred Compensation. Such payments do not qualify as "pre-tax" contributions under "employer pick-up" provisions of Section 414(h) of the Internal Revenue Code.

(2) The installment payment schedule provided for in this section must be in monthly increments not to exceed sixty (60) months. The minimum total monthly payment is \$25.00. The member shall be responsible for maintaining the payment schedule. The payment due date will be based on the payroll schedule set by the member's employer. An installment not paid within sixty (60) days of the due date will result in termination of the installment payment schedule with the member given the option of paying the balance of the actuarial cost or receiving partial credit for payments made under the installment schedule as provided for in subsection (4) of this section.

(3) The monthly payment will be determined by amortizing the total amount due for the service to be purchased over the period of the installment schedule using an interest rate equal to the actuarially assumed interest rate adopted by the Board of Trustees for investment earnings for the year in which the payment schedule is commenced.

(4) Except as provided in subsection (8) of this section, if the installment payment is terminated for any reason, including termination of employment, death of the member or by cessation of payments, the member or the beneficiary of the member will have the option of paying the remaining balance within six (6) months. If the balance is not paid, the member will receive credit for service prorated for only the principal amount paid and rounded to the last full month paid for. No refunds will be paid to the member.

(5) Credit for service purchased on an installment schedule will not be added to the member's account until the entire balance is paid, except as provided for in subsection (4) of this section. All payments must be completed in the month prior to the effective retirement date of the member. If any member or beneficiary elects to pay the balance during the six (6) month period provided for in Subsection (4) of this Section, no benefits will be payable until the completion of said six (6) month period, or receipt of a signed waiver. In no event will retroactive benefit payments be made, and the effective retirement date will be adjusted to the first day of the month following the completion of payments or receipt of waiver.

(6) Payments may be made directly to the System by the member or beneficiary if the member is in an unpaid leave status, if the payroll is not sufficient to handle the entire payment, in the event of payroll error where employer fails to withhold the proper amount or during the six (6) month period referred to in subsection (4) of this Section.

(7) Except as provided in subsection (8) of this section, if the purchase is terminated for any reason, the purchase cannot be made at anytime in the future, following the six (6) month option referred to in Subsection (4) of this Section. By failing to complete this purchase, the member or beneficiary forfeits the right to the purchase at any other time.

(8) If the installment payment for the repayment of a previous withdrawal is terminated for any reason, the member, upon returning to employment and meeting the

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eligibility requirements for membership, may pay the remaining principal balance at any time prior to the month of the effective retirement date. The total due shall be the unpaid principal balance, plus interest pursuant to 20 O.S. § 1103C, calculated from the date of the last installment payment received and paid in a one-time lump sum amount.

(b) Effective January 1, 2002, in lieu of installment payments, an active member may elect to make the payment of the actuarial purchase price, or any other eligible purchase or repayment permitted and authorized by the statutes governing the System by use of a direct trustee to trustee transfer from a 457 deferred compensation plan or a 403(b) tax sheltered annuity program.

(c) Effective January 1, 2002, in lieu of installment payments or a direct transfer, an active member may elect to make the payment of the actuarial purchase price, repayment of a previous withdrawal, or any other eligible purchase or repayment permitted and authorized by the statutes governing the System by a rollover. The payment may be made by participant rollover contributions and/or direct rollovers of eligible rollover distributions made after December 31, 2001, from the following:

- (1) a qualified plan described in section 401(a) or 403(a) of the Internal Revenue Code;
- (2) an annuity contract described in section 403(b) of the Internal Revenue Code;
- (3) an eligible plan under section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; or
- (4) a participant rollover contribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code that is eligible to be rolled.

[Source: Added at 12 Ok Reg 3245, eff 7-27-95; Amended at 17 Ok Reg 609, eff 12-2-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3183, eff 7-27-00; Amended at 19 Ok Reg 744, eff 12-20-01 (emergency); Amended at 19 Ok Reg 1479, eff 5-28-02; Amended at 25 Ok Reg 1006, eff 5-11-08; Amended at 26 Ok Reg 956, eff 4-25-09]

590:15-1-11. Maximum benefits

Benefits payable from the System may not exceed the maximum benefits specified by Section 415(b) of the federal Internal Revenue Code. In Order to meet the requirements of Section 415(b)(2)(E)(v) of the federal Internal Revenue Code, the System shall use the applicable mortality table specified in Rev. Rul. 95-6, 1995-1 C.B. 80.

[Source: Added at 18 Ok Reg 551, eff 12-28-00 through 7-14-01 (emergency); Added at 18 Ok Reg 3264, eff 7-26-01]

590:15-1-12. Rollovers

A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to Section 401(a)(31) of the federal Internal Revenue Code.

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[Source: Added at 18 Ok Reg 551, eff 12-28-00 through 7-14-01 (emergency); Added at 18 Ok Reg 3264, eff 7-26-01]

590:15-1-13. Survivor distributions

If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

[Source: Added at 18 Ok Reg 551, eff 12-28-00 through 7-14-01 (emergency); Added at 18 Ok Reg 3264, eff 7-26-01]

590:15-1-14. Direct deposit

(a) For members or survivors retiring prior to July 1, 2001, a Retirant or survivor may authorize the Uniform Retirement System for Justices and Judges to deposit their monthly retirement benefit directly to a checking or savings account in a bank, Credit Union and/or Savings and Loan by electronic fund transfer or by paper check. Application for direct deposit will only be accepted on properly completed forms provided by URSJJ. Prior to June 30, 2001, the direct deposit may be discontinued at any time upon thirty (30) days' written notice by the member, survivor or URSJJ. After July 1, 2001, if the electronic fund transfer creates an undue hardship on the retiree or survivor, the direct deposit may be discontinued only if the member or survivor makes application to the Executive Director to request a waiver of this requirement. The waiver will be granted only upon good cause shown when it is determined to be in the best interest of the member or survivor. The Executive Director, at his or her sole discretion, may also waive this requirement when it is necessary in the best interest of the System to do so.

(b) Effective July 1, 2001, newly retired members or survivors shall be required to receive monthly benefit payments via electronic fund transfers to a banking or financial institution designated by the member or survivor. The retiree or survivor and receiving institution must complete the form prescribed for this purpose by URSJJ. In the event the electronic fund transfer creates an undue hardship on the retiree or survivor, the member or survivor may make application to the Executive Director to request a waiver of this requirement. The waiver will be granted only upon good cause shown when it is determined to be in the best interest of the member or survivor. The Executive Director, at his or her sole discretion, may also waive this requirement when it is necessary in the best interest of the System to do so.

[Source: Added at 18 Ok Reg 3264, eff. 7-26-01; Amended at 19 Ok Reg 744, eff 12-20-01 (emergency); Amended at 19 Ok Reg 1479, eff 5-28-02]

590:15-1-15. Salary for retirement purposes [REVOKED]

[Source: Added at 20 Ok Reg 2867, eff 8-4-03 (emergency); Revoked at 21 Ok Reg 38, eff 9-17-03 (emergency)]

590:15-1-16. Longevity and other annual lump-sum payments [REVOKED]

[Source: Added at 20 Ok Reg 2559, eff 07-11-03; Revoked at 20 Ok Reg 2810, eff 6-19-03 (emergency); Revoked at 21 OK Reg 1759, eff 6-11-04]

590:15-1-17. Military service credit

(a) Any active member who joined the System on or before June 30, 2000, can receive up to five (5) years of prior military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service.

(b) Any active member who joined the System on or after July 1, 2000, can purchase up to five (5) years of prior military service credit for periods as defined in paragraph 23 of Section 902 of Title 74 of the Oklahoma Statutes. The service must be active military service and the member must have been honorably discharged. The member must submit an application for military service credit and provide a copy of his or her DD214 form or other similar documentation clearly showing dates, types and places of service. The member must make payment in the amount determined by the Board pursuant to Section 1103G of Title 74 of the Oklahoma Statutes and 590:15-1-9. This purchase may be amortized over sixty (60) months as provided for in 590:15-1-10.

(c) Military service credit will be credited or purchased in full months only. The initial month of military service will be accepted only if the service began on or before the 15th day of the month. The final month of military service will be accepted only if the service was completed on or after the 16th day of the month.

(d) Members who joined the System on or after July 1, 2003, can make the purchase set forth in paragraph (b) of this rule only if the member has not received credit for the same period of military service for retirement from another retirement system created pursuant to the Oklahoma Statutes. For such members, the military credit shall be granted or purchased in the retirement system from which the member retires first. In the event such a member fails to disclose a previous grant or purchase of military credit, the purchase will be voided, his or her service credit will be adjusted to remove the military service credit and only the purchase price shall be returned to the member.

(e) It is the responsibility of the member wishing to receive or purchase military service credit to complete the application provided by the System for this purpose and to provide all documentation necessary to support the application. Military service will not be credited until all required documentation is provided by the member to the System, the System has approved the grant or purchase and any required payments are made.

(f) Retired members who are not credited with military service prior to or at the time of retirement may make application for the credit at any time. After approval by the System, the military service credit will be added to the member's record and increased retirement benefits, if any, as a result of the addition of the military service credit, shall begin with the first month following said approval. Retroactive payments will not be made under any circumstances.

(g) Members who served in the Armed Forces of the United States during a war or combat military operation other than World War I, World War II, the Korean War, the Vietnam War or the Gulf War as provided in Section 902 (23) of Title 74 of the Oklahoma Statutes, may be eligible to purchase or receive military service credit for the period of time that he or she actually served in an area of responsibility for a war or combat military operation which lasted for a period of at least ninety (90) days. It is the responsibility of the member to provide sufficient documentation to support his or her eligibility for this credit as requested by the System, including, but not limited to, documents showing specific service areas and times.

(h) The provisions for granting or purchasing military service credit shall be in addition to any contributions, benefits and service credit with respect to qualified military service in accordance with Section 414 (u) of the Internal Revenue Code of 1986.

[Source: Added at 21 Ok Reg 1759, eff 6-11-04; Amended at 22 Ok Reg 131, eff 10-06-04 (emergency); Amended at 22 Ok Reg 1363, eff 5-26-05]

SUBCHAPTER 3. EXCESS CONTRIBUTIONS

Section

- 590:15-3-1. Purpose and intent
- 590:15-3-2. Definitions
- 590:15-3-3. Transfer of excess contributions
- 590:15-3-4. Limitations on transfer of excess contributions
- 590:15-3-5. Initial and residual transfers
- 590:15-3-6. Deceased Eligible Members

[Source: Codified 5-25-06]

590:15-3-1. Purpose and intent

By adoption of the rules set out in this Subchapter, the Board represents that:

- (1) With respect to the transfer of certain Excess Contributions which represent the additional three percent (3%) spousal contributions from the System to the Incentive Plan, the Board intends to comply in all respects with the tax qualification requirements for governmental plans applicable to such refunds or transfers as specified in the Internal Revenue Code of 1986, as amended from time to time and as applicable to governmental plans and the relevant regulatory provisions and guidance related thereto ("Tax qualification requirements").
- (2) The procedures in this Subchapter will not be implemented until the Board has received a favorable private letter ruling from the Internal Revenue Service that the transfers described in this Subchapter satisfy the tax qualification requirements.
- (3) In administering this Subchapter, the Board will comply with the legislative intent as contained in the Transfer Legislation.

[Source: Added at 23 Ok Reg 107, eff 10-3-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]

590:15-3-2. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Board of Trustees of the Oklahoma Public Employees Retirement System which administers the Uniform Retirement System for Justices and Judges.

"Code" means the Internal Revenue Code of 1986, as amended from time to time and as applicable to governmental plans and the relevant regulatory provisions and guidance related thereto.

"Eligible Member" means a member of the System who was an active participating justice or judge and a single unmarried individual on September 1, 2005, and who, prior to September 1, 2005, made the additional three percent (3%) spousal contributions pursuant to statutes in effect at that time, provided such additional spousal contributions have not been previously refunded by the System.

"Excess Contributions" means the additional three percent (3%) spousal contributions for a survivor benefit made by an Eligible Member while the member was married, but who is unmarried on September 1, 2005, and which contributions remain on deposit with the System as of the date of the transfer, and includes both Pre-tax Excess Contributions and Post-tax Excess Contributions.

"Incentive Plan" means the Oklahoma State Employees Deferred Savings Incentive Plan, which is a qualified plan under Code Section 401(a).

"Post-tax Excess Contributions" means the Excess Contributions which were employee contributions and which were not picked up by the employer under the provisions of Code Section 414(h)(2).

"Pre-tax Excess Contributions" means the Excess Contributions which were picked up by the employer under the provisions of Code Section 414(h)(2).

"Private Letter Ruling" means the private letter ruling issued by the Internal Revenue Service to the Board.

"System" means the Uniform Retirement System for Justices and Judges.

"Transfer Legislation" means Enrolled House Bill 1858 of the 1st Session of the 50th Legislature, as it amends Section 1102A of Title 20 of the Oklahoma Statutes.

[Source: Added at 23 Ok Reg 107, eff 10-2-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]

590:15-3-3. Transfer of excess contributions

On or about September 1, 2005, the Board will implement the following procedures for the transfer of the excess contributions:

- (1) The Board shall cause to be sent an Application for Transfer of Excess Contributions to each member that appears to be an Eligible Member. The Application for Transfer of Excess Contributions will contain the following:

- (A) An election to transfer the excess contributions or to waive the transfer and retain the option to elect at retirement a survivor benefit;
 - (B) A statement that by making the election to transfer the excess contributions, an Eligible Member forfeits any rights to future survivor benefits of any kind from the System;
 - (C) The amount of the contributions to be transferred;
 - (D) A statement that the Application for Transfer of Excess Contributions must be received by the System on or before December 1, 2005;
 - (E) A statement that failure to sign and return the Application for Transfer of Excess Contributions results in the Eligible Member waiving the option to make the transfer and such waiver is irrevocable; and
 - (F) A statement that the election to transfer the excess contributions shall not take effect until the Board receives official written notice that this distribution satisfies the tax qualification requirements for governmental plans applicable to such transfers as specified in the Internal Revenue Code.
- (2) In the event an Eligible Member disputes the amount of transfer as set forth in the Application for Transfer of Excess Contributions, the Eligible Member shall provide a written objection to the Board within 30 days of the date the Application for Transfer of Excess Contributions was mailed to the Eligible Member. The objection shall set forth the basis for the objection, including the specific error and the amount the Eligible Member believes is correct. The Board shall respond to the complaint within 30 days of receipt. If the Eligible Member is aggrieved by the decision, the exclusive remedy is through the administrative hearing procedures as provided in 590:1-1-6.
- (3) The Board will direct that the Excess Contributions are transferred to the Incentive Plan or maintained in the System as stated in the Application for Transfer of Excess Contributions.

[Source: Added at 23 Ok Reg 107, eff 10-3-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]

590:15-3-4. Limitations on transfer of excess contributions

- (a) The Pre-tax Excess Contributions that are transferred to the Incentive Plan may not exceed the limitations on annual additions imposed by Code Section 415(c).
- (b) The Post-tax Excess Contributions that are transferred to the Incentive Plan have already been tested against the limitations imposed by Code Section 415(c) as mandatory employee contributions to a defined benefit plan and therefore will not be tested again.

[Source: Added at 23 Ok Reg 107, eff 10-3-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]

590:15-3-5. Initial and residual transfers

- (a) The initial transfer of Excess Contributions shall include all Eligible Members who elected to transfer their Excess Contributions and who did not object to the transfer amount. If an Eligible Member objects to the transfer amount and the objection is not resolved by the date

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of the initial transfer, the Excess Contributions shall not be included in the initial transfer. The Board shall provide for a residual transfer date to occur at least one year following the initial transfer date.

(b) An Eligible Member of the System who has Excess Contributions in the Plan but was not identified or included in the initial transfer must notify the System within one year of date of the initial transfer to request the transfer of the Excess Contributions as part of the residual transfer. The final transfer of all Excess Contributions shall occur at the time of the residual transfer at least one year following the initial transfer date.

[Source: Added at 23 Ok Reg 107, eff 10-3-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]

590:15-3-6. Deceased Eligible Members

In order for the election for transfer to be effective, an Eligible Member must be living at the time the Board receives official written notice from the Internal Revenue Service that this distribution satisfies the tax qualification requirements for governmental plans applicable to such transfers as specified in the Internal Revenue Code. If an Eligible Member dies after the Board receives such official written notice, but before the actual transfer, the Excess Contributions shall be transferred to the Incentive Plan in the same manner as if the Eligible Member were not deceased. Once transferred to the Incentive Plan, distribution shall be governed by the Incentive Plan provisions as provided in 590:35-13-5 and 590:35-13-6. If an Eligible Member dies prior to the Board receiving such official written notice, the Eligible Member's election shall be deemed invalid and shall not be accepted by the System.

[Source: Added at 23 Ok Reg 107, eff 10-3-05 (emergency); Added at 23 Ok Reg 1485, eff 5-25-06]