

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

SUBCHAPTER 1. GENERAL PROVISIONS

590:10-1-15. Hazardous Duty Members [REVOKED]

~~Hazardous Duty Members are considered to be those members who participate in hazardous duty employment with a participating employer and who are authorized by law to participate in a special benefit structure within the System, wherein the Hazardous Duty Member makes a higher employee contribution than regular employee members and is eligible for specified retirement benefits after 20 years of service as a Hazardous Duty Member. Hazardous Duty Member shall also include any Post Hazardous Duty Member who continues to make the higher required contributions following a promotion on or after July 1, 2004, to a non-hazardous duty position within the Department of Corrections as provided in Subchapter 8 of these rules.~~

590: 10-1-23. Transferred employees-board of trustees for the Quartz Mountain Arts and Conference Center

An employee of the board of trustees for the Quartz Mountain Arts and Conference Center who is transferred to the Oklahoma Tourism and Recreation Department pursuant to 74 O.S. Section 2229.1B who is a member of the Oklahoma Teachers Retirement System or the Oklahoma Law Enforcement Retirement system may elect to remain a member of the applicable system or may elect to participate in the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable under the laws and rules governing those systems. The election to participate in the Oklahoma Teachers Retirement System, the Oklahoma Law Enforcement Retirement System or the OPERS-administered systems shall be made with the applicable system not later than November 1, 2020. If no election is made, the employee shall become a member of the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable.

SUBCHAPTER 7. RETIREMENT BENEFITS

590:10-7-19. Required minimum distributions

(a) The retirement system will pay all benefits in accordance with a good faith interpretation of the requirements of Section 401(a)(9) of the Internal Revenue Code and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code. The retirement system is subject to the following provisions:

- (1) Distribution of a member's benefit must begin by the required beginning date, which is the later of the April 1 following the calendar year in which the member attains age ~~70~~ 72 or such other date as may permitted by the federal Internal Revenue Code or April 1 of the year following the calendar year in which the member terminates. If a member fails to apply for retirement benefits by the later of either of those dates, the Board shall begin distribution of the monthly benefit as required by this rule in the form provided in 74 O.S. §901 et seq.

- (2) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary.
- (3) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.
- (4) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:
 - (A) distributed (in accordance with federal regulations) over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year following the calendar year of the member's death (or, if the designated beneficiary is the member's surviving spouse, beginning no later than the date on which the member would have attained age ~~70 1/2~~ 72 or such other date as may be permitted by the federal Internal Revenue Code), or
 - (B) distributed within five (5) years of the member's death.
- (5) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.
- (6) The death and disability benefits provided by the retirement system are limited by the incidental benefit rule set forth in Section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed twenty-five percent (25%) of the cost for all of the members' benefits received from the retirement system.
- (b) Notwithstanding the other provisions of this rule or the provisions of Treasury Regulations, benefit options may continue so long as the option satisfies Section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that section.
- (c) The retirement system shall make reasonable efforts to locate missing members, survivors and beneficiaries in order to comply with the required minimum distribution provisions of Section 401(a)(9). Reasonable efforts may include using any contact information the retirement system may have available for a member or any type of locator service.

SUBCHAPTER 17 - STEP-UP ELECTION AND BENEFITS

590:10-17-9. Step-Up decision [REVOKED]

~~Each participating member must evaluate his or her individual circumstances in order to determine whether participation in the Step-Up is appropriate. The System cannot provide advice or calculations for the member regarding the member's decision whether to make the Step-Up election or the timing of that election.~~

SUBCHAPTER 19 - MEDICARE GAP BENEFIT OPTION

590:10-19-10. Pop-up of the Medicare Gap Benefit [REVOKED]

~~In the event of the death of the named joint annuitant after the member's retirement date and election of the Medicare Gap Benefit option, the member shall provide the System with a copy~~

~~of the joint annuitant's death certificate as notice of said death. The member's benefit will "pop-up" to reflect the amount of the original unreduced benefit the member would have been entitled to for both the Pre-Medicare and Post-Medicare-Benefit payments absent the selection of an Option A or B. The "pop-up" increase becomes effective the first day of the month following the death of the joint annuitant, provided the member has given notice of said death. Retrospective "pop-up" benefits are limited to a maximum of six (6) months.~~