

CHAPTER 353

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

353.01 DEFINITIONS.

HISTORY. 1931 c. 307 s. 1; 1933 c. 374 s. 1; 1937 c. 466 s. 1; M. Supp. s. 254-23; 1941 c. 285 s. 1; 1945 c. 78 s. 1.

Judge of district court is not an employee and may not become a member. 1934 OAG 682, March 25, 1933 (141d).

Being under state control, the public employees retirement assn. must furnish a budget. OAG Aug. 8, 1933.

Employees of special school districts come under jurisdiction of the law. OAG March 28, 1935 (331b-1).

A city that has not adopted provisions of this act cannot grant pensions to old employees. OAG March 21, 1938 (59a-33).

An employee who was employed by a city prior to passage of resolution is a "present public employee" even though hired on a yearly basis under a contract renewed each year. OAG March 6, 1939 (331b).

A public employee is not barred from membership in the association by reason of possible profits from some other form of annuity or pension system not connected with his present employment, or by reason of membership in another association. OAG May 23, 1931.

The "head of any department" means any official of the city on whose certificate the city clerk is authorized to issue a warrant in payment of salary. OAG June 10, 1931.

District court reporters in service on April 24, 1931, or those who have entered service since that date are public employees. OAG June 15, 1935 (331b).

Public employees defined. 1942 OAG 116, March 27, 1941 (331B-1).

Employees of county welfare board. 1942 OAG 117, Nov. 25, 1942 (331B-1).

The superintendent of schools of a county district is not under this act. OAG May 9, 1944 (768K).

Deductions should be made from the employee temporarily employed "during the war" as he may become a permanent employee. OAG Aug. 17, 1944 (331b-1).

Members of a school board who receive a regular stated salary of \$300.00 or more are included. OAG Aug. 26, 1944 (331b-1).

Except for those who are employed less than six months each year anyone on the payroll earning \$300.00 per year or more must permit deductions to be made. OAG Aug. 17, 1944 (331b-1).

353.02 PUBLIC EMPLOYEES RETIREMENT ASSOCIATION ESTABLISHED.

HISTORY. 1931 c. 307 s. 2; 1933 c. 374 s. 1; 1935 c. 106 s. 1; 1937 c. 466 s. 2; M. Supp. s. 254-24; 1941 c. 285 s. 2.

Elective officers at their option may or may not join the association. OAG June 10, 1931.

Having once elected to become a member, the elective public official cannot withdraw. OAG Aug. 3, 1933.

Applications for membership may be accepted within two years after elected public official first assumes office. OAG May 15, 1936 (605b-30).

Persons eligible to other pension associations may not waive their rights and thereby become eligible under this act. 1942 OAG 115, April 30, 1942 (331b-1).

A county physician on salary became a member of the association and so remained after he was elected coroner. OAG June 19, 1944 (331b.3).

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353.03 BOARD OF DIRECTORS.

HISTORY. 1931 c. 307 s. 3; M. Supp. s. 254-25.

353.04 RETIREMENT FUND.

HISTORY. 1931 c. 307 s. 4; 1933 c. 374 s. 1; M. Supp. s. 254-26; 1941 c. 285 s. 3; 1943 c. 167 s. 1.

Departments must furnish pay-roll records or their equivalent to the association and must permit inspection of their records. OAG July 7, 1939 (331b).

Members of the county welfare board are public employees within the definition found in Section 353.01. The county board determines whether or not the county comes within the provisions of the act. 1942 OAG 117, Nov. 25, 1942 (331B-1).

353.05 STATE TREASURER CUSTODIAN OF FUNDS.

HISTORY. 1931 c. 307 s. 5; M. Supp. s. 254-27.

353.06 STATE BOARD OF INVESTMENT TO INVEST FUNDS.

HISTORY. 1931 c. 307 s. 6; M. Supp. s. 254-28.

353.07 HEADS OF DEPARTMENTS TO MAKE MONTHLY STATEMENTS.

HISTORY. 1931 c. 307 s. 7; 1933 c. 374 s. 1; M. Supp. s. 254-29; 1941 c. 285 s. 4.

353.08 ATTORNEY GENERAL TO BE LEGAL ADVISER.

HISTORY. 1931 c. 307 s. 8; 1933 c. 374 s. 1; M. Supp. s. 254-30.

353.09 PAYMENTS UPON RETIREMENT.

HISTORY. 1931 c. 307 s. 9; 1933 c. 374 s. 3; 1937 c. 466 s. 1; M. Supp. s. 254-31; 1943 c. 167 s. 2; 1945 c. 78 s. 2.

A public official who has spent 20 years in public service but who retires prior to reaching the age of 65 years, may continue to make payments into the retirement fund and be eligible to annuity upon reaching the required age. OAG July 24, 1931.

Rule as to state employee becoming a state employee in Wisconsin. OAG March 31, 1944 (331b-1).

Minnesota employee engaging in federal service. OAG April 1, 1944.

Leave of absence; change of rate. OAG May 22, 1944 (331b-1).

Ten years service need not be the years immediately preceding the date of termination of employment. OAG Oct. 9, 1944 (331b-1).

353.10 FORFEITED RIGHTS RESTORED.

HISTORY. 1931 c. 307 s. 10; 1933 c. 374 s. 1; M. Supp. s. 254-32.

353.11 RETIREMENT.

HISTORY. 1931 c. 307 s. 11; 1933 c. 374 s. 1; 1935 c. 106 s. 2; 1937 c. 466 s. 4; M. Supp. s. 254-33; 1941 c. 285 s. 5; 1943 c. 167 s. 3; 1945 c. 78 s. 3.

Annuities may be granted taking effect upon actual date of retirement, the monthly instalments to commence one month from time of retirement. OAG Feb. 23, 1927 (331h).

Reemployment after retirement. OAG May 9, 1944 (768-K).

353.12 HEIRS OR LEGAL REPRESENTATIVES TO RECEIVE BENEFIT OF FUNDS.

HISTORY. 1931 c. 307 s. 14; 1933 c. 374 s. 1; M. Supp. s. 254-36; 1941 c. 285 s. 6.

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353.13 ANNUITIES PAYABLE MONTHLY.

HISTORY. • 1931 c. 307 s. 15; 1933 c. 374 s. 1; M. Supp. s. 254-37; 1941 c. 285 s. 7.

353.14 DATE OF RETIREMENT.

HISTORY. 1931 c. 307 s. 16; 1933 c. 374 s. 1; 1937 c. 466 s. 5; M. Supp. s. 254-38; 1941 c. 285 s. 8; 1943 c. 167 s. 4; 1945 c. 78 s. 4.

353.15 ANNUITIES NOT ASSIGNABLE.

HISTORY. 1931 c. 307 s. 18; M. Supp. s. 254-40.

353.16 INSURANCE LAWS DO NOT APPLY.

HISTORY. 1931 c. 307 s. 19; 1933 c. 374 s. 1; M. Supp. s. 254-41.

353.17 CONTRIBUTIONS TO RETIREMENT FUND.

HISTORY. 1931 c. 307 s. 20; 1937 c. 466 s. 6; M. Supp. s. 254-42.

353.18 REGULATIONS.

HISTORY. 1931 c. 307 s. 22; M. Supp. s. 254-44; 1941 c. 285 s. 9.

The department cannot waive the \$10.00 membership fee and must enforce strict compliance with the time limits fixed by statute. OAG Sept. 28, 1934 (331b-1).

353.19 PENALTIES FOR FALSE INFORMATION.

HISTORY. 1931 c. 307 s. 23; M. Supp. s. 254-45.

353.20 APPLICATION.

HISTORY. 1931 c. 307 s. 24; 1933 c. 374 s. 1; 1935 c. 106 s. 3; M. Supp. s. 254-46; 1941 c. 285 s. 10.

If a municipality elects to come under the provisions of the act it cannot thereafter withdraw. OAG May 9, 1939.