

MINNESOTA STATUTES 1979 SUPPLEMENT

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION 353.71

or employees of a governmental subdivision other than a volunteer firefighters relief association to which sections 69.771 to 69.776 apply shall not be a member of this fund.

[For text of subds 2 to 6, see M.S.1978]

[1979 c 216 s 17; 1979 c 262 s 2]

353.65 Contributions.

[For text of subd 1, see M.S.1978]

Subd. 2. The employee contribution shall be an amount equal to eight percent of the total salary of every member. This contribution shall be made by deduction from salary in the manner provided in subdivision 4. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the total salary received from all sources. If the member is a firefighter employed on less than a full time basis, the member's total salary shall not include any reimbursement payments for fire calls.

[For text of subds 3 to 6, see M.S.1978]

[1979 c 216 s 18]

353.656 Disability benefits.

[For text of subd 1, see M.S.1978]

Subd. 2. **Benefits paid under workers' compensation law.** If a member, as described in subdivision 1, is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in subdivision 1, less all amounts paid to him under the workers' compensation law, after deduction of amount of attorney fees, authorized under applicable workers' compensation laws, paid by a disabiltant.

[For text of subds 3 to 6, see M.S.1978]

[1979 c 216 s 19]

353.71 Coverage by more than one retirement system; deferred annuity; augmentation.

[For text of subds 1 to 4, see M.S.1978]

Subd. 5. **Early retirement.** The requirements and provisions for retirement prior to age 65 contained in section 353.30, shall also apply to a person fulfilling such requirements with a combination of service as provided in subdivision 1.

[1979 c 216 s 20]

CHAPTER 354. TEACHERS RETIREMENT ACT

Sec.		Sec.	
354.094	Extended leaves of absence.	354.44	Retirement benefits.
354.10	Fund not subject to assignment or process; beneficiaries.	354.49	Refund.
354.42	Contributions by employer and employee.	354.66	Qualified part time teachers; participation in fund.

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354.094 Extended leaves of absence.

[For text of subds 1 and 2, see M.S.1978]

Subd. 3. A member on extended leave of absence pursuant to section 125.60 who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee contributions into the fund in any subsequent year of the leave. Non-payment of employee contributions into the fund shall not affect the rights or obligations of the teacher or his employing school district under section 125.60.

[For text of subds 4 and 5, see M.S.1978]

Subd. 6. A member who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776. This subdivision shall not be construed to prohibit a member who pays employee contributions and receives allowable service credit in the fund pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of sections 354.091 and 354.42, a teacher may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of any year for which he pays retirement contributions or receives allowable service credit pursuant to this section or section 354A.091 while on an extended leave of absence pursuant to section 125.60.

[1979 c 334 art 8 s 14,15]

354.10 Fund not subject to assignment or process; beneficiaries.

The right of a teacher to avail himself of the benefits provided by this chapter, is a personal right only and shall not be assignable. All moneys to the credit of a teacher's account in the fund or any moneys payable to him from the fund shall belong to the state of Minnesota until actually paid to the teacher or his beneficiary pursuant to the provisions of this chapter. Any power of attorney, assignment or attempted assignment of a teacher's interest in the fund, or of the beneficiary's interest therein, by a teacher or his beneficiary, including actions for divorce, legal separation, and child support, shall be null and void and the same shall be exempt from garnishment or levy under attachment or execution and from taxation under chapter 291. Provided however, the board may pay an annuity or benefit to a banking institution, qualified under chapter 48, that is a trustee for a person eligible to receive such annuity or benefit. Upon completion of the proper forms as provided by the board, the annuity or benefit check may be mailed to a banking institution, savings association or credit union for deposit to the recipient's individual account or joint account with his or her spouse. The board shall prescribe the conditions which shall govern these procedures. If in the judgment of the executive director conditions so warrant, payment may be made to a public body in behalf of an annuitant, disabilitant, or survivor upon such terms as the executive director may prescribe. Any beneficiary designated by a teacher under the terms of this chapter, may be changed or revoked by the teacher at his pleasure, in such manner as the board may prescribe. In case a designated beneficiary dies before the teacher designating him dies, and a new beneficiary is not designated, the teacher's estate shall be the beneficiary.

[1979 c 303 art 3 s 30]

354.42 Contributions by employer and employee.

[For text of subd 2, see M.S.1978]

Subd. 3. The employer contribution to the fund shall be an amount equal to 4-1/2 percent of the salary of each coordinated member and 8-1/2 percent of the salary of each basic member. This contribution shall be made in the manner provided in section 354.43. For purposes of financing the various options related to the variable annuity di-

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vision, employer contributions equal to the employee variable annuity contributions prescribed in section 354.62, subdivision 2, shall be allocated at the same time to the employer variable annuity contribution account in section 354.62, subdivision 3.

Subd. 5. An additional employer contribution shall be made in the amount of 3.05 percent of the salary of each member for the purpose of amortizing the deficit in the fund. This contribution shall be made in the manner provided in section 354.43.

[For text of subd 7, see M.S.1978]

[1979 c 293 s 1,2]

354.44 Retirement benefits.

[For text of subd 1, see M.S.1978]

Subd. 1a. **Mandatory retirement.** Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment at the end of the academic year in which the member reaches the age of 70. For purposes of this subdivision, an academic year shall be deemed to end August 31. Nothing contained in this subdivision shall preclude an employing unit covered by this chapter from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,600 in any academic year from employment as a substitute or part time teacher, any person over the age of 70 years shall terminate employment for the remainder of that academic year.

[For text of subds 2 and 3, see M.S.1978]

Subd. 4. **Time and manner of payments.** After January 1, 1974, a member may make application to the board for a retirement annuity any time after he has satisfied the age and service requirements of this chapter for retirement except that no application for retirement may be made more than 60 days before termination of teaching service. The annuity payment shall begin to accrue after the termination of teaching service, or after the application for retirement has been filed with the board, or after the member receives his final salary payment, whichever is later, as follows:

(a) on the sixteenth day of the month of termination, or filing or final salary receipt if such termination, or filing or final salary receipt occurs on or before the fifteenth day of such month or

(b) on the first day of the month following the month of termination, or filing or final salary receipt if such termination, or filing or final salary receipt occurs on or after the sixteenth day of the month.

This subdivision is effective January 1, 1976.

[For text of subd 5, see M.S.1978]

Subd. 6. **Computation of formula program retirement annuity.** (1) The formula retirement annuity hereunder shall be computed in accordance with the applicable provisions of the formula stated in clause (2) hereof on the basis of each member's average salary for the period of his formula service credit. For the purposes of computing the formula benefits under the formula and variable program, if a combination of these formulas is used, the formula percentages used will be those percentages in each formula as continued for the respective years of service from one formula to the next.

For all years of formula service credit "average salary" for the purpose of determining the member's retirement annuity means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, Section 354.511 for the highest five successive years of formula service credit provided however that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments.

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(2) The average salary as defined in clause (1), multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

	Coordinated Member	Basic Member
Each year of service during first ten	1.0 percent per year	2.0 percent per year
Each year of service thereafter	1.5 percent per year	2.5 percent per year

(3) Where any member retires prior to age 65 under a formula annuity, he shall be paid a retirement annuity in an amount equal to the normal annuity provided in this subdivision and subdivision 7, reduced by one-half of one percent for each month that the member is under age 65 to and including age 60 and reduced by one-fourth of one percent for each month under age 60 at the time of retirement except that for any member who has 30 or more years of allowable service credit, such reduction shall be applied only for each month such member is under age 62.

This subdivision is effective June 1, 1975.

[For text of subd 7, see M.S.1978]

[1979 c 40 s 6; 1979 c 50 s 46,47]

354.49 Refund.

[For text of subds 1 and 2, see M.S.1978]

Subd. 3. Any person who has attained the age of at least 65 with less than ten years of credited allowable service shall be entitled to receive a refund in an amount equal to his accumulated deductions plus interest in lieu of a proportionate annuity pursuant to section 356.32 except those covered under the provisions of section 354.44, subdivisions 6 or 7 in which case the refund shall be an amount equal to his accumulated deductions credited to his account as of June 30, 1957 and after July 1, 1957 his accumulated deductions plus interest at the rate of three and one-half percent compounded annually.

[For text of subds 4 and 5, see M.S.1978]

[1979 c 40 s 7]

354.66 Qualified part time teachers; participation in fund.

[For text of subd 1, see M.S.1978]

Subd. 2. A teacher in the public elementary, secondary or area vocational-technical schools of the state who has 20 years or more of allowable service or 20 years or more of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.

Subd. 3. For purposes of this section, a part time teaching position shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated in an amount not exceeding 60 percent of the compensation established by the board for a full time teacher of identical education and experience within the district.

[For text of subds 4 to 7, see M.S.1978]

Subd. 8. No teacher shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4 of this section or section 354A.22, subdivision

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4, in more than one district at one time. No teacher shall qualify for the continuation of contributions and accrual of service credit during part time employment in a district pursuant to this section in any year when he also takes a full time or part time teaching position in another Minnesota school district.

[For text of subds 9 and 10, see M.S.1978]

Subd. 11. Neither subdivision 5 nor 8 shall be construed to prohibit a teacher who qualifies for the continuation of contributions and accrual of service credit pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of sections 354.091 and 354.42, a teacher may not pay retirement contributions or receive allowable service credit in the fund for other teaching service rendered for any part of any year for which he qualifies for continuation of contributions and accrual of service credit pursuant to this section or section 354A.22.

[1979 c 334 art 8 s 16-19]

CHAPTER 354A. TEACHERS RETIREMENT, CERTAIN CITIES

Sec.		Sec.	
354A.01	Repealed.	354A.23	Minneapolis and St. Paul teachers retirement fund associations; basic programs.
354A.011	Definitions.	354A.24	Duluth teachers retirement fund association coordinated program.
354A.02	Repealed.	354A.30	Minneapolis and St. Paul teachers retirement fund associations; coordinated program.
354A.021	Teachers retirement fund associations in cities of the first class.	354A.31	Coordinated program retirement benefits.
354A.03	Repealed.	354A.32	Optional retirement annuities.
354A.04	Repealed.	354A.33	Social security leveling adjustment option.
354A.05	Membership in a teachers retirement association in a city of the first class.	354A.34	Disposition of unpaid period certain for life or guaranteed refund optional annuities.
354A.08	Authorized investments.	354A.35	Survivor benefits.
354A.09	Pro rata distribution of funds.	354A.36	Permanent disability benefits.
354A.091	Teachers on extended leave.	354A.37	Refunds.
354A.092	Sabbatical leave.	354A.38	Effect of refund; repayment of refund.
354A.093	Military service credit.	354A.39	Service in other public retirement funds; annuity.
354A.094	Qualified part time teachers; participation in fund.	354A.40	Computation of benefits with partial service as coordinated member.
354A.10	Repealed.	354A.41	Administration of coordinated program.
354A.11	Certain moneys and credits of teachers exempt.		
354A.12	Contributions by employee and employer.		
354A.13	Repealed.		
354A.21	Mandatory retirement; proportionate annuity.		
354A.22	Qualified part time teachers; participation in fund.		

354A.01 [Repealed, 1979 c 217 s 28]

354A.011 Definitions.

Subdivision 1. **Terms.** For purposes of this chapter, unless the language or context clearly indicates that a different meaning is intended, the following terms shall have the meanings ascribed to them.

Subd. 2. **Academic year.** "Academic year" means the 12 month period beginning on September 1 of one calendar year and ending on August 31 of the following calendar year.

Subd. 3. **Accumulated contributions.** "Accumulated contributions" means the total of member or employee contributions made by salary deductions and assessments or payments made in lieu of salary deductions, if authorized, which are credited by the teachers retirement fund association to the member's individual account.

Subd. 4. **Allowable service.** "Allowable service" means any service rendered by a member during a period in which the member receives salary from which employee contribution salary deductions are made to and credited by the teachers retirement fund association or any service rendered by a person during any period where assessments or payments in lieu of salary deductions were made if authorized by any law or provision of the association's articles of incorporation or bylaws then in effect or pursuant to section 354A.091, 354.092, 354.093, or 354.094.

Subd. 5. **Annuity.** "Annuity" means the payments made by a teachers retirement fund association in the form of a retirement annuity or an optional annuity.