

CHAPTER 353C

LOCAL GOVERNMENT CORRECTIONAL SERVICE
RETIREMENT PLAN

353C.06 Correctional service plan retirement annuity.
353C.07 Augmentation in certain cases.

353C.08 Disability benefits.
353C.09 Surviving spouse optional annuity.

353C.06 CORRECTIONAL SERVICE PLAN RETIREMENT ANNUITY.

[For text of subds 1 and 2, see M.S.1990]

Subd. 3. **Annuity amount.** The average salary as defined in subdivision 2, multiplied by two percent for each year of allowable service for the first ten years and 2.5 percent for each additional year of allowable service, and pro rata for completed months less than a full year, determines the amount of the normal annuity. If a person has earned allowable service in the public employees retirement association or the public employees police and fire fund prior to participation under this chapter, the annuity representing such service must be computed in accordance with the formula under sections 353.29 and 353.30 or 353.651, whichever applies.

[For text of subds 4 and 5, see M.S.1990]

History: 1991 c 341 s 31

353C.07 AUGMENTATION IN CERTAIN CASES.

Subdivision 1. **Augmentation for prior service benefits.** Unless prior service has been transferred or unless a combined service annuity under section 356.30 has been elected, an employee who becomes a local government correctional employee after being a member of the public employees retirement association or the public employees police and fire fund is covered under section 353.71, subdivision 2, with respect to that prior service. An employee who becomes a member of the public employees retirement association or the public employees police and fire fund after being a local government correctional employee is also covered under section 353.71, subdivision 2, with respect to that prior service, unless calculated under section 356.30.

Subd. 2. [Repealed, 1991 c 341 s 51]

History: 1991 c 341 s 32

353C.08 DISABILITY BENEFITS.

[For text of subd 1, see M.S.1990]

Subd. 2. **Nonduty disability qualification requirements.** A local government correctional employee who has at least one year of covered service, and who, before reaching the age of 55, becomes disabled and physically unfit to perform the duties of the position because of sickness or injury occurring while not engaged in covered employment, is entitled to a disability benefit based on covered service. The disability benefit must be computed in the same manner as an annuity under section 353C.06, subdivision 3, and as though the employee had at least ten years of covered correctional service.

[For text of subds 3 to 7, see M.S.1990]

History: 1991 c 341 s 33

353C.09 SURVIVING SPOUSE OPTIONAL ANNUITY.

If a member or former member of the local government correctional service retirement plan has attained the age of at least 50 years and has credit for not less than three

years of allowable service, or who has credit for not less than 30 years of allowable service, regardless of age attained, dies before the annuity or disability benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in section 353.32, subdivision 1, an annuity equal to the 100 percent joint and survivor annuity for which the member could have qualified had the member terminated service on the date of death. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed on the formulas under sections 353.29, subdivisions 2 and 3, and 353.30, subdivisions 1, 1a, 1b, and 1c. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment may accrue beyond the end of the month in which entitlement to the annuity has terminated. An amount equal to any excess of the accumulated contributions that were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse must be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of the deceased member. A member may specify in writing that this subdivision does not apply and that payment must be made only to the designated beneficiary, as otherwise provided by this chapter.

History: 1991 c 341 s 34