

CHAPTER 354B

INDIVIDUAL RETIREMENT ACCOUNT PLAN

TEACHER RETIREMENT FUND ASSOCIATION		354B.26	DEFERRED ANNUITY ENTITLEMENT FOR CERTAIN FORMER TRA MEMBERS.
354B.20	DEFINITIONS.	354B.30	PROHIBITION ON LOANS OR PRETERMINATION DISTRIBUTIONS.
354B.21	COVERAGE.	354B.31	IRAP PART-TIME TEACHER MOBILITY PROGRAM.
354B.22	IRAP COVERAGE IN ADDITION TO SOCIAL SECURITY COVERAGE.	354B.32	TRANSFER OF FUNDS TO IRAP.
354B.23	CONTRIBUTIONS.		
354B.24	SABBATICAL LEAVE.		
354B.25	INDIVIDUAL RETIREMENT ACCOUNT PLAN ADMINISTRATION.		

354B.01 [Repealed, 1995 c 141 art 4 s 31]

354B.015 [Repealed, 1995 c 141 art 4 s 31]

354B.02 [Repealed, 1995 c 141 art 4 s 31]

354B.03 [Repealed, 1989 c 319 art 18 s 12]

354B.035 [Repealed, 1995 c 141 art 4 s 31]

354B.04 [Repealed, 1995 c 141 art 4 s 31]

354B.045 [Repealed, 1995 c 141 art 4 s 31]

354B.05 [Repealed, 1995 c 141 art 4 s 31]

354B.06 [Repealed, 1995 c 141 art 4 s 31]

354B.07 [Repealed, 1995 c 141 art 4 s 31]

354B.08 [Repealed, 1995 c 141 art 4 s 31]

354B.085 [Repealed, 1995 c 141 art 4 s 31]

354B.09 [Repealed, 1995 c 141 art 4 s 31]

TEACHER RETIREMENT FUND ASSOCIATION

354B.15 [Repealed, 1995 c 141 art 4 s 31]

354B.20 DEFINITIONS.

Subdivision 1. **In general.** Unless the content or subject matter indicates otherwise, as used in this chapter the terms in this section have the meanings given them.

Subd. 2. **Board.** "Board" means the Board of Trustees of the Minnesota State Colleges and Universities.

Subd. 3. **Chancellor.** "Chancellor" means the chancellor of the board.

Subd. 4. **Covered employment.** (a) "Covered employment" means employment by a person eligible for coverage by this retirement program under section 354B.21 in a faculty position or in an eligible unclassified administrative position.

(b) "Covered employment" does not mean employment specified in paragraph (a) by a faculty member employed in the Minnesota State Colleges and Universities system if the person's initial appointment is specified as constituting less than 25 percent of a full academic year, exclusive of summer session, for the applicable institution.

Subd. 5. **Covered salary.** (a) "Covered salary" means the periodic compensation paid to the participant before deductions for deferred compensation, supplemental retirement coverage, or other voluntary salary reduction program.

(b) "Covered salary" does not mean lump sum sick leave payments, severance payments, payments in lieu of employer-paid group insurance coverage, payments based on dif-

MINNESOTA STATUTES 2006

ferences between single employer–paid group insurance coverage and insurance coverage including dependents, or workers’ compensation payment.

Subd. 6. **Eligible unclassified administrative position.** “Eligible unclassified administrative position” means the following:

- (1) the chancellor of the board;
- (2) a president of a state college or university;
- (3) an administrator employed in a state university or college, by the board, or by the Minnesota Office of Higher Education; or
- (4) other managers and professionals in academic and academic support programs in the unclassified service employed in a state university or college, by the board, or by the Minnesota Office of Higher Education.

Subd. 7. **Employing unit.** “Employing unit,” if the agency employs any persons covered by the individual retirement account plan under section 354B.21, means:

- (1) the board;
- (2) the Minnesota Office of Higher Education; and
- (3) the Higher Education Facilities Authority.

Subd. 8. **Faculty.** “Faculty” means an employment position that meets the definition of either section 354.05, subdivision 2, or 354A.011, subdivision 27.

Subd. 9. **First class city teacher retirement fund association.** “First class city teacher retirement fund association” means a retirement plan, fund, and plan administration established under chapter 354A.

Subd. 10. **General state employees retirement plan.** “General state employees retirement plan” means the retirement plan administered by the Minnesota State Retirement System and governed by sections 352.01 to 352.72.

Subd. 11. **Board of Trustees of the Minnesota State Colleges and Universities.** “Board of Trustees of the Minnesota State Colleges and Universities” means the governing board for the state universities, the community colleges, and the technical colleges established by section 136F.02.

Subd. 12. **Participant.** “Participant” means a person who is employed in covered employment by the board and who elects coverage by the plan under section 354B.21.

Subd. 13. **Plan.** “Plan” means the individual retirement account plan established by this chapter.

Subd. 14. **Plan administrator.** “Plan administrator” means the board employee or an independent contract agent designated by the board to perform the primary administrative functions relating to the plan.

Subd. 15. **Sabbatical leave.** “Sabbatical leave” means a sabbatical leave as specified in the applicable collective bargaining agreement or personnel policy of the board for its employees.

Subd. 16. **State unclassified employees retirement program.** “State unclassified employees retirement program” means the retirement program established by chapter 352D.

Subd. 17. **Supplemental plan.** “Supplemental plan” means the retirement program established by chapter 354C.

Subd. 18. **Teachers retirement plan.** “Teachers retirement plan” means the retirement plan established by chapter 354.

History: 1995 c 141 art 4 s 8; 1995 c 212 art 3 s 59; art 4 s 64; 1996 c 305 art 1 s 139; 2004 c 267 art 1 s 6,7; 2005 c 107 art 2 s 60

354B.21 COVERAGE.

Subdivision 1. **Eligibility.** The following persons are eligible to have coverage by the individual retirement account plan and to be participants in the plan:

- (1) employees of the board who are employed as faculty in an employment classification included in the state university instructional unit or the state college instructional unit under section 179A.10, subdivision 2;

MINNESOTA STATUTES 2006

12341

INDIVIDUAL RETIREMENT ACCOUNT PLAN

354B.21

(2) the chancellor and employees of the board in eligible unclassified administrative positions;

(3) the employees in eligible unclassified administrative positions in the state universities;

(4) the employees in eligible unclassified administrative positions in the technical colleges; and

(5) the employees in eligible unclassified administrative positions of the Minnesota Office of Higher Education or of the community colleges.

Subd. 2. Coverage; election. (a) For eligible persons who were employed by the former state university system or the former community college system before May 1, 1995, the person has the retirement coverage that the person had for employment immediately before May 1, 1995.

(b) For all other eligible persons, unless otherwise specified in this section, the eligible person is authorized to elect prospective Teachers Retirement Association plan coverage rather than coverage by the plan established by this chapter. The election of prospective Teachers Retirement Association plan coverage shall be made within one year of commencing eligible Minnesota State Colleges and Universities system employment. If an election is not made within the specified election period due to a termination of Minnesota State Colleges and Universities system employment, an election may be made within 90 days of returning to eligible Minnesota State Colleges and Universities system employment. All elections are irrevocable. Prior to making an election the eligible person shall be covered by the plan indicated as default coverage under subdivision 3.

(c) A purchase of service credit in the Teachers Retirement Association plan for any period or periods of Minnesota State Colleges and Universities system employment occurring prior to the election under paragraph (b) is prohibited.

Subd. 3. Default coverage. (a) Prior to making an election under subdivision 2, or if an eligible person fails to elect coverage by the plan under subdivision 2 or if the person fails to make a timely election, the following retirement coverage applies:

(1) for employees of the board who are employed in faculty positions in the technical colleges, in the state universities or in the community colleges, the retirement coverage is by the plan established by this chapter;

(2) for employees of the board who are employed in faculty positions in the technical colleges, the retirement coverage is by the plan established by this chapter unless on June 30, 1997, the employee was a member of the Teachers Retirement Association established under chapter 354 and then the retirement coverage is by the Teachers Retirement Association, or, unless the employee was a member of a first class city teacher retirement fund established under chapter 354A on June 30, 1995, and then the retirement coverage is by the Duluth Teachers Retirement Fund Association if the person was a member of that plan on June 30, 1995, or the Minneapolis Teachers Retirement Fund Association if the person was a member of that plan on June 30, 1995, or the St. Paul Teachers Retirement Fund Association if the person was a member of that plan on June 30, 1995; and

(3) for employees of the board who are employed in eligible unclassified administrative positions, the retirement coverage is by the plan established by this chapter.

(b) If an employee fails to correctly certify prior membership in the Teachers Retirement Association to the Minnesota State colleges and Universities system, the system shall not pay interest on employee contributions, employer contributions, and additional employer contributions to the Teachers Retirement Association under section 354.52, subdivision 4.

Subd. 3a. Continuation of plan coverage in certain instances. For a person with retirement coverage by a first class city teacher retirement fund association instead of the individual retirement account plan under subdivision 3, clause (2), coverage by the applicable retirement fund association continues for the duration of the person's employment by the Board of Trustees of the Minnesota State Colleges and Universities unless, within 90 days of a change in employment within the Minnesota State Colleges and Universities system, the

MINNESOTA STATUTES 2006

person elects the individual retirement account plan for all future employment by the Board of Trustees of the Minnesota State Colleges and Universities.

Subd. 3b. Coverage of certain former technical college faculty members. A person who was employed as a teacher by a technical college before July 1, 1995, and who subsequently is reclassified into a different employment position while continuing to perform the same or essentially the same employment duties and consequently shifts from the technical college instructional collective bargaining unit to another state collective bargaining unit retains coverage by the Teachers Retirement Association or the applicable first class city teachers retirement fund association, whichever applies.

Subd. 3c. Election of TRA coverage in certain instances. (a) A person who was employed as a teacher by a technical college before July 1, 1995, and who has retirement coverage for that technical college teacher employment by a first class city teacher retirement fund association under chapter 354A may elect to have future higher education system teacher employment retirement coverage by the Teachers Retirement Association governed by chapter 354.

(b) The election to transfer prospective retirement coverage under paragraph (a) must be made by the technical college teacher by October 1, 1995, or within 90 days of initially being employed by the higher education system, whichever is later. The election must be made in writing on a form prescribed by the executive director of the Teachers Retirement Association. The election, once filed with the executive director of the Teachers Retirement Association, is irrevocable.

(c) An election to transfer prospective retirement coverage under paragraph (a) does not affect prior allowable service credit under section 354A.011, subdivision 4. The transfer of prospective retirement coverage does not make the person eligible for a refund of member contributions during the course of the person's employment by the higher education system.

Subd. 4. Coverage in the event of acting, interim, or temporary appointments. (a) A person previously employed by the board and subsequently appointed by the board to an acting, interim, or temporary faculty or eligible unclassified administrative position by the board retains the retirement coverage that the person had in the prior board position. If the participant's status becomes permanent, the participant has the option to make an election of retirement coverage appropriate to the retirement plan in which the employment position should have retirement coverage consistent with subdivision 2.

(b) A person who is appointed to an acting, interim, or temporary faculty position by the board and who was not employed in a faculty position by the board immediately before that appointment must elect coverage as provided in subdivision 2.

Subd. 5. Payment for certain prior uncovered service. (a) A person employed in a faculty position by the board who was initially excluded from participation in the individual retirement account plan coverage, who was not covered by any other Minnesota public pension plan for that service, and who is subsequently eligible to participate in the individual retirement account plan may make member contributions for that period of prior uncovered teaching employment or eligible unclassified administrative employment with the board.

(b) The member contributions for prior uncovered board service are the amount that the person would have paid if the prior service had been covered employment. The payment must be made to the individual retirement account plan administrator and may be made only by payroll deduction. The payment must be made by the later of:

- (1) 45 days of the start of covered employment; or
- (2) the end of the fiscal year in which covered employment began.

(c) The board must contribute an amount to match any contribution made by a plan participant under this subdivision.

(d) Payments of contributions for prior uncovered board service under this subdivision must be invested in the same manner as the regular contributions made by or on behalf of the plan participant.

Subd. 6. **Continuation of coverage.** Once a person is employed in a position that qualifies for participation in the individual retirement account plan and elects to participate in the plan, all subsequent service by the person as a faculty member employed by the board or other employing unit is covered by the individual retirement account plan.

History: 1995 c 141 art 4 s 9; 1995 c 212 art 3 s 59; art 4 s 64; 1997 c 241 art 8 s 5; 2001 c 133 s 3; 2005 c 107 art 2 s 60; 1Sp2005 c 8 art 4 s 7,8

354B.22 IRAP COVERAGE IN ADDITION TO SOCIAL SECURITY COVERAGE.

Subdivision 1. **Social Security coverage.** (a) Any employee of the board or other employing unit who elects coverage by this chapter is a member of the Teachers Retirement Association solely for purposes of coverage by the federal old age, survivors, disability and health insurance program, and is covered by the agreement made under section 355.02.

(b) A person with federal Social Security coverage through Teachers Retirement Association membership under paragraph (a) is not a member of the Teachers Retirement Association for any other purpose while employed as a teacher by the board, and membership in the Teachers Retirement Association for this limited purpose conveys no rights or benefit entitlement under chapter 354.

Subd. 2. **Public pension coverage as condition of employment.** Coverage by a public pension plan under section 354B.21 is a condition of initial employment or continued employment as a faculty member or eligible unclassified administrative position by the board or other employing unit.

History: 1995 c 141 art 4 s 10

354B.23 CONTRIBUTIONS.

Subdivision 1. **Member contribution rate.** The member contribution rate for participants in the individual retirement account plan is 4.5 percent of salary.

Subd. 2. **Member contribution method.** Member contributions must be made by payroll deduction during each pay period.

Subd. 3. **Employer contribution rate.** The employer contribution rate on behalf of participants in the individual retirement account plan is six percent of salary.

Subd. 4. **Employer contribution method.** The employer contribution must be made by the employing unit of a plan participant during each pay period. The employer contribution must be made from the available revenue sources of the employing unit.

Subd. 5. **Omitted member deductions.** (a) If the employing unit that employs a plan participant fails to deduct the member contribution from the participant's salary and a period of less than 60 days from the date on which the deduction should have been made has elapsed, the employing unit must obtain the omitted member deduction by an additional payroll deduction during the pay period next following the discovery of the omission.

(b) If the employing unit of a plan participant fails to deduct the member contribution from the participant's salary and that omission continues for at least 60 days from the date on which the deduction should have been made, the employing unit must pay the amount representing the omitted member contribution, and the full required employer contribution, plus compound interest at an annual rate of 8.5 percent. The contributions and any interest must be made within one year of the date on which the omission was discovered.

Subd. 5a. **Excess contributions.** When contributions to the plan exceed limits imposed by federal law or regulation, the excess employee contributions must be returned to the employee and the excess employer contributions must be reallocated in accordance with section 415 of the federal Internal Revenue Code, as amended, and the applicable federal regulations and revenue rulings.

Subd. 6. **Transfer of certain TRA member contribution amounts to IRAP.** (a) Notwithstanding any provisions of chapter 354 to the contrary, a former member of the Teachers Retirement Association who has less than three years of allowable service credit under sec-

MINNESOTA STATUTES 2006

tion 354.05, subdivision 13, and who is a member of the individual retirement account plan may elect to transfer to the plan an amount equal to the refund that the person could have received under section 354.49, subdivision 2, if the person had been eligible to receive a refund.

(b) The transfer must be made from the Teachers Retirement Association directly to the individual retirement account plan and credited to the appropriate account.

(c) No amount under this subdivision may be paid directly to the former Teachers Retirement Association member.

(d) The election of this transfer must be made on a form prescribed by the executive director of the Teachers Retirement Association, after consultation with the plan administrator.

History: 1995 c 141 art 4 s 11; 1998 c 390 art 2 s 10; 2000 c 461 art 12 s 12; 2004 c 267 art 5 s 3

354B.24 SABBATICAL LEAVE.

Subdivision 1. **Continuation of coverage.** A person who is a participant in the individual retirement plan, and who goes on an approved sabbatical leave, must remain a participant in the plan for any period during which the person receives a salary from the board or during which the person makes an optional contribution provided for in subdivision 3.

Subd. 2. **Mandatory contributions.** (a) From the salary paid to the person during the course of an approved sabbatical leave, the employing unit must deduct a member contribution as required under section 354B.23, subdivision 1.

(b) The employing unit must make the employer contribution on behalf of the plan participant as provided in section 354B.23, subdivision 3.

Subd. 3. **Additional contributions.** (a) In addition to contributions required by subdivision 2, a plan participant on an approved sabbatical leave shall make a member contribution based on the member contribution rate specified in section 354B.23, subdivision 1, applied to the difference between the amount of salary actually received during the sabbatical leave and the full-time salary the member would have received if not on sabbatical leave.

(b) Any additional member contribution must be made through payroll deduction as though the member were employed full time.

(c) When an additional member contribution is made, the employing unit must make the employer contribution at the rate specified in section 354B.23, subdivision 3, on the salary that was the basis for the additional member contribution under paragraph (a).

(d) An employer contribution required under this section must be made no later than 60 days after the date on which the optional additional member contribution was made.

Subd. 4. **Reinstatement rights.** Notwithstanding the provisions of any sabbatical leave agreements, regular and optional additional member contributions and employer contributions under this section are permissible only if the plan participant retains the right to full reinstatement to an employment position with the applicable employing unit both during and at the conclusion of the sabbatical leave.

History: 1995 c 141 art 4 s 12; 1999 c 222 art 19 s 8

354B.25 INDIVIDUAL RETIREMENT ACCOUNT PLAN ADMINISTRATION.

Subdivision 1. **General governance.** The individual retirement account plan is the administrative responsibility of the Board of Trustees of the Minnesota State Colleges and Universities. The Board of Trustees of the Minnesota State Colleges and Universities may administer the plan directly or may contract out for administrative services with a qualified third-party plan administrative entity.

Subd. 1a. **Advisory committee.** (a) A committee is created to advise the State Board of Investment and the Board of Trustees of the Minnesota State Colleges and Universities concerning administration of the individual retirement account plan and the supplemental retire-

ment plan established in chapter 354C. The committee shall adopt recommendations by majority vote of those members voting on each issue. The exclusive representatives of the state university instructional unit and the state college instructional unit shall each appoint two members to the committee. The exclusive representatives of the general professional unit, the supervisory employees unit and the state university administrative unit shall each appoint one member to the committee. The chancellor of the Minnesota State Colleges and Universities shall appoint three members, at least one of whom shall be a personnel administrator. No member of the committee shall be retired. Members serve at the pleasure of the applicable appointing authority, but no member shall serve for more than a total of five years. Members shall be reimbursed from the administrative expense account of the individual retirement account plan for expenses as provided in section 15.059, subdivision 3.

(b) The committee shall:

(1) advise the Board of Trustees of the Minnesota State Colleges and Universities on the structure and operation of the individual retirement account plan and the supplemental retirement plan;

(2) along with any other consultants selected by the board, advise the state board of investment on selection of financial institutions and on the type of investment products to be offered by these institutions for the plans;

(3) advise the Board of Trustees of the Minnesota State Colleges and Universities on administration of the plans, including selection of a third-party plan administrator, if any, for the individual retirement account plan.

(c) The Board of Trustees of the Minnesota State Colleges and Universities shall provide the advisory committee with meeting space and other administrative support.

(d) Expenses of the advisory committee are considered administrative expenses of the plans under subdivision 5 and section 354C.12, subdivision 4, and must be allocated between the two plans in proportion to the market value of the total assets of the plans as of the most recent prior audited annual financial report.

Subd. 2. Investment options. (a) The plan administrator shall arrange for the purchase of investment products.

(b) The investment products must be purchased with contributions under section 354B.23 or with money or assets otherwise provided by law by authority of the board.

(c) Various investment accounts offered through the Minnesota supplemental investment fund established under section 11A.17 and administered by the State Board of Investment may be included as investment products for the individual retirement account plan. Direct access must also be provided to lower expense and no-load mutual funds, as those terms are defined by the federal Securities and Exchange Commission, including stock funds, bond funds, and balanced funds. Other investment products or combination of investment products which may be included are:

(1) savings accounts at federally insured financial institutions;

(2) life insurance contracts, fixed and variable annuity contracts from companies that are subject to regulation by the commerce commissioner;

(3) investment options from open-ended investment companies registered under the federal Investment Company Act of 1940, United States Code, title 15, sections 80a-1 to 80a-64;

(4) investment options from a firm that is a registered investment advisor under the federal Investment Advisers Act of 1940, United States Code, title 15, sections 80b-1 to 80b-21; and

(5) investment options of a bank as defined in United States Code, title 15, section 80b-2, subsection (a), paragraph 2, or a bank holding company as defined in the Bank Holding Company Act of 1956, United States Code, title 12, section 1841, subsection (a), paragraph (1).

MINNESOTA STATUTES 2006

Subd. 3. **Selection of financial institutions.** (a) The investment options provided under subdivision 2 must be selected by the State Board of Investment.

In making its selection, at a minimum, the State Board of Investment shall consider the following:

(1) the experience and ability of the financial institution to provide benefits and products that are suited to meet the needs of plan participants;

(2) the relationship of those benefits and products provided by the financial institution to their cost;

(3) the financial strength and stability of the financial institution; and

(4) the fees and expenses associated with the investment products in comparison to other products of similar risk and rates of return.

(b) After selecting a financial institution, the State Board of Investment must periodically review each financial institution and the offered products. The periodic review must occur at least every three years. In making its review, the State Board of Investment may retain appropriate consulting services to assist it in its periodic review, establish a budget for the cost of the periodic review process, and charge a proportional share of these costs to the reviewed financial institution.

(c) Contracts with financial institutions under this section must be executed by the board and must be approved by the State Board of Investment before execution.

(d) The State Board of Investment shall also establish policies and procedures under section 11A.04, clause (2), to carry out the provisions of this subdivision.

Subd. 4. **Benefit ownership.** The retirement benefits provided by the annuity contracts and custodial accounts of the individual retirement account plan are held for the benefit of plan participants and must be paid according to this chapter and the plan document.

Subd. 5. **Individual retirement account plan administrative expenses.** (a) The reasonable and necessary administrative expenses of the individual retirement account plan may be charged to plan participants by the plan sponsor in the form of an annual fee, an asset-based fee, a percentage of the contributions to the plan, or a combination thereof.

(b) Any administrative expense charge that is not actually needed for the administrative expenses of the individual retirement account plan must be refunded to member accounts.

(c) The Board of Trustees shall report annually, before October 1, to the advisory committee created in subdivision 1a on administrative expenses of the plan. The report must include a detailed accounting of charges for administrative expenses collected from plan participants and expenditure of the administrative expense charges. The administrative expense charges collected from plan participants must be kept in a separate account from any other funds under control of the Board of Trustees and may be used only for the necessary and reasonable administrative expenses of the plan.

History: 1995 c 141 art 4 s 13; 1995 c 212 art 4 s 64; 1997 c 241 art 3 s 7,8; 1998 c 390 art 2 s 11,12; 1999 c 222 art 19 s 9-11; 2001 c 133 s 4; 1Sp2005 c 8 art 8 s 1

354B.26 DEFERRED ANNUITY ENTITLEMENT FOR CERTAIN FORMER TRA MEMBERS.

Notwithstanding any provision of chapter 354 to the contrary, a person covered by this chapter who had less than three years of prior allowable service credit in the teachers retirement association is entitled to a deferred annuity and augmentation under section 354.55, subdivision 11.

History: 1995 c 141 art 4 s 14

354B.30 PROHIBITION ON LOANS OR PRETERMINATION DISTRIBUTIONS.

(a) No participant may obtain a loan from the plan or obtain any distribution from the plan at a time before the participant terminates the employment that gave rise to plan coverage.

(b) No amounts to the credit of the plan are assignable either in law or in equity, or are subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 518.58, 518.581, or 518A.53.

History: 1995 c 141 art 4 s 15; 1997 c 203 art 6 s 92; 2003 c 127 art 3 s 21; 2005 c 164 s 29; 1Sp2005 c 7 s 28

354B.31 IRAP PART-TIME TEACHER MOBILITY PROGRAM.

Subdivision 1. **Participation requirements.** A faculty member who has three years or more of service in the Minnesota State Colleges and Universities system, by agreement with the board or with the authorized representative of the board, may be assigned to teaching service in a part-time teaching position under subdivision 2.

Subd. 2. **Part-time teaching position; defined.** For purposes of this section, "part-time teaching position" means a teaching position within the Minnesota State Colleges and Universities system in which the teacher is employed for at least 50 full days or a fractional equivalent as prescribed in section 354.091, and for which the faculty member is compensated in an amount not exceeding 80 percent of the compensation established by the board for a full-time faculty member with identical education and experience with the employing unit.

Subd. 3. **Retirement contributions.** A faculty member assigned to a part-time position under this section shall continue to make employee contributions to the individual retirement account plan during the period of part-time employment on the same basis and in the same amounts as would have been paid if the person had been employed on a full-time basis provided that, prior to June 30 each year, the member and the board make that portion of the required employer contribution to the plan, in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the person had been employed on a full-time basis and the amount of compensation actually received by the person for the services rendered in the part-time assignment. The employing unit shall make that portion of the required employer contributions to the plan on behalf of the person that is based on the amount of compensation actually received by the person for the services rendered in the part-time assignment. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354B.23. Employee contributions for part-time teaching service pursuant to this section shall not continue for more than ten years.

Subd. 4. **Other membership precluded.** A faculty member entitled to make employee contributions for part-time teaching service pursuant to this section shall not be entitled during the same period of time to be a member of, accrue allowable service credit in, or make employee contributions to any other Minnesota public employee pension plan, except a volunteer firefighters relief association governed by sections 69.771 to 69.776.

Subd. 5. **Insurance.** If the board enters into an agreement authorized by this section, the board shall continue any insurance programs furnished or authorized a full-time teacher on an identical basis and with identical sharing of costs for a part-time teacher pursuant to this section. However, the requirements of this subdivision may be modified by a collective bargaining agreement between a board and an exclusive representative pursuant to chapter 179A. Teachers as defined in section 136F.43 employed on a less than 75 percent time basis pursuant to this section are eligible for state paid insurance benefits as if the teachers were employed full time.

Subd. 6. **Eligibility for credit.** Only teachers who are public employees as defined in section 179A.03, subdivision 14, during the school year preceding the period of part-time employment pursuant to this section qualify for employee contributions to the retirement plan for part-time teaching service under subdivision 4. Notwithstanding section 179A.03, subdivision 14, clauses (e) and (f), teachers who are employed on a part-time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, continue to be in the bargaining unit during the period of part-time employment under this section for purposes of compensation, fringe benefits, and the grievance procedure.

Subd. 7. **Board power not restricted.** This section does not limit the authority of the board to assign a teacher to a part-time teaching position which does not qualify for full accrual of service credit from and employee contributions to the retirement fund under this section.

Subd. 8. **Substitute teaching.** Subdivision 4 does not prohibit a teacher who qualifies for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding sections 354.091 and 354.42, a teacher may not qualify for full accrual of service credit from and employee contributions to the retirement fund for other teaching service rendered for any part of any year for which the teacher qualifies for employee contributions to the retirement plan pursuant to this section.

History: 1999 c 222 art 19 s 12

354B.32 TRANSFER OF FUNDS TO IRAP.

A participant in the individual retirement account plan established in this chapter who has less than ten years of allowable service under the Teachers Retirement Association or a teachers retirement fund association, whichever applies, may elect to transfer an amount equal to the participant's accumulated member contributions to the Teachers Retirement Association or the applicable teachers retirement fund association, plus compound interest at the rate of six percent per annum, to the individual retirement account plan. The transfers are irrevocable fund-to-fund transfers, and, in no event, may the participant receive direct payment of the money transferred before the termination of employment. If a participant elects the contribution transfer, all of the participant's allowable and formula service credit in the Teachers Retirement Association or the teachers retirement fund association associated with the transferred amount is forfeited.

The executive director of the Teachers Retirement Association and the chief administrative officers of the teachers retirement fund associations, in cooperation with the chancellor of the Minnesota State Colleges and Universities system, shall notify participants who are eligible to transfer of their right to transfer and the amount that they are eligible to transfer, and shall, upon request, provide forms to implement the transfer. The chancellor of the Minnesota State Colleges and Universities system shall assist the Teachers Retirement Association and the teachers retirement fund associations in developing transfer forms and in implementing the transfers.

Authority to elect a transfer under this section expires on July 1, 2004.

History: 1Sp2001 c 10 art 12 s 2; 2004 c 267 art 5 s 4

354B.33 MS 2005 Supp [Expired, 1Sp2005 c 1 art 4 s 98]