URS

Utah Retirement Systems

Board Actions and Resolutions

2019

Board Actions and Resolutions

2019

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Action 2019-01 Board Resolution 2019-01
January 10, 2019

The Board voted to approve Board Resolution 2019-01.

Action 2019-02 New Employer – Grand County Emergency Medical Services Special Service District
January 10, 2019

The Board voted to approve Grand County Emergency Medical Services Special Service District as a participating employer in the Public Employees' Retirement System.

Action 2019-03 New Employer – Powder Mountain Water and Sewer Improvement District
January 10, 2019

The Board voted to approve Powder Mountain Water and Sewer Improvement District as a participating employer in the Public Employees' Retirement System.

Action 2019-04 New Employer – Central Utah 911
January 10, 2019

The Board voted to approve Central Utah 911 as a participating employer in the Public Employees' Retirement System.

Action 2019-05 Findings of Fact, Conclusions of Law and Order 17-36R
January 10, 2019

The Board voted to approve the Findings of Fact, Conclusions of Law and Order 17-36R as submitted by the Adjudicative Hearing Officer.

Action 2019-06 Board Resolution 2019-02
February 14, 2019

The Board voted to approve Board Resolution 2019-02, "Exchange Employee" Definition and Certification.

Action 2019-07 New Employer – Greater Salt Lake Municipal Services District
February 14, 2019

The Board voted to approve Greater Salt Lake Municipal Services District as a participating employer in the Public Employees' Retirement System.

Action 2019-08 Default Judgment on Notice of Board Action 18-15S
February 14, 2019

The Board voted to approve the Default Judgment on Notice of Board Action 18-15S as submitted by the Adjudicative Hearing Officer.

Action 2019-09 Order to Dismiss 17-29H
February 14, 2019

The Board voted to approve the Order to Dismiss 17-29H as submitted by the Adjudicative Hearing Officer.

Action 2019-10 Order to Dismiss 17-14D
February 14, 2019

The Board voted to approve the Order to Dismiss 17-14D as submitted by the Adjudicative Hearing Officer.

Action 2019-11 Four Year Internal Audit Plan Approval
February 21, 2019

The Board voted to approve the Internal Audit Four Year Plan as discussed in the February 19, 2019, Audit/Risk/Insurance Committee Meeting.

Action 2019-12 Order to Dismiss 18-19H
March 14, 2019

The Board voted to approve the Order to Dismiss 18-19H as submitted by the Adjudicative Hearing Officer.

Action 2019-13 New Employer – Riverton City Public Safety
April 11, 2019

The Board voted to approve Riverton City Corporation as a participating employer in the Public Safety Retirement System.

Action 2019-14 FTE Requests
April 11, 2019

The Board voted to approve three new FTEs for the Investment Department (two Investment Analysts and one Office Administrator) and the associated budget.

Action 2019-15 2019-2020 Contribution Rates Approval
April 11, 2019

The Board voted to approve the final contribution rates for the 2019-2020 fiscal year as presented.

Action 2019-16 Board Resolutions
April 11, 2019

The Board voted to approve Board Resolutions 2019-03 Rules Regarding Higher Education Employee Retirement Participation Elections and 2019-04 Rules Regarding Employee Retirement Participation Elections.

Action 2019-17 PEHP Renewals
April 11, 2019

The Board voted to approve the following PEHP rate renewals, effective July 1, 2019.

- State of Utah Medical/Rx 4.50% increase
- Salt Lake City Medical/Rx 7.50% increase
- LGRP July Medical/Rx 4.86% increase
- State of Utah Dental 0.00% rate hold
- Salt Lake City Dental 0.00% rate hold
- LGRP July Dental 0.00% rate hold

Action 2019-18 URS/PEHP Employee Medical/Rx and Dental Insurance Budget 2019-2020
May 9, 2019

The Board voted to approve the proposed budget for the 2019-2020 URS/PEHP Employee Medical/Rx and Dental insurance premiums for the fiscal year July 1, 2019 to June 30, 2020.

Action 2019-19 Default Judgment 19-06S
May 9, 2019

The Board voted to approve the Default Judgment 19-06S as submitted by the Adjudicative Hearing Officer.

Action 2019-20 New Employer – Mapleton City Corporation Firefighters
June 13, 2019

The Board voted to approve Mapleton City Corporation as a participating employer in the Firefighter Retirement System.

Action 2019-21 New Employer – Mountain Green Sewer Improvement District
June 13, 2019

The Board voted to approve Mountain Green Sewer Improvement District as a participating employer in the Public Employees' Retirement System.

Action 2019-22 Order to Dismiss 18-10S
June 13, 2019

The Board voted to approve the Order to Dismiss 18-10S as submitted by the Adjudicative Hearing Officer.

Action 2019-23 Order to Dismiss 18-09D
June 13, 2019

The Board voted to approve the Order to Dismiss 18-09D as submitted by the Adjudicative Hearing Officer.

Action 2019-24 Statewide Association of Public Attorneys of Utah (SWAP)
August 8, 2019

The Board voted to approve the Statewide Association of Public Attorneys of Utah as a participating employer in the Public Employees' Retirement System.

Action 2019-25 Employee Compensation Package
August 8, 2019

The Board voted to approve the salary increase for the 2019-2020 fiscal year for URS/PEHP employees of 2% COLA and 1% merit and increase the corresponding budgets as proposed by Mr. Andersen.

Action 2019-26 GRS Actuarial Report
August 8, 2019

The Board voted to approve the actuarial assumptions as contained in the Utah Retirement Systems Actuarial Valuation Report as of January 1, 2019.

Action 2019-27 Contribution Rate Approval
August 8, 2019

The Board voted to approve the proposed preliminary contribution rates for the 2020-2021 fiscal year as contained in Utah Retirement Systems Actuarial Valuation Report as of January 1, 2019, with the change in the Tier 2 rates for the Public Safety and Firefighters Hybrid System. The preliminary contribution rates are subject to legislation in the 2020 General Session.

Action 2019-28 Findings of Fact, Conclusions of Law, and Order on Summary Judgment 18-02H
August 8, 2019

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order on Summary Judgment 18-02H as submitted by the Adjudicative Hearing Officer.

Action 2019-29 Findings of Undisputed Fact, Conclusions of Law, and Summary Judgment and Order 18-01R
August 8, 2019

The Board voted to approve the Findings of Undisputed Fact, Conclusions of Law, and Summary Judgment and Order 18-01R as submitted by the Adjudicative Hearing Officer.

Action 2019-30 DB IPS – Securities Lending Language – Technical Corrections
August 8, 2019

The Board voted to approve the changes to the DB IPS – Securities Lending Language as presented.

Action 2019-31 Real Assets Strategic and Tactical Plan Updates
September 19, 2019

The Board voted to approve the Real Assets Strategic Plan as amended and

recommended by staff.

Action 2019-32 FTE Requests
September 19, 2019

The Board voted to approve two new Retirement Planning Advisor FTE's for the Retirement Planning Department and two new Research Associate FTE's for the Investment Department and the associated budget increases.

Action 2019-33 PEHP Renewals
September 19, 2019

The Board voted to approve the following PEHP Renewals, effective January 1, 2020, with the understanding that the final aggregate rate for LGRP January may be different based on group migration or rate adjustments arising from the renewal process:

- LGRP January – Medical/Rx 3.9% increase
- LGRP January – Dental 0.0% rate hold
- Medicare – Supplement 4.0% increase
- Medicare – Part D (6.5%) decrease
- Medicare – Dental (1.4%) decrease

Action 2019-34 PEHP Renewals
September 19, 2019

The Board voted to ratify the following PEHP Renewals, effective September 1, 2019:

- Jordan School District – Medical/Rx 0.0% rate hold
- USBA – Medical/Rx 2.6% increase

Action 2019-35 Consolidated URS/PEHP Annual Budget Report
September 20, 2019

The Board voted on the following motions to approve budgets as shown on page 217 of the Board Workshop materials.

The Board voted to approve the Board Policy Regarding Accounting Treatment of Software.

The Board voted to approve the 2018-2019 final actual fiscal year ended expenditures as presented.

The Board voted to approve the 2019-2020 budget as presented.

The Board voted to approve the 2020-2021 preliminary budget as presented.

The Board voted to approve the 2021-2022 preliminary budget as presented.

The Board voted to approve the 2018-2019 final actual fiscal year ended capital expenditures as presented.

The Board voted to approve the 2019-2020 capital projects budget as presented.

The Board voted to approve the preliminary 2020-2021 capital projects budget as presented.

The Board voted to approve the 2021-2022 preliminary capital projects budget as presented.

Action 2019-36 Order to Dismiss 19-23H
September 20, 2019

The Board voted to approve the Order to Dismiss 19-23H as submitted by the adjudicative hearing officer.

Action 2019-37 Default Judgment on Notice of Board Action 19-21S
September 20, 2019

The Board voted to approve the Default Judgment on Notice of Board Action 19-21S as submitted by the adjudicative hearing officer.

Action 2019-38 Contribution Rate Management Plan
October 10, 2019

The Board voted to adopt the Contribution Rate Management Plan beginning at 90% funded status.

Action 2019-39 Default Judgment on Notice of Board Action 18-05S
October 10, 2019

The Board voted to approve the Default Judgment on Notice of Board Action 18-05S as submitted by the Adjudicative Hearing Officer.

Action 2019-40 Absolute Return Strategic Plan Changes
October 17, 2019

The Board voted to approve the changes to the Absolute Return Strategic Plan as presented.

Action 2019-41 Private Equity Allocation Increase
November 21, 2019

The Board voted to approve the proposed changes to the Asset Allocation Policy Mix within the URS Defined Benefit Plan as follows: increase the target allocation to Private Equity by 3% (from 9% to 12%) and decrease the target allocation to Global Equity by 3% (from 40% to 37%).

Action 2019-42 New Employer – Mona City
November 21, 2019

The Board voted to approve Mona City as a participating employer in the Public Employees' Retirement System.

Action 2019-43 Board Governance Policies Revision
November 21, 2019

The Board voted to approve Sections 1 and 2 and Policy 3.1 as presented.

Action 2019-44 Board Resolution
November 21, 2019

The Board voted to approve Board Resolution #2019-05 Termination of Employment and Reemployment as presented.

Action 2019-45 Internal Audit Department Charter / Policies and Procedures Approval
November 21, 2019

The Board voted to approve the Audit Committee Charter as presented in the Audit/Risk/Insurance Committee Meeting on November 19, 2019.

Action 2019-46 Audit Committee Charter Approval
November 21, 2019

The Board voted to approve the Audit Committee Charter as presented in the Audit/Risk/Insurance Committee Meeting on November 19, 2019.

Action 2019-47 Management Control Policy Approval
November 21, 2019

The Board voted to approve the Internal Audit Management Control Policy as presented in the Audit/Risk/Insurance Committee Meeting on November 19, 2019.

Action 2019-48 Stipulated Order of Voluntary Dismissal 19-27R
November 21, 2019

The Board voted to approve the Stipulated Order of Voluntary Dismissal 19-27R as submitted by the Adjudicative Hearing Officer.

Action 2019-49 Stipulated Order of Voluntary Dismissal 19-31R
November 21, 2019

The Board voted to approve the Stipulated Order of Voluntary Dismissal 19-31R as submitted by the Adjudicative Hearing Officer.

Action 2019-50 Default Judgment 19-08S
November 21, 2019

The Board voted to approve the Default Judgment 19-08S as submitted by the Adjudicative Hearing Officer.

Action 2019-51 Board Goverance Policies Revision
December 12, 2019

The Board voted to approve Policies 3.2 through 3.9 as presented.

Action 2019-52 PEHP Rate Renewals
December 12, 2019

The Board voted to ratify the Canyons School District PEHP Rate Renewal increase of 3% for Medical/Rx, effective January 1, 2020.

Action 2019-53 PEHP Rate Renewals
December 12, 2019

The Board voted to ratify the Salt Lake County PEHP Rate Renewal 0.00% rate hold for Medical/Rx.

Action 2019-54 DC Savings Plans – Plan Documents Update
December 12, 2019

The Board voted to approve the 401(k) Plan Document as presented.

Action 2019-55 DC Savings Plans – Plan Documents Update
December 12, 2019

The Board voted to approve the 457 Plan Document as presented.

Action 2019-56 DC Savings Plans – IPS Update
December 12, 2019

The Board voted to approve the DC Savings Plans IPS changes as presented.

Action 2019-57 DB IPS Language Updates – Private Equity and Global Equity
December 12, 2019

The Board voted to approve the proposed updates to the DB IPS as presented. For reporting purposes, the new target allocations for Private Equity and Global Equity will have an effective date of January 1, 2020.

RESOLUTION #2019-01 PUBLIC SAFETY RETIREMENT ELIGIBILITY

January 10, 2019

WHEREAS, Utah Code Title 49 provides requirements for a member to be eligible for public safety retirement wherein the employee must perform public safety service, as defined in Subsections 49-14-102(6), 49-15-102(6) and 49-23-102(6), that requires the employee in that position to:

- normally average 2,080 hours of regularly scheduled employment per year;
- serve in a position that places the employee at risk to life and personal safety; and
- have peace officer certification and training as peace officer, correctional officer, or special function officer designations defined under Utah Code Title 53;

WHEREAS, Subsections 49-14-201(7) and 49-15-201(8) provide that a "public safety service employee who is transferred or promoted to an administration position requiring the performance of duties that consist primarily of management or supervision of public safety service employees shall continue to earn public safety service credit in this system as long as the employee remains employed in the same department";

WHEREAS, Subsection 49-11-603(1) requires participating employers to report and certify to the office the eligibility for service credit for employees;

WHEREAS, Subsection 49-11-203(1)(k) requires the Board to "develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board's policymaking functions, including the specific authority to interpret and define any provision or term under this title when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or maintains the actuarial soundness of the systems, plans, or programs;"

NOW, THEREFORE, BE IT RESOLVED, that the Board has determined that a public safety service employee who is subject to Subsections 49-14-201(7) and 49-15-201(8) must meet and continue to meet the eligibility requirements in Subsections 49-14-102(6), 49-15-102(6), and 49-23-102(6), provided that the administration position may not normally place the employee at risk to life and personal safety, but the employee in the administration position specifically must maintain peace officer certification and training as well as the 2,080 hour schedule requirement;

BE IT FURTHER RESOLVED, that a person enrolling in the Public Safety Contributory Retirement System, Public Safety Noncontributory Retirement System, or the New Public Safety and Firefighter Tier II Contributory Retirement System in a public safety position shall provide a peace officer certification to the office as evidence of eligibility within one year of their hire date; and

BE IT ALSO RESOLVED, that a person failing to provide evidence of peace officer certification within one year of hire will be removed from the Public Safety Contributory Retirement System, Public Safety Noncontributory Retirement System and the New Public Safety and Firefighter Tier II Contributory Retirement System and enrolled in the Public Employees' Retirement System or the New Public Employees' Tier II Contributory Retirement System as applicable based on their date of initial hire.

This Resolution takes effect on January 10, 2019.

RESOLUTION #2019-02 "EXCHANGE EMPLOYEE" DEFINITION AND CERTIFICATION
(Supersedes Resolution #2011-03)

February 14, 2019

WHEREAS, Utah Code § 49-12-203, § 49-13-203, and § 49-22-203 all exclude from membership eligibility "An employee serving as an exchange employee from outside the state,"; and

WHEREAS, questions have arisen concerning what constitutes an "exchange employee,"; and

WHEREAS, the Board desires to clarify the definition of employer eligibility certification procedures for an "exchange employee."

NOW, THEREFORE BE IT RESOLVED, that an "exchange employee" means an employee of a participating employer with a valid nonimmigrant visa for participation in exchange visitor programs in the United States. Such visas include the *Exchange Visitor Visas* (J category) and the *Cultural Exchange Visas* (Q category).

BE IT FURTHER RESOLVED, the "exchange employee" status expires with a participating employer once the visa status becomes invalid. Once the "exchange employee" status expires, an employee who was certified with this status must be recertified by the participating employer as eligible in the retirement system that applies to their employment, assuming the requirements for eligibility are met.

BE IT FURTHER RESOLVED, participating employers are required to annually recertify those employees who are designated as "exchange employees." Failure to annually certify an employee's status as an exchange employee will result in the expiration of the exchange employee status, and the employee will be considered eligible in the retirement system that applies to their employment, assuming the requirements for eligibility are met.

This resolution takes effect on July 1, 2019.

RESOLUTION #2019-03 RULES REGARDING HIGHER EDUCATION EMPLOYEE RETIREMENT PARTICIPATION ELECTIONS

April 11, 2019

WHEREAS, Utah Code Annotated §§ 49-12-204(2)(b), 49-13-204(2)(b), and 49-22-204(2)(b) require institutions of higher education to make employment classifications so that each classification is assigned to have retirement benefits covered through either the Utah Retirement Systems (URS) or a public or private system, organization, or company (Authorized Plan) designated by the Board of Regents or the Board of Directors of each technical college, as applicable;

WHEREAS, Utah Code Annotated §§ 49-12-204(2)(c) and 49-13-204(2)(c) give an employee of an institution of higher education a "one-time irrevocable election to

continue participation" with URS if the employee's classification is with the Authorized Plan but the employee has prior URS service credit;

WHEREAS, Utah Code Annotated § 49-22-204(3) gives an employee of an institution of higher education the right to "elect to continue participation" with URS "upon change to an employment classification" in an Authorized Plan;

WHEREAS, Utah Code Annotated §§ 49-12-204(7) and 49-13-204(7) each requires, "The board shall make rules to implement this section;"

WHEREAS, the Utah State Retirement Board (Board) desires to make such rules regarding higher education retirement participation and one-time irrevocable elections to promote the uniform administration of the systems, to protect the qualified tax status of the systems, and to protect the actuarial and financial soundness of the systems;

WHEREAS, the Internal Revenue Service (IRS) enforces the Internal Revenue Code (IRC) and has promulgated regulations and published determinations, rulings, and other guidance affecting qualified governmental retirement plans under IRC § 401(a), including guidance regarding participation, one-time irrevocable elections, and what constitutes a qualified cash or deferred arrangement (CODA);

WHEREAS, the retirement systems and plans administered by URS are intended to be administered as qualified governmental retirement plans under IRC § 401(a) and must therefore comply with requirements applicable to such plans in order to maintain their qualified status that protects the resulting tax advantages of provided benefits;

WHEREAS, Utah Code Annotated § 49-11-203(1)(c) and (g) require the Board to "ensure that the systems, plans, programs, and funds are administered according to law" and to "maintain, in conjunction with participating employers and members, the systems, plans, and programs on an actuarially sound basis;"

WHEREAS, Utah Code Annotated § 49-11-203(1)(k) requires the Board to "develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board's policymaking functions, including the specific authority to interpret and define any provision or term under this title when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or maintains the actuarial soundness of the systems, plans, or programs;"

WHEREAS, Utah Code Annotated § 49-11-801(5) authorizes, "The board or office may take actions necessary to protect the tax qualified status of the systems, plans, and programs under its control . . .;"

WHEREAS, the Board has determined that the following rules regarding one-time irrevocable elections for employees of higher education will help ensure that the administration of the systems and plans is safely within the provisions of Title 49 and

the guidance provided by the IRS surrounding employee participation, one-time irrevocable elections and their timing, and CODAs;

WHEREAS, the Board has determined that the following rules regarding one-time irrevocable elections for employees of higher education will promote the actuarial and financial soundness of the systems by limiting employee participation elections and thereby reducing the occurrence and effects of participant adverse selection;

WHEREAS, under Utah Code Annotated § 49-11-613(1)(a), it is the participating employer's and member's obligation to inform themselves of their rights and obligations under Title 49.

NOW, THEREFORE, BE IT RESOLVED that the following rules apply to a participation election, including a one-time irrevocable election, available to employees of institutions of higher education to participate in the retirement systems and plans administered by URS in accordance with Utah Code Title 49.

Higher Education Employee Retirement Participation Rules

For purposes of these rules, "institution of higher education" means a URS participating employer described in Utah Code Annotated § 53B-1-102 and the University Hospital. A participating employer includes the different departments, divisions, agencies, offices, or other administrative units of each institution of higher education, which collectively shall be considered as a single participating employer with URS.

I. Participation and Elections

1. Except as provided under paragraph I.2, an employee initially hired by an institution of higher education may participate only in the retirement plan assigned to the employee's position under the institution's employment classifications.
2. Notwithstanding paragraph I.1, an employee initially beginning employment with an institution of higher education whose position is classified into an Authorized Plan but who has previous service credit with URS may make a one-time irrevocable election to continue participation with URS in accordance with these rules.
3. An employee election to participate with URS or an Authorized Plan must be made when the employee initially begins employment with the employer and is immediately effective when either the employee first makes an election to participate or the employee begins participating with one of those plans.
4. Once an employee has participated with any plan of the employer, the one-time irrevocable election is unavailable.
5. Participation with any plan of the employer, whether by default or otherwise, constitutes an election for purposes of these rules.
6. Once an employee has made an election to participate or has participated with any plan of the employer, that election remains with the employee for the

duration of the employee's employment with that employer, regardless of a position change or promotion and regardless of periods of termination.
7. The previous participation election with a participating institution of higher education will apply upon the employee's rehire with that employer after a termination of employment.
8. The previous participation election does not apply to employment with a different participating institution of higher education.
9. URS has no discretion to make exceptions to these rules based on lack of knowledge, hardship, or other extenuating personal circumstances or situations. Since these rules are based on statutory provisions under Utah Code Title 49 and federal law, the Utah State Retirement Office (Retirement Office), URS Executive Director, and Board must follow the law, and appeals to override such administration must be denied as a matter of law.

II. URS Responsibilities

1. The Retirement Office shall help educate institutions of higher education on their rights and responsibilities in administering these rules and clarify URS policies and procedures, including providing guidance in the online URS Employer's Guide. This responsibility does not override an employer's or member's statutory duty to inform themselves of their rights and obligations under Utah Code Title 49.
2. The Retirement Office regularly audits participating employers to ensure compliance with state retirement laws. Compliance audit testing for institutions of higher education shall include requirements relating to retirement participation, one-time irrevocable elections, and CODAs.
3. The Retirement Office may not assist an employer or employee to change an employee's retirement participation between URS or an Authorized Plan or allow an employee to make a non-qualified participation election that would be in violation of law or these rules.
4. Subject to paragraph II.3, the Retirement Office shall assist participating institutions of higher education in resolving correctable errors with respect to any unlawful participation elections that are discovered through employer compliance audits, self-reporting, or other ways.

III. Employer Responsibilities

1. Participating institutions of higher education shall inform themselves of their rights and obligations under Utah Code Title 49.
2. As provided by statute, participating institutions of higher education shall maintain an employment classification schedule that assigns each position to participate with either URS or an Authorized Plan, which the Retirement Office may review during employer audits or at other times.
3. Hiring, promotion, and onboarding processes are within the employment relationship between the employer and employee.

4. A participating institution of higher education shall, during the employee onboarding process for new hires:
    a. provide information to its new employees on retirement options available;
    b. ascertain whether the employee has prior URS service credit and, if applicable, educate the employee regarding the eligibility for and timing of a one-time irrevocable election to continue participation with URS;
    c. enroll the employee in a plan so that the employee's retirement participation will be in compliance with these rules in accordance with the institution's employment classification or based on a qualifying one-time irrevocable election if the employee has prior URS service credit.
5. A participating institution of higher education may not change an employee's retirement participation between URS or an Authorized Plan or allow an employee to make a non-qualified participation election that would be in violation of these rules.
6. In order to ensure compliance with these rules as well as the Postretirement Reemployment Restrictions provided in Utah Code Title 49, Chapter 11, Part 12, each participating institution of higher education shall certify to URS both its eligible and ineligible employees, upon their initially and subsequently entering employment with that employer.
7. A participating institution of higher education shall contact URS if it has questions about these rules or their application to specific situations.

IV. Employee Responsibilities

1. Employees shall inform themselves of their rights and obligations under Utah Code Title 49, including ensuring they are timely and correctly enrolled and participating in a URS retirement system or plan or an Authorized Plan.
2. If an employee may lawfully make a retirement participation election at the time of hiring and employment onboarding, that employee is individually responsible for making that election and should consult their own tax or legal advisor to determine the effect of laws and the election on their particular situation.
3. An employee may not change a one-time irrevocable election for retirement participation once it is made, including once an employee has participated with any plan of the employer.
4. An employee should not make requests to URS for an exception to these rules based on lack of knowledge, hardship, or other extenuating personal circumstances or situations. Since these rules are based on statutory provisions under Utah Code Title 49 and federal law, the Retirement Office, URS Executive Director, and Board must follow the law, and appeals to override statutes must be denied as a matter of law.
5. If there are claims relating to hiring, promotion, or onboarding processes, such disputes are within the employment relationship between the employer and employee and appeals relating to such disputes should be directed to the employing institution of higher education.

This Resolution takes effect on April 11, 2019.

URS shall notify participating institution of higher education employers about this Resolution.

RESOLUTION #2019-04 RULES REGARDING EMPLOYEE RETIREMENT PARTICIPATION ELECTIONS

April 11, 2019

WHEREAS, Utah Code Annotated § 49-11-406 allows certain state government officials and staff to "elect to be exempt from coverage under a defined benefit system and to have their defined benefit balance transferred from the defined benefit system or plan to a defined contribution plan in the member's own name;"

WHEREAS, Utah Code Annotated §§ 49-12-203(4) and 49-13-203(4) allow certain student-related public employees, and state and local government officials and staff to file a written request for exemption from coverage in the Public Employees' Contributory System or Public Employees' Noncontributory System, respectively;

WHEREAS, Utah Code Annotated §§ 49-14-203(1), 49-15-203(1), and 49-16-203(1) allow certain public safety service employees or firefighter service employees to file a written request for exemption from coverage in the Public Safety Contributory Retirement System, Public Safety Noncontributory Retirement System, or Firefighters' Retirement System, respectively;

WHEREAS, Utah Code Annotated § 49-19-403 allows a governor or legislator to "elect to forfeit the allowance provided by this chapter" and instead participate "in a defined contribution plan administered by the office;"

WHEREAS, Utah Code Annotated § 49-22-205 allows certain state and local government officials and staff to elect to be exempt from participation in the Tier 2 Public Employees' Contributory Retirement System;

WHEREAS, Utah Code Annotated § 49-23-203 allows certain public safety service employees to elect to be exempt from participation in the Tier 2 Public Safety and Firefighter Contributory Retirement System;

WHEREAS, the above referenced sections contain provisions authorizing or requiring the Utah State Retirement Board (Board) or Utah State Retirement Office (Retirement Office) to make or adopt rules to implement those sections;

WHEREAS, the Board desires to make and adopt rules regarding employee participation elections to promote the uniform administration of the systems, to protect the qualified tax status of the systems, and to protect the actuarial and financial soundness of the systems;

WHEREAS, the Internal Revenue Service (IRS) enforces the Internal Revenue Code (IRC) and has promulgated regulations and published determinations, rulings, and other guidance affecting qualified governmental retirement plans under IRC § 401(a), including guidance regarding participation, one-time irrevocable elections, and what constitutes a qualified cash or deferred arrangement (CODA);

WHEREAS, the retirement systems and plans administered by URS are intended to be administered as qualified governmental retirement plans under IRC § 401(a) and must therefore comply with requirements applicable to such plans in order to maintain their qualified status that protects the resulting tax advantages of provided benefits;

WHEREAS, Utah Code Annotated § 49-11-203(1)(c) and (g) require the Board to "ensure that the systems, plans, programs, and funds are administered according to law" and to "maintain, in conjunction with participating employers and members, the systems, plans, and programs on an actuarially sound basis;"

WHEREAS, Utah Code Annotated § 49-11-203(1)(k) requires the Board to "develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board's policymaking functions, including the specific authority to interpret and define any provision or term under this title when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or maintains the actuarial soundness of the systems, plans, or programs;"

WHEREAS, Utah Code Annotated § 49-11-406(2) allows certain exemptions from URS participation "subject to federal law;"

WHEREAS, Utah Code Annotated § 49-11-801(5) authorizes, "The board or office may take actions necessary to protect the tax qualified status of the systems, plans, and programs under its control . . .;"

WHEREAS, the Board has determined that the following rules regarding employee participation elections, including one-time irrevocable elections, will help ensure that the administration of the systems and plans is safely within the provisions of Title 49 and the guidance provided by the IRS surrounding employee participation, one-time irrevocable elections and their timing, and CODAs;

WHEREAS, the Board has determined that the following rules regarding employee participation elections will promote the actuarial and financial soundness of the systems by limiting employee participation elections and thereby reducing the occurrence and effects of participant adverse selection;

WHEREAS, under Utah Code Annotated § 49-11-613(1)(a), it is the participating employer's and member's obligation to inform themselves of their rights and obligations under Title 49.

NOW, THEREFORE, BE IT RESOLVED that the following rules apply to those employee participation elections specified herein, and any similar elections which may be enacted in the future, available to employees of participating employers to participate in the retirement systems and plans administered by URS in accordance with Utah Code Title 49.

Employee Retirement Participation Rules

I. Participation and Elections

General Rules

1. An employee of a participating employer is subject to all applicable participation rules found in Title 49, including mandatory participation requirements. However, employees in qualifying positions at certain times may be eligible to elect exemption from participation or coverage in a system or plan in accordance with these rules.
2. For purposes of these rules:
    a. Participating employer means an applicable URS participating employer defined under Utah Code Annotated § 49-11-102.
    b. Different departments, divisions, agencies, offices, or other administrative units of a participating employer shall collectively be considered components of that employer and constitute a single participating employer with URS.
    c. Actual participation in a defined benefit system or plan constitutes a participation election regardless of whether such participation commenced by default, affirmative employee election, employer enrollment, or otherwise.
    d. The duration of an employee's employment with an employer is a comprehensive term that includes all periods of employment with that employer.
        i. The duration of employment is not affected or reset by a position change or promotion, even if the employee's new position is one that would otherwise qualify for an election.
        ii. The duration of employment resumes if the employee is rehired with that employer after a termination of employment, and employee elections limited to those initially beginning employment with an employer are unavailable after being rehired with a previous employer.
3. Elections may be required to be made and submitted on forms provided by the Retirement Office.
4. URS has no discretion to make exceptions to these rules based on lack of knowledge, hardship, or other extenuating personal circumstances or situations. Since these rules are based on statutory provisions under Utah Code Title 49 and federal law, the Retirement Office, URS Executive Director, and Board must

follow the law, and appeals to override such administration must be denied as a matter of law.

Tier 1 Rules

5. A member initially beginning employment with a participating employer who, pursuant to statute, is eligible to elect non-participation with a Tier 1 defined benefit system or plan, may make a one-time irrevocable election to exempt from coverage in the system or plan.
    a. This election to exempt from coverage may only be made when the employee initially begins employment with that employer and before the employee participates with the defined benefit system or plan while an employee of that employer.
    b. Once a member has participated with a defined benefit system or plan while an employee of a participating employer, the one-time irrevocable election to exempt from coverage is unavailable for the duration of the employee's employment with that employer.
6. Once a Tier 1 member has exempted from coverage in the defined benefit system or plan and instead participated with a defined contribution plan while an employee of a participating employer, whether the defined contribution plan is administered by URS or another plan of the employer, the member may not elect to revoke or cancel the exemption and participate in the Tier 1 defined benefit system or plan for the duration of the employee's employment with that employer.
7. If an employee who has elected to exempt from coverage has a change in a position with the same employer, the following rules shall apply:
    a. If the new position is not eligible for an exemption, the employee will automatically move to participation in the applicable defined benefit system or plan.
    b. If the new position is eligible for an exemption, the employee will remain exempt from participation in the applicable defined benefit system or plan.
    c. In no event may an employee who has a change in position with the same employer be allowed a participation election.
8. Except in cases of rehire with a previous employer, an employee's participation election with a previous employer does not apply to retirement participation in employment with a different participating employer.
9. For elections under Utah Code Annotated § 49-11-406, which allows members in certain positions to elect to be exempt from coverage and have the member's defined benefit balance transferred from the applicable defined benefit system or plan to a defined contribution plan, this election may also be made at the time of bona fide termination of employment while in a qualifying position with the participating employer as an irrevocable alternative distribution of the defined benefit.
    a. This election results in a forfeiture of service credit under the Tier 1 defined benefit system or plan that has accrued at the time of the transfer.
    b. In the future, if the member becomes employed in a position covered by URS retirement benefits, the member would only be eligible to be a

member of a Tier 2 or later-enacted system or plan, as applicable at the time of their future employment date.

Tier 2 Rules

10. For a member initially entering Tier 2 retirement covered employment, no election is final and the member does not participate in a system or plan until completion of the one-year election period described in §§ 49-22-201(2) or 49-23-201(2).
11. At the conclusion of the one-year period, the participation election, whether by affirmative election or default, for the Tier 2 Hybrid Retirement System or Tier 2 Defined Contribution Plan is irrevocable for the member's career.
12. A member of the Tier 2 Defined Contribution Plan:
    a. May never change the member's irrevocable election and elect to participate with the Tier 2 Hybrid Retirement System.
    b. Who qualifies for and timely makes the election to be exempt pursuant to Utah Code Annotated §§ 49-22-205 or 49-23-203 continues to receive the same employer nonelective contribution, except that the contribution is exempt from the vesting requirements of Utah Code Annotated §§ 49-22-401 or 49-23-401.
    c. Who no longer qualifies for an exemption from coverage, including by no longer being employed in a qualifying position or a change in employment to a different employer, the member shall continue participation with the Tier 2 Defined Contribution Plan, but shall become subject to the vesting requirements of Utah Code Annotated §§ 49-22-401 or 49-23-401. However, revoking or changing an exemption from coverage may not be made at the member's option or election.
13. A member of the Tier 2 Hybrid Retirement System:
    a. May never change the member's irrevocable election and elect to participate with the Tier 2 Defined Contribution Plan.
    b. Who qualifies for and timely makes the election to be exempt pursuant to Utah Code Annotated §§ 49-22-205 or 49-23-203, such as for subsequent employment in a qualifying position with a different employer, will then receive the same employer nonelective contribution as a member of the Tier 2 Defined Contribution Plan, except that the contribution is exempt from the vesting requirements of Utah Code Annotated §§ 49-22-401 or 49-23-401.
        i. This election to exempt from coverage may only be made when the employee initially begins employment with that employer and before the employee participates with the Tier 2 Hybrid Retirement System while an employee of that employer.
        ii. Once a member has participated with the Tier 2 Hybrid Retirement System or received defined contribution benefits pursuant to an exemption from coverage while an employee of a participating employer, the member's option to change the election is unavailable for the duration of the employee's employment with that employer.

iii. If a member no longer qualifies for an exemption from coverage, including by no longer being employed in a qualifying position or a change in employment to a different employer in a position that is not eligible for exemption, the member shall be returned to participation with the Tier 2 Hybrid Retirement System. However, revoking or changing an exemption from coverage may not be made at the member's option or election.

c. Who is eligible to and makes an election under Utah Code Annotated § 49-11-406, which allows members in certain positions to elect to be exempt from coverage and have the member's defined benefit balance transferred from the applicable defined benefit system or plan to a defined contribution plan, may also make the election at the time of bona fide termination of employment while in a qualifying position with the participating employer as an irrevocable alternative distribution of the defined benefit. This election results in a forfeiture of service credit under the Tier 2 Hybrid Retirement System that has accrued at the time of the transfer.

14. For a member initially entering Tier 2 retirement covered employment who qualifies for and submits the election to be exempt during the one-year election period described in §§ 49-22-201(2) or 49-23-201(2):
    a. The election may be changed until it takes effect at the conclusion of the one-year period.
    b. This election results in an irrevocable career election to participate in the Tier 2 Defined Contribution Plan; the member may never elect to participate with the Tier 2 Hybrid Retirement System.
    c. While in a position qualifying to be exempt pursuant to Utah Code Annotated §§ 49-22-205 or 49-23-203, the member shall receive the same employer nonelective contribution as a member of the Tier 2 Hybrid Retirement System, except that the contribution is exempt from the vesting requirements of Utah Code Annotated §§ 49-22-401 or 49-23-401.
    d. If a member no longer qualifies for an exemption from coverage, including by no longer being employed in a qualifying position or a change in employment to a different employer in a position that is not eligible for exemption, the member shall continue to participate with the Tier 2 Defined Contribution Plan, but shall become subject to the vesting requirements of Utah Code Annotated §§ 49-22-401 or 49-23-401. However, revoking or changing an exemption from coverage may not be made at the member's option or election.
    e. Once a member has participated with a defined benefit system or plan while an employee of a participating employer, the one-time irrevocable election to exempt from coverage is unavailable for the duration of the employee's employment with that employer.

II. URS Responsibilities

1. The Retirement Office shall help educate participating employers on their rights and responsibilities in administering these rules and clarify URS policies and procedures, including providing guidance in the online URS Employer's Guide. This responsibility shall not override an employer's or member's statutory duty to inform themselves of their rights and obligations under Utah Code Title 49.
2. The Retirement Office regularly audits participating employers to ensure compliance with state retirement laws. Compliance audit testing for participating employers shall include requirements relating to retirement participation, one-time irrevocable elections, and CODAs.
3. The Retirement Office may not assist or allow an employer to change an employee's retirement participation or an employee to make a participation election if either would violate law or these rules.
4. Subject to law and these rules, the Retirement Office shall assist participating employers in correcting errors with respect to any unlawful participation elections that are discovered through employer compliance audits, self-reporting, or other ways.

III. Employer Responsibilities

1. Participating employers shall inform themselves of their rights and obligations under Utah Code Title 49.
2. As provided by statute, participating employers shall designate those positions eligible for exemption and maintain a list of eligible positions and employee exemptions, which the Retirement Office may review during employer audits or at other times.
3. Hiring, promotion, and onboarding processes are within the employment relationship between the employer and employee.
4. A participating employer shall, during the employee onboarding process for new hires:
    a. provide information to its new employees on retirement options available;
    b. ascertain whether the employee has prior URS service credit or prior employment with that employer and, if applicable, educate the employee regarding the eligibility for and timing of any participation elections with URS;
    c. enroll the employee in a system or plan and with eligible elections so that the employee's retirement participation will be in compliance with these rules and applicable law.
5. A participating employer may not change an employee's retirement participation or elections in violation of law or these rules.
6. In order to ensure compliance with these rules as well as the Postretirement Reemployment Restrictions provided in Utah Code Title 49, Chapter 11, Part 12, each participating employer shall certify to URS both its eligible and ineligible employees, upon their initially and subsequently entering employment with that employer.
7. A participating employer shall contact URS if it has questions about these rules or their application to specific situations.

IV. Employee Responsibilities

1. Members shall inform themselves of their rights and obligations under Utah Code Title 49, including ensuring they are timely and correctly enrolled and participating in a URS retirement system or plan or properly making an election to exempt from participation.
2. If an employee may lawfully make a retirement participation election as allowed by these rules, that employee is individually responsible for making that election and should consult their own tax or legal advisor to determine the effect of laws and the election on their particular situation.
3. An employee may not change a retirement participation election in violation of these rules.
4. A member should not make requests to URS for an exception to these rules based on lack of knowledge, hardship, or other extenuating personal circumstances or situations. Since these rules are based on statutory provisions under Utah Code Title 49 and federal law, the Retirement Office, URS Executive Director, and Board must follow the law, and appeals to override such administration must be denied as a matter of law.
5. If there are claims relating to hiring, promotion, or onboarding processes, such disputes are within the employment relationship between the employer and employee and appeals relating to such disputes should be directed to the participating employer.

This Resolution takes effect on April 11, 2019.

URS shall notify participating employers about this Resolution.

RESOLUTION #2019-05 TERMINATION OF EMPLOYMENT AND REEMPLOYMENT

November 21, 2019

WHEREAS, the Utah State Retirement Board (Board) “shall ensure that the systems, plans, programs, and funds are administered according to law.” Utah Code Annotated § 49-11- 203(1)(c).

WHEREAS, the Board shall maintain “the systems, plans, and programs on an actuarially sound basis.” Utah Code Annotated § 49-11-203(1)(g).

WHEREAS, the Board shall “develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board’s policymaking functions, including the specific authority to interpret and define any provision or term under this title [Utah Code Annotated Title 49] when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or

maintains the actuarial soundness of the systems, plans, or programs." Utah Code Annotated § 49-11-203(1)(k).

WHEREAS, the Board shall act "consistent with this title [Utah Code Ann. Title 49] for the administration of the systems, plans, and programs in order to carry out the purposes of this title [Utah Code Ann. Title 49]." Utah Code Annotated § 49-11-203(1)(n).

WHEREAS, the Board or Utah State Retirement Office "may take actions necessary to protect the tax qualified status of the systems, plans, and programs under its control . . ." Utah Code Annotated § 49-11-801(5).

WHEREAS, the systems, plans, and programs administered by the Utah Retirement Systems (URS) are intended to be administered as qualified systems, plans and programs under the Internal Revenue Code (IRC) and must therefore comply with requirements applicable to such systems, plans, and programs in order to maintain the qualified status that protects the resulting tax advantages of provided benefits.

WHEREAS, the Internal Revenue Service (IRS) enforces the IRC and has promulgated regulations and published determinations, rulings, and other guidance affecting qualified governmental systems, plans and programs, including guidance regarding requirements for termination of employment and separation from service.

WHEREAS, the Board shall liberally construe Utah Code Annotated Title 49 "to provide maximum benefits and protections consistent with sound fiduciary and actuarial principles." Utah Code Annotated § 49-11-103(2).

WHEREAS, the Board finds that the Legislature's enactment of certain statutory provisions in Utah Code Annotated Title 49 was based on financial and actuarial principles as described, for example, in a legislative briefing paper: "• A retirement system will be more expensive if it allows retirees to return to work for a covered employer immediately after retirement because it encourages members to retire immediately upon reaching eligibility instead of waiting until the retiree is ready to quit working permanently. • Current postretirement employment restrictions were included as a key component of the broader 2010 retirement reforms following the great recession of 2008. These reforms were effective at reducing the common practice of employees returning to work after retirement, which is believed to have helped control retirement costs."[1]

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[1] *Utah Postretirement Employment Restrictions*, Utah Legislature Briefing Paper, Prepared by the Office of Legislative Research and General Counsel, December 2014.

WHEREAS, the Board finds it is necessary to define (or further define), interpret, and clarify what constitutes a "bona fide termination of employment," "bona fide separation of service," "bona fide severance from employment," and "reemployment" within the meaning of Utah Code Annotated Title 49 and otherwise act as set forth herein in order to: (i) ensure that the systems, plans, programs, and funds are administered according to law; (ii) promote uniformity in the administration of the systems; (iii) maintain the actuarial soundness of the systems, plans, or programs; (iv) carry out the purposes of Utah Code Annotated Title 49; (v) provide maximum benefits and protections consistent with sound fiduciary and actuarial principles; and (vi) protect the tax qualified status of the systems, plans, and programs.

NOW, THEREFORE, BE IT RESOLVED, that the following rules apply to members, participants, and participating employers of URS defined benefit and defined contribution savings plans:

I. General Rules

1. The following definitions apply to and shall be used in and for all purposes related to Utah Code Annotated Title 49:
    a. "Bona fide termination of employment" and "termination of employment," which are synonymous, mean the permanent extinguishment of all of a person's fee-for-service relationships of any kind or character with or for, directly or indirectly, the benefit of any participating employer.
    b. "Fee-for-service relationship" is any expectation or promise of compensation, including cash, wages, payments (including payments under a written or verbal contract), stipends, vouchers, gift cards, gift certificates, pre-paid debit cards, or other cash equivalent items in consideration of the provision of any service(s) of any kind or character.
    c. "Reemployment" means the resumption of a fee-for-service relationship of any kind or character with a participating employer after a bona fide termination of employment.

    d. "Bona fide separation of service," "separation of service," "bona fide severance from employment," and "severance from employment" which are synonymous, have the same meaning as "bona fide termination of employment."
2. When it is necessary to determine whether a member or participant has employment with a participating employer, has experienced a bona fide termination of employment, or has experienced reemployment, URS will evaluate that question.
3. URS' evaluation and subsequent determination of alleged employment, termination of employment, or reemployment is fact specific and each

situation shall be separately evaluated based on its individual, particular facts and circumstances.

4. In performing each evaluation regarding termination of employment and making its determination, URS will consider the following non-exhaustive list of relevant factors:
    a. Whether the termination of employment is more than a technical change (i.e., URS will focus on the substance, not merely the form, of the alleged change);
    b. Whether the member or participant has or had any prearrangement of any kind or character which anticipates a post-termination of employment fee-for- services relationship with a participating employer;
    c. Any similarities between the services the employee performed for the participating employer prior to termination of employment and the services the person performs (or proposes to perform) for a participating employer post- termination;
    d. The putative reason(s) for the termination of employment;
    e. Whether the participating employer hired or hires a new employee to perform the services performed by the employee prior to the alleged termination of employment;
    f. How much time has passed between the alleged termination of employment and any post-termination fee-for-services relationship with any participating employer; and
    g. Any other facts or circumstances deemed relevant by URS in the course of its evaluation.
5. In performing an evaluation regarding reemployment, including for purposes of Utah Code Annotated Title 49, Chapter 11, Part 12, Postretirement Reemployment Restrictions Act, and making its determination, URS will consider the following non- exhaustive list of relevant factors:
    a. Whether the termination of employment is more than a technical change (i.e., URS will focus on the substance, not merely the form, of the alleged change);
    b. Whether the member or participant has or had any prearrangement of any kind or character which anticipates a post-termination of employment fee-for- services relationship with a participating employer;
    c. Any similarities between the services the employee performed for the participating employer prior to termination of employment and the services the person performs (or proposes to perform) for a participating employer post- termination;
    d. The putative reason(s) for the termination of employment;
    e. Whether the participating employer hired or hires a new employee to perform the services performed by the employee prior to the alleged termination of employment;

f. How much time has passed between the alleged termination of employment and any post-termination fee-for-services relationship with any participating employer; and
g. Any other facts or circumstances deemed relevant by URS in the course of its evaluation.

In addition to the general rules, the following rules apply to members, participants, and participating employers as indicated:

II. Defined Benefits Rules:

For defined benefit systems and plans administered by the Board:

1. Numerous statutes require a member to cease actual work for every participating employer prior to the member's retirement date, including (without limitation) Utah Code Ann. §§ 49-12-401(1)(a), 49-13-401(1)(a), 49-14-401(1)(a), 49-15-401(1)(a), 49-16- 401(1)(a), 49-17-401(1)(a), 49-18-401(1)(a), 49-22-304(1)(a), 49-23-303(1)(a).
2. A member must have experienced a bona fide termination of employment to satisfy the requirements to cease actual work for every participating employer.

III. Defined Contribution Savings Plan Rules:

For defined contribution savings plans administered by the Board:

1. A savings plan must meet the requirements under the plan document and federal law for a distribution to be made from a plan.
2. If a distribution is based on a separation from service or severance from employment the member or participant must have experienced a bona fide separation of service or severance from employment.
3. On or after February 1, 2020, when determining whether a bona fide separation of service or bona fide severance from employment has occurred, the office shall also require a separation break of 30 or more calendar days from any participating employer. This 30-day separation break requirement does not apply to the 30 days following a member's retirement date with a URS defined benefit system or plan.
4. A bona fide separation of service or bona fide severance from employment is specifically not met if there is, prior to the completion of all applicable termination and separation requirements and periods:
    a. A change of employment to another participating employer; or
    b. A prearrangement by the member of any kind or character that anticipates a future fee-for-service relationship of any kind or character with or for, directly or indirectly, the benefit of any participating employer.

IV. "Volunteer" Rules:

1. The following definitions shall be used in and for all purposes related to these "volunteer" rules:
    a. "Volunteer" is a person who provides services to a participating employer without a fee-for-service relationship (i.e., entirely absent of any expectation or promise of compensation).

b. “Compensation” includes cash, wages, stipends, vouchers, gift cards, gift certificates, pre-paid debit cards, or other cash equivalent items.
c. “Compensation” does not include minimal value goods or services provided by a participating employer to a “volunteer” whose total, combined value must be less than $250 per calendar year and the value of any one good or service provided must not exceed $100. Examples of minimal value goods or services include: a volunteer shirt; occasional snacks or drinks; the value of discounts at the employer’s cafeteria, restaurant, or store such as those generally given to employees or volunteers; admission, a ticket, or pass for the volunteer’s own use; occasional guest admission, tickets, or passes; occasional attendance at social events; holiday gift; and an occasional volunteer meal. These goods or services may not be disguised wages.
d. “Compensation” also does not include reasonable, actual out-of-pocket expenses related to the volunteer service that are reimbursed by the participating employer.

2. Volunteer service in accordance with these rules does not:
    a. Constitute employment that must be terminated prior to the member’s retirement date; or
    b. For purposes of Title 49, Chapter 11, Part 12, Postretirement Reemployment Restrictions Act:
        i. Constitute reemployment; or
        ii. Affect or restart the separation period that begins on the member’s retirement date.
3. A volunteer may need to decline compensation or certain benefits offered by the participating employer to that volunteer or offered to volunteers generally so that the volunteer service does not constitute employment or reemployment.
4. Volunteer service may constitute employment or reemployment if there is a prearrangement by the member with a participating employer of any kind or character that anticipates:
    a. the volunteer service is given in exchange for or as a condition of future employment or any fee-for-service relationship with any participating employer (a quid pro quo); or
    b. any kind of deferred compensation for the volunteer service.

This Resolution takes effect on November 21, 2019.