

## Chapter ETF 2

## INTRASTATE RETIREMENT RECIPROCIITY

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**ETF 2.01 Authorization.** Pursuant to the authority granted by section 40.84 (3), Wis. Stats., the board promulgates this chapter ETF 2 for the purpose of assuring compliance with the legislative intent to encourage career public service through a program of intrastate retirement reciprocity, by permitting earnings and service under 2 or more retirement programs to be used or combined for benefit computation and eligibility purposes under each retirement program.

**History:** Cr. Register, May, 1974, No. 221, eff. 6-1-74

**ETF 2.02 Eligibility.** (1) This chapter applies only to a person who has some creditable service after November 29, 1973, under at least one retirement program and whose creditable service under all retirement programs has terminated.

(2) To give effect to the concept of encouraging career public service this chapter applies only to any period of continuous creditable service under 2 or more retirement programs, but any interruption of such creditable service which lasts less than 3 full calendar years shall not be considered to break the continuity of such creditable service.

(3) This chapter does not apply to any period of creditable service under a retirement program which preceded payment of a separation or withdrawal benefit or annuity by that retirement program.

(4) This chapter does not apply to any person who does not have at least 3 years of earnings under one retirement program except for purposes of establishing eligibility for a disability or death benefit.

**History:** Cr. Register, May, 1974, No. 221, eff. 6-1-74.

**ETF 2.03 Basis of benefit computations.** (1) The monthly rate of earnings to be applied to the appropriate formula computations under each retirement program shall be the highest of the following rates, determined on the basis of not less than 3 years of earnings:

- (a) Formula final rate of earnings determined under section 41.02 (21) (c), Wis. Stats.; or,
- (b) Final average compensation determined under section 42.20 (26) (c), Wis. Stats.; or
- (c) Final average compensation determined under section 42.70 (2) (v), Wis. Stats.

(2) A person to whom this chapter applies shall be eligible for a formula annuity computation under each retirement program from which the person is eligible, or would be eligible in the absence of minimum annuity provisions, to receive an annuity. The formula to be used in each case shall be the formula in effect for each type of service under each retirement program on the latest date for which such person received creditable service under any retirement program.

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(3) The benefit computation provided by this section shall not be used by a retirement program if such use would result in a smaller benefit being payable by that retirement program.

(4) When creditable service under 2 or more retirement programs is combined to establish eligibility for a disability benefit, each retirement program shall compute and pay a disability benefit but only the retirement program under which the person was last covered shall include in creditable service assumed service after the date the disability occurred. If the person had simultaneous coverage under 2 or more retirement programs at the time the disability occurred, only the retirement program under which the person had the most creditable service shall include such assumed service in the creditable service computation.

(5) A person who qualifies for and receives a disability annuity under a retirement program due to a combination of service under 2 or more retirement programs, shall not lose such eligibility if, after payment of the disability annuity from one retirement program has started, the person receives a lump sum settlement and forfeits his rights to an annuity from the other retirement program.

**History:** Cr. Register, May, 1974, No. 221, eff. 6-1-74.