

## Chapter Ret 2

## PARTICIPANTS

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**Ret 2.01 Participating employees.** The initial determination of whether a job normally requires 600 hours of work per year will be made by the participating employer and it will be assumed that persons whose names are included on the monthly payroll report, and for whom proper forms are submitted, are participating employees as defined in s. 41.02 (7), Stats. A person who otherwise qualifies as a participating employee may not be excluded because the employer considers the employee as temporary, or wishes to exclude the employee for any other reason. However, the board will not assume any obligation to insure that all eligible employees are included in the fund.

**History:** 1-2-66; am. Register, February, 1970, No. 170, eff. 3-1-70; am. Register, May, 1972, No. 197, eff. 6-1-72.

**Ret 2.02 Qualifying.** In determining the completion of the qualifying period provided in s. 41.02 (6) (c), Stats., a person shall be considered to have completed 6 months continuous service if such person shall have received compensation for 6 months without interruption of earnings aggregating more than 10 days. In determining the completion of 12 months total service pursuant to such statute, the method set forth in s. Ret 2.21 shall be applicable, or the equivalents set forth in s. 41.02 (19), Stats., may be used.

**History:** 1-2-66; am. Register, July, 1959, No. 43, eff. 8-1-59; am. Register, February, 1970, No. 170, eff. 3-1-70.

**Ret 2.21 Creditable service.** (1) Service shall be reported to the department as follows:

(a) New participating employers shall indicate on forms provided by the department the basis of employment for each employee during each year for which prior service credit is being claimed, and if the basis of employment was for periods of less than full-time, the employer shall indicate the number of hours worked in each calendar quarter year. If the employer is unable to provide the quarterly breakdown from previous employment records, the employer may determine the number of hours worked per quarter by dividing the number of hours worked in each calendar year by 4. The amount of creditable prior service shall be determined by the department and approved by the board.

(b) Each participating employer and state department shall determine and list the creditable current service to the nearest half month for each participating employee on each detailed coverage report.

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(2) Creditable prior and creditable current service shall be granted only for employment represented by participating earnings and shall be determined as follows:

(a) For periods of full-time employment, service beginning prior to the 8th of the calendar month shall be computed as an entire month; service beginning from the 8th to the 23rd of the calendar month, both inclusive, shall be computed as a half month; and service beginning after the 23rd of the calendar month shall be disregarded. For such purpose, service ending prior to the 8th of the calendar month shall be disregarded; service ending from the 8th to the 23rd of the calendar month, both inclusive, shall be computed as a half month; and service ending after the 23rd of the calendar month shall be computed as a full month. In making such computations, service must be continuous from the beginning of the month, or to the end of the month, whichever is applicable.

(b) For periods of less than full-time employment, creditable service shall be granted on the basis of the number of hours worked for which covered earnings were paid in a calendar quarter year as indicated in the following table:

| If number of hours of work for which paid in calendar quarter year was |               | Then months of creditable service in calendar quarter year shall be: |
|--|---------------|--|
| At least:  | But less than |  |
| 0  | 44            | 0  |
| 44   | 130           | ½  |
| 130  | 217           | 1  |
| 217  | 304           | 1-½  |
| 304  | 390           | 2  |
| 390  | 477           | 2-½  |
| 477 & over   |               | 3  |

(c) State elected officials are hereby determined to be employed full-time.

(d) For local elected officials eligible in accordance with s. 41.02 (6) (a) and (b), Stats., but serving in positions not generally considered full-time, the amount of creditable service shall likewise be granted on the basis of the number of hours worked as indicated in the preceding table, and the number of hours worked shall be determined as follows:

1. For positions which are essentially ministerial in nature, the number of hours shall be the number of hours actually worked if a regular work schedule has been established. If there is no regular work schedule the number of hours shall not be greater than the quotient derived from dividing the compensation paid during the calendar quarter by 2 times the minimum hourly wage rate established by the federal Fair Labor Standards Act for non-agricultural employment.

2. For members of governing bodies or other policy-making groups, the number of hours shall be the number of hours in actual attendance at board and committee meetings and a reasonable amount of time spent in preparation for such meetings, but in no event shall the number of hours determined to have been spent in preparation time exceed the number of hours actually spent at the meetings.

3. In applying the standards set forth in subds. 1. and 2. above, it shall be the responsibility of the local unit of government to maintain the necessary documentation to justify the reasonableness of the basis used in reporting of creditable service for local elected officials.

4. The department may consider other factors in granting creditable service to local elected officials where circumstances warrant and when satisfactory supporting information is provided.

**History:** 1-2-56; r. and rec. with Ret 2.71 Register, December, 1977, No. 264, eff. 1-1-78.

**Ret 2.22 Prior service earnings.** In computing the average monthly earnings for prior service purposes, the earnings in the 3 year base period shall be divided by the number of months worked in the 3 year period as listed in the Periods of Service reported by the participating employer, computed to the half month in accordance with s. Ret. 2.21 or in accordance with the equivalents set forth in s. 41.02 (19), Stats.

**History:** 1-2-56; am. Register, February, 1970, No. 170, eff. 3-1-70; am. Register, May, 1972, No. 197, eff. 6-1-72.

**Ret 2.23 Prior service statements.** Two prior service statements will be prepared for each participating employe, the original to be forwarded to the representative of the employer for distribution to the participating employe, the copy to be retained by the fund. No prior service statement shall be issued for any employe on leave of absence on the effective date for such employer until that employe returns to work and earnings therefor are included upon a monthly payroll report. The original prior service statements shall be prepared and signed by the director on behalf of the board.

**History:** 1-2-56; am. Register, February, 1970, No. 170, eff. 3-1-70; am. Register, May, 1972, No. 197, eff. 6-1-72.

**Ret 2.24 Prior service redetermination.** The director is authorized to act for the board of trustees in reconsidering any determination of the length of prior service if a request therefor pursuant to s. 41.04 (2) (c), Stats., is filed too late to permit action by the board at a regular meeting within the 2 year period prescribed therein.

**History:** 1-2-56; am. Register, February, 1970, No. 170, eff. 3-1-70.

**Ret 2.25 Potential prior service.** When evidence of termination of employment is filed for an employe who is on a leave of absence on the effective date of participation without such individual ever having resumed employment after the effective date, then all potential prior service credits for such person shall be cancelled.

**History:** 1-2-56; am. Register, May, 1972, No. 197, eff. 6-1-72.

**Ret 2.31 Cancellation of termination.** **History:** 1-2-56; am. Register, July, 1959, No. 43, eff. 8-1-59; am. Register, May, 1972, No. 197, eff. 6-1-72; r. Register, December, 1981, No. 312, eff. 1-1-82.

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**Ret 2.41 Major occupation.** Whenever a participating employe occupies a single job involving some duties as a protective occupation participant the normal contribution rate shall be that specified in s. 41.07 (2) (a) 1 or (am) 1, Stats., but if the duties as a protective occupation participant regularly require more than 50% of the working time of such single job the normal contribution rate shall be that specified in s. 41.07 (2) (a) 4 or 5 or (am) 3 or 4, Stats.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61; r. and recr. Register, October, 1962, No. 82, eff. 11-1-62; r. and recr., Register, December, 1966, No. 132, eff. 1-1-67, am. Register, February, 1970, No. 170, eff. 3-1-70; am. Register, May, 1972, No. 197, eff. 6-1-72.

**Ret 2.51 Forms.** All forms must be filled in either by typewriter or in ink, and must be signed in ink. If a participant cannot sign his name, his "x" must be witnessed by the signatures of 2 adults who must sign in ink.

**Ret 2.52 Names.** On all forms the name of the participant must include at least the surname, the first name and the middle initial (if any). The name of a married woman must show her own first name and middle initial (if any), not those of her husband.

**Ret 2.61 Withholding.** The director is authorized to request a participating employer to withhold any sum paid to an annuitant or participant through misrepresentation, fraud or error pursuant to s. 41.22 (1) (b), Stats.

**History:** 1-2-56; am. Register, February, 1970, No. 170, eff. 3-1-70; am. Register, May, 1972, No. 197, eff. 6-1-72.