

Chapter Ret 5

APPLICATIONS

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**Ret 5.01 Application schedule.** The following schedule is adopted for the administration of the system:

(1) **SEPARATION BENEFITS.** (a) Each application for a separation benefit shall be acted upon by the director pursuant to s. 41.04 (1) (b), Stats. if the application is received in the office of the department prior to the applicant's attainment of age 55, and payment shall be made in accordance with paragraph (b) when all other necessary forms and data have been received provided it is determined that the applicant is eligible for a separation benefit.

(b) Each separation benefit shall be scheduled for payment on the first day of the second month which begins after the date of receipt in the offices of the department of an application from the participant and notice of termination from the employer which includes a certification of the amount of all earnings and contributions not previously reported to the fund. Except as otherwise provided by statute, any overpayment of a separation benefit which results from erroneous certification by a participating employer, and which is not repaid by the individual overpaid, shall be charged to and collected from the participating employer which submitted the erroneous certification.

(3) **MONTHLY SCHEDULE.** Applications for retirement and beneficiary annuities, disability annuities which do not involve any medical uncertainty as to the existence of a disability, and death benefits shall be processed and paid as of the end of each month upon the approval of director and the actuary, provided that no such annuity shall be continued beyond the date of the next meeting of the board without the approval of the board, if each such application and all required accompanying forms and data have been on file in the office of the fund not later than the 20th day of the preceding month.

**History:** 1-2-56; am. (1) (a), (b), (c), (d), Register, October, 1956, No. 10, eff. 12-31-56; am. (2) and cr. (3), Register, November, 1957, No. 23, eff. 12-31-57; am. (1) (c), Register, October, 1961, No. 70, eff. 11-1-61; am. (1) (a) and (d) and (3), Register, February, 1970, No. 170, eff. 3-1-70; cr. (4), Register, October, 1971, No. 190, eff. 11-1-71; am. (4), Register, May, 1972, No. 197, eff. 6-1-72; r. and recr. (1) and (2), am. (3), r. (3), Register, December, 1976, No. 252, eff. 1-1-77.

**Ret 5.11 Termination prerequisite.** Except as provided by s. 41.11 (6) (m), Stats., no application for a retirement annuity may be filed until the participating employe has terminated all service for every participating municipality for which he has been a participating employe and for which he received compensation.

**History:** 1-2-56; r. and recr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, February, 1970, No. 170, eff. 3-1-70.

**Ret 5.12 Application withdrawal.** Any application for a benefit may be withdrawn by the applicant at any time prior to approval of the application by the actuary and the director or the board. Any application withdrawn as provided herein shall have no force or effect, and any subsequent application shall be treated as a new application.

**History:** 1-2-56; r. and recr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, February, 1970, No. 170, eff. 3-1-70.

**Ret 5.13 Birth date.** **History:** 1-2-56; am. Register, February, 1970, No. 170, eff. 3-1-70; r. Register, August, 1980, No. 296, eff. 9-1-80.

**Ret 5.21 Eligibility.** Where potential prior service credits are involved, a participating employe can establish eligibility for a retirement or disability annuity, or for a death benefit only if his name appears on a monthly payroll report to the fund as having earned some compensation from the employer granting the prior service credit after the effective date of participation by such employer.

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

**Ret. 5.31 Death of applicant.** When an applicant for any benefit dies prior to approval of his application by the actuary and the director or the board, but the application is approved because information as to the death of the applicant has not been received, the approval of the application shall be automatically nullified.

**History:** 1-2-56; r. and recr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, February, 1970, No. 170, eff. 3-1-70.

**Ret 5.32 Estates.** When the applicant for a death benefit is the personal representative of the estate of the deceased, the board can approve the application, but actual payment of the death benefit will be withheld by the director until the necessary legal documents have been submitted by the executor or administrator and such have been approved by the legal advisor.

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

**Ret 5.41 Disability qualification.** (1) In the case of an application for a disability annuity the director shall obtain a medical certification as to total and permanent disability as set forth in (4) and (5) from the applicant's attending physician and from the municipal physician, or if there be no municipal physician then from the municipal health officer if he is a licensed physician. If the director cannot obtain such certification from a municipal physician or health officer, then he shall request such certification from a physician he believes will be approved by the board.

(2) It shall be the responsibility of the participating employer and the participating employe to furnish and to pay for the certifications required by (1). The board, however, may authorize the expenditure of such sums as are necessary to obtain any supplemental medical examination or report which may be required by the board in order to make an informed decision regarding any application for a disability annuity or a special disability annuity.

(3) The director is authorized to require and to spend such sum as is necessary for a medical examination pursuant to s. 41.13 (2) (d), Stats.

(4) A participating employe shall be considered to qualify under s. 41.13 (2), Stats., only if the physicians certify that the applicant is un-

able to perform the duties of any position, either in municipal employment or elsewhere.

(5) A participating employee shall be considered to qualify under s. 41.13 (3), Stats., only if the physicians certify that the applicant can no longer efficiently and safely perform the duties required by his position, and such condition is unlikely to improve.

(6) In the case of each application pursuant to s. 41.13 (3), Stats., the agent specified in section Ret 3.01 shall submit a statement as to whether in his judgment the applicant can efficiently and safely perform the duties required by his position.

**History:** 1-2-56; am. Register, April, 1960, No. 52, eff. 5-1-60; r. and recr. (2), Register, December, 1966, No. 132, eff. 1-1-67; am. (1), (3), (4), (5) and (6), Register, February, 1970, No. 170, eff. 3-1-70; am. (2), Register, May, 1972, No. 197, eff. 6-1-72.