

## PROPOSED AMENDMENTS TO MFPRSI ADMINISTRATIVE RULES – 2021

Rule 1.4(2)(l) of the System's Administrative Rules shall be amended to be split into two sections, and the new Rule 1.4(2)(m) shall be amended as follows:

(l) The Board shall submit an annual report to the Governor, the General Assembly and the city council of each participating city concerning the financial condition of the System, its current and future liabilities, and its actuarial valuation.

(m) Effective with the fiscal year beginning July 1, 2008, pursuant to Iowa Code section 97D.5, the annual actuarial update to the General Assembly report shall include the following additional information, determined using the entry age normal actuarial cost method based on a level percent of payroll basis with a thirty-year amortization period for unfunded liabilities: (1) the actuarially required contribution rate and (2) the normal cost rate.

The subsequent sub-paragraphs of Rule 1.4(2) shall be renumbered accordingly.

Rule 1.8(2) of the System's Administrative Rules shall be amended as follows:

**1.8(2) Recordings.** The Director shall record by mechanized means the closed session portion of each meeting, and shall retain the recording for at least one (1) year. ~~Recordings of closed sessions shall be sealed and retained at least one year.~~

Rule 2.2(7).b and .c of the System's Administrative Rules shall be amended as follows:

b. *Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the system shall be ~~posted on the system's website prominently posted in system offices~~. Copies of records may be made by or for members of the public on photocopy machines at cost as determined and posted in system offices by the system. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. *Supervisory fee.* An hourly fee may be charged for actual expenses in supervising the examination and copying of requested records when the supervision time required is in excess of 15 minutes. The ~~system shall prominently post the~~ hourly fees to be charged for supervision of records during examination and copying ~~shall be posted on the system's website~~.

Rule 3.1(1) of the System's Administrative Rules shall be amended as follows:

**3.1(1)** *Average Final Compensation* means the average Earnable Compensation of the member during the three years of service the member earned the member's highest salary as a police officer or fire fighter, or if the member had less than three years of service, then the average Earnable Compensation of the member's entire period of service. For years prior to January 1, 2003, a "year of service" for purposes of this definition is to be determined based on payroll periods. Provided, however, if the period so determined contains less than 365 days (or 366 days if such period encompasses February 29) days shall be added to the beginning or the end of such period so that the resulting "year of service" constitutes 365 (or 366, if applicable) consecutive days. The last payroll period shall constitute a complete payroll period for purposes of counting days whether or not the member was employed on the last day of that pay period. If a member dies or becomes disabled during his or her DROP period, only years of service prior to the date the member enters DROP are considered for purposes of calculating "Average Final Compensation."

Effective January 1, 2003, a year of service for purposes of this definition is to be determined based on calendar quarters. The high three years of service need not be consecutive, and shall not be overlapping.

Rule 6.9(3) of the System's Administrative Rules shall be amended as follows:

**6.9(3) *Service of Medical Records and Reports.*** Each party to an appeal relating to either accidental or ordinary disability benefits shall serve all medical records and reports concerning the member in the possession of the party upon each opposing party and shall file such records and reports with the System not ~~more~~later than ten (10) days ~~following~~prior to the appeal hearing, or if later of, the date of receipt ~~or the date of filing of the appeal.~~ (Provided, however, this rule does not apply to medical records or reports which are designated as System's exhibits and provided to the parties pursuant to Rule 6.4, above.) A notice shall accompany such records and reports identifying the records and reports served by the name of the practitioner or institution and date of the records and reports, and if served later than ten (10) days ~~following the date of~~prior to the appeal hearing, stating the date when the records and reports were received by the party serving them. Medical records and reports which are not served by a party in accordance with this subrule may not be introduced by the party at the hearing. The requirements of this subrule may be waived for good cause, as determined by the Committee.

Rule 6.14 of the System's Administrative Rules shall be amended as follows:

**6.14 Withdrawals.** A party requesting an appeal may withdraw that request prior to the hearing, subject to the approval of the Director~~Board~~. Unless otherwise provided, a withdrawal shall be with prejudice.

Rule 6.18 of the System's Administrative Rules shall be amended as follows:

**6.18 Deliberations.** The Committee may proceed with its deliberations immediately following the close of the evidence, subject to the right of any party to file a brief or other written argument within ~~seven~~ (~~7~~thirty (30)) days of the date of hearing. Deliberations shall be continued as necessary to allow for such a filing. Any party may waive its right to file a brief or other argument.

Rule 6.20(2).a of the System's Administrative Rules shall be amended as follows:

a. In General. Following the issuance of the initial decision on a claim for ordinary or accidental disability benefits, all communications directly between the member or the employing city (or the representatives of either) and the Medical Board are prohibited. Any requests for information from the Medical Board shall be directed through the System. The System shall provide copies of any response received from the Medical Board to all parties. Notwithstanding the foregoing, the Medical Board may deliver test results, diagnoses, conclusions, or recommendations directly to the member if required by applicable law or the Medical Board's patient communications policies.



Rule 6.21 of the System's Administrative Rules shall be amended as follows:

**6.21 Recording Costs.** Upon request, the System shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record ~~shall may~~ be charged to ~~paid by~~ the requesting party.

Rule 8.1(3) of the System's Administrative Rules shall be amended as follows:

**8.1(3) Required Information--Applicant.** The applicant shall submit proof of age with the application. Proof of age may also be required for the applicant's spouse or contingent beneficiary, as directed by the System. Proof of age shall be in the form of a birth certificate or church record recorded before age five. If neither of these records exists, the applicant shall submit one or more other documents or records acceptable to the System that verify the date of birth. Records that may be acceptable for this purpose include the following:

- (1) census record;
- (2) military record;
- (3) naturalization record;
- (4) marriage record;
- (5) life insurance policy;
- (6) school record;
- (7) family Bible record;
- (8) delayed birth certificate;
- (9) passport.

Photocopies of documents may be submitted, subject to the right of the System to require an original or certified copy.

~~The System shall return all submitted documents to the applicant, after making copies for the System's files.~~

Rule 9.2(2).d of the System's Administrative Rules shall be amended as follows:

d. The medical board shall review the medical records and the report of the medical examination, and shall report to the System in writing the board's conclusions, recommendations and assessment of the applicant's claim. The medical board may also communicate test results, diagnoses, conclusions, or recommendations directly to the applicant if required by applicable law or the medical board's patient communications policies. Following receipt of the medical board's conclusions, recommendations and assessment of an applicant's claim, the System may submit additional inquiries or requests for clarification as necessary to make its determination regarding the applicant's qualification for benefits.

Rule 9.4(3).f of the System's Administrative Rules shall be amended as follows:

f. Following the medical re-examination, the medical board shall submit written conclusions and recommendations to the System regarding whether the beneficiary continues to meet the medical requirements for disability benefits from the System. The medical board may also communicate test results, diagnoses, conclusions, or recommendations directly to the beneficiary if required by applicable law or the medical board's patient communications policies. Following receipt of the medical board's conclusions and recommendations regarding whether the beneficiary continues to meet the medical requirements for disability benefits, the System may submit additional inquiries or requests for clarification as necessary to make its determination regarding the applicant's qualification for benefits.

Rule 9.5(2).a of the System's Administrative Rules shall be amended as follows:

a. A beneficiary required to report shall provide a copy of his signed Iowa or federal Form 1040 as filed for the prior year, to the System by the deadline specified in section 411.6(7) plus copies of any of the following that were filed for the year in question:

- W-2 Forms (including those for spouse if joint return)
- 1099 Forms (including those for spouse if joint return)
- Schedules C, E, F and SE (including spouse's if joint return)
- Form 2106 and Schedule A (if claiming Employee Business Expense).

If the beneficiary filed the tax return electronically, in lieu of a copy of the signed return, copies of the tax forms referenced in the preceding paragraph, including Form 1040, must be provided, along with the beneficiary's certification that the return was filed.

The beneficiary shall also submit any other documentation requested by the System for purposes of determining the beneficiary's gross wages, including, but not limited to, a signed statement from the beneficiary's employer(s).

If the required information is not provided by the deadline, the System will follow up with the beneficiary ~~by mail, with return service requested~~. The follow-up ~~letter~~ shall reference the reporting requirement of the Code and shall state that the benefit is suspended beginning with the next benefit payroll.

In lieu of providing copies of the applicable tax forms, the member may provide a signed statement certifying that the member's earnings were sufficient to eliminate any disability benefit otherwise payable to the member.

Rule 9.5(2).e of the System's Administrative Rules shall be amended as follows:

e. "Earnings" for purposes of this Rule 9.5 shall be defined as the sum of the beneficiary's net earnings from self-employment for the taxable year and wages for services rendered in such year, all as evidenced by the beneficiary's tax return. Losses from self employment may not be deducted from wages for this purpose. Provided, however, at the beneficiary's request, "earnings" for purposes of the rule shall be reduced by any impairment-related work expenses and/or unreimbursed employee business expenses ~~which were deductible by the beneficiary for federal income tax purposes.~~ The beneficiary's federal income tax return (including related forms and schedules) shall be conclusive evidence of the existence and amount of such deductions. "Wages" for purposes of this Rule means gross wages, rather than the net amount paid after deductions by the employer for items including, but not limited to, taxes, insurance, plans of deferred compensation, 401(k) plans and cafeteria plans under section 125 of the Internal Revenue Code. Combat zone compensation, as described in section 112 of the Internal Revenue Code, is not earnings for purposes of this rule. Compensation received for services performed prior to the beneficiary's disability retirement is not part of "Earnings," regardless of when the compensation is received.

Rule 9.7(1) of the System's Administrative Rules shall be amended as follows:

|       **9.7(1) Notice.** The employing city is encouraged to ~~shall~~ notify the System of any temporary disability that has lasted, or is expected to last, more than sixty (60) days.

Rule 10.4(3) of the System's Administrative Rules shall be amended by deleting the following final sentence of the Rule:

~~The System shall return all submitted documents to the applicant, after making copies for the System's files.~~