

## **IC 21-38-7**

### **Chapter 7. Transfer of Membership From Indiana State Teachers' Retirement Fund; State Appropriation**

#### **IC 21-38-7-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to a state educational institution that had at least one (1) employee who was a fund member on July 1, 1980.

*As added by P.L.2-2007, SEC.279.*

#### **IC 21-38-7-2**

##### **Interpretation**

Sec. 2. This chapter does not limit the authority given to a state educational institution under any other law.

*As added by P.L.2-2007, SEC.279.*

#### **IC 21-38-7-3**

##### **Powers of state educational institutions**

Sec. 3. Subject to IC 5-10.2-2-20 and IC 5-10.2-2-21, a state educational institution may establish a retirement benefit system for the employees of the state educational institution.

*As added by P.L.2-2007, SEC.279. Amended by P.L.241-2015, SEC.44.*

#### **IC 21-38-7-4**

##### **Restricted participation in retirement benefit system**

Sec. 4. An employee may not be both an active:

- (1) fund member; and
- (2) retirement benefit system participant;

at the same time.

*As added by P.L.2-2007, SEC.279.*

#### **IC 21-38-7-5**

##### **Participation in retirement benefit system**

Sec. 5. If a state educational institution establishes a retirement benefit system that includes as participants employees who otherwise qualify as fund members, the state educational institution must allow an employee who otherwise qualifies as a fund member to elect whether to participate in the retirement benefit system.

*As added by P.L.2-2007, SEC.279.*

#### **IC 21-38-7-6**

##### **Employee election to participate in retirement benefit system**

Sec. 6. An employee's election under section 5 of this chapter must be in writing and is not effective until filed with the state educational institution.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-7****Noncontributing fund members; date participation is effective**

Sec. 7. If an employee is not a contributing fund member at the time the employee is initially hired by a state educational institution that has established a retirement benefit system, the employee may file an election under section 5 of this chapter to participate in the employer's retirement benefit system not later than sixty (60) calendar days after the employee's initial employment date. The election is effective as if it had been made on the employee's initial employment date.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-8****Contributing fund members; date participation is effective**

Sec. 8. If an employee is a contributing fund member at the time the employee elects under section 5 of this chapter to participate in a retirement benefit system:

- (1) the employee's rights in the fund on the date the employee's election is effective are the same as if the employee had terminated employment on that date; and
- (2) the employee's election and suspension of membership in the fund are effective on July 1 immediately following the date the employee files the election with the state educational institution.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-9****Prohibition on rejoining fund**

Sec. 9. After an employee's election under section 5 of this chapter becomes effective, the employee is not entitled to rejoin the fund while the employee remains employed by the state educational institution.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-10****Service credit**

Sec. 10. The service of an employee who is participating in a retirement benefit system may not be used to earn service credit, years of service, or for any other purpose by the fund.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-11****State educational institutions; duties**

Sec. 11. The state educational institution shall inform the board of trustees of the fund of:

- (1) the employee's election to participate in the retirement benefit system established by the state educational institution; and
- (2) the effective date of the employee's election.

*As added by P.L.2-2007, SEC.279.*

**IC 21-38-7-12**

**Amount of state contribution**

Sec. 12. (a) If a state educational institution establishes a retirement benefit system applicable to employees of the institution who otherwise qualify as members of the fund under IC 5-10.4-4-1, the general assembly shall appropriate to a state educational institution that establishes a retirement benefit system to fund the retirement benefit system an amount estimated to be equal to seven and four-tenths percent (7.4%) of the compensation of an employee who:

- (1) makes the election described in section 5 of this chapter; and
- (2) becomes a participant in the retirement benefit system of the state educational institution for all or a part of the period of the appropriation.

(b) The state educational institution shall:

- (1) estimate the sum described in subsection (a); and
- (2) submit the estimate to the budget agency and to the commission for higher education for inclusion in the operating appropriation of the state educational institution.

(c) The estimate described in subsection (b) must be submitted at the same time but separately from the request of the state educational institution for an operating appropriation.

*As added by P.L.2-2007, SEC.279.*