

20 NCAC 02B .0216 is proposed for adoption as follows:

20 NCAC 02B .0216 INACTIVE EMPLOYER EXTENSION REQUEST

“Clear and Convincing Evidence” means all of the following:

- (1) Job Description(s) of vacant position(s) requiring membership in the Teachers’ and State Employees’ Retirement System.
- (2) The date the position is expected to be filled or status of recruitment.
- (3) Confirmation that the position(s) are funded in the Employer’s most recent budget.
- (4) Statement that the Employer will continue to issue financial statements recognizing its share of the Teachers’ and State Employees’ Retirement System costs, if any, under governmental accounting standards.

*History Note: Authority G.S. 135-5.5(d); 135-6(f);
Eff. MONTH DD, YYYY*

20 NCAC 02B .0401 is proposed for amendment as follows:

20 NCAC 02B .0401 REFUNDS

(a) The Retirement System will make no refunds of employer contributions paid into the pension accumulation fund by the employer in the amount equal to a percentage of the actual compensation of each member in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.

(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of a revised payroll report for the correct amount before January 31 of the following year.

(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 135-8(f)(2)f., any contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an employer makes a contribution to the pension accumulation fund that was not required or the Retirement System must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

History Note: Authority G.S. 135-2; 135-6(f); 135-8(f);

Eff. February 1, 1976;

Readopted Eff. MONTH DD, YYYY; March 1, 2023; September 21, 1977.

20 NCAC 02C .0213 is proposed for adoption as follows:

20 NCAC 02C .0213 INACTIVE EMPLOYER EXTENSION REQUEST

“Clear and Convincing Evidence” means all of the following:

- (1) Job Description(s) of vacant position(s) requiring membership in the Local Governmental Employees’ Retirement System.
- (2) The date the position is expected to be filled or status of recruitment.
- (3) Confirmation that the position(s) are funded in the Employer’s most recent budget.
- (4) Statement that the Employer will continue to issue financial statements recognizing its share of the Local Governmental Employees’ Retirement System costs, if any, under governmental accounting standards.

*History Note: Authority G.S. 128-23.1(d); 128-28(g);
Eff. MONTH DD, YYYY*

20 NCAC 02C .0403 is proposed for amendment as follows:

20 NCAC 02C .0403 REFUNDS

(a) The Retirement System will make no refunds of employer contributions, paid into the Pension Accumulation Fund by the employer in the amount equal to a percentage of the actual compensation of each member, in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.

(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of a revised payroll report for the correct amount before January 31 of the following year.

(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 128-30(g)(2)b., any contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an Employer makes a contribution to the pension accumulation fund that was not required or the Retirement Systems Division must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

History Note: Authority G.S. 128-22; 128-28(g); 128-30(g);

Eff. February 1, 1976;

Readopted Eff. MONTH DD, YYYY; March 1, 2023; September 21, 1977.

20 NCAC 02C .0505 is proposed for adoption as follows:

20 NCAC 02C .0505 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM
DISABILITY RETIREMENT REEXAMINATION

(a) A beneficiary in receipt of disability retirement benefits under G.S. 128-27(c), who has submitted to the Retirement System a letter from the Social Security Administration confirming eligibility for primary Social Security disability benefits, shall not be subject to medical reexamination set forth in G.S. 128-27(e).

History Note: Authority G.S. 128-27(e); 128-28(g);
Eff. MONTH DD, YYYY