Rules and Regulations of the State of Georgia

Department 513 RULES OF PUBLIC RETIREMENT SYSTEMS

Current through Rules and Regulations filed through October 27, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Note: The 1985 Session of the General Assembly in O.C.G.A. 47-1-10 instructed that any rule or regulation adopted by a board of trustees, created by O.C.G.A. Title 47, for the administration or to aid in the administration of a public retirement or pension system during the period beginning January 1, 1979, and ending on July 1, 1985, be filed with the Secretary of State by January 1, 1986, or be void.

Chapter 513-1-1 entitled "Administrative Rules" of "Employees' Retirement System of Georgia" has been adopted. Filed November 18, 1985; effective as specified by each Rule.

Chapters 513-13-1 entitled "Rules of General Applicability" of "Sheriffs' Retirement Fund of Georgia", 513-13-2 entitled "Administrative Rules" of "Sheriffs' Retirement Fund of Georgia", have been adopted. Filed November 25, 1985; effective August 29,1984.

Chapter 513-14-1 entitled "Administrative Rules" of "Peace Officers' Annuity and Benefit Fund of Georgia" has been adopted. Filed November 25, 1985; effective as specified by each Rule.

Chapters 513-2-1 entitled "Rules of General Applicability" of "Public School Employees Retirement System", 513-3-1 entitled "Rules of General Applicability" of "Georgia Legislative Retirement System", 513-4-1 entitled "Rules of General Applicability" of "Trial Judges and

Solicitors Retirement Fund", have been adopted. Filed December 6, 1985; effective November 6, 1985.

Chapters 513-7-1 entitled "Administrative Rules" of "Georgia Firemen's Pension Fund" has been adopted. Filed December 23, 1985; effective as specified by each Rule.

Chapter 513-5-1 entitled "Administrative Rules" of "Teachers Retirement System of Georgia" has been adopted. Filed December 23, 1985; effective as specified by each Rule.

Chapters 513-8-1 entitled "Administrative Rules" of "Superior Court Judges Retirement Fund of Georgia", 513-9-1 entitled "Administrative Rules" of "Superior Court Judges Retirement System", 513-11-1 entitled "Administrative Rules" of "District Attorneys' Retirement Fund of Georgia", 513-12-1 entitled "Administrative Rules" of "District Attorneys' Retirement System" have been adopted. Filed December 31, 1985; effective as specified by each Rule.

Rule 513-1-1-.04 has been adopted. Rules 513-2-1-.01, 513-4-1-.01 have been amended.

Filed April 19, 1986; effective May 8, 1986.

Rules 513-7-1-.16, .17, .18 have been adopted. Filed September 3, 1986; effective September 23, 1986.

Rules 513-5-1-.16, .17 have been adopted. Filed June 9, 1987; effective June 29, 1987.

Rule 513-1-1-.05 has been adopted. Filed July 17, 1987; effective August 6, 1987.

Emergency Rules 513-5-1-0.1-.18 and 513-5-1-0.1-.19 adopted. Filed February 9, 1988; effective January 27, 1988, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule is necessary to secure and protect the interests of the members of the Teachers Retirement System. (These Emergency Rules will not be published; copies may be obtained from the Agency.)

Rules 513-5-1-.18, .19 have been adopted superseding Emergency Rules 513-5-1-0.1-.18, .19. Filed March 25, 1988; effective April 14, 1988.

Emergency Rule 513-5-1-.0.2 -.20 adopted. Filed July 27, 1990; effective July 25, 1990, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule is necessary to protect the interests of Teachers Retirement System members. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 513-5-1-.20 has been adopted superseding Emergency Rule 513-5-1-0.2-.20. Filed September 27, 1990; effective October 17, 1990.

Rules 513-7-1-.04, .08, .09 have been amended. Filed November 20, 1990; effective December 10, 1990.

Rules 513-14-1-.07, .09, .19 have been amended. Rules 513-14-1-.10, .12, .17, .18 have been repealed. Rule 513-1-1-.06 has been adopted. Filed March 25, 1991; effective April 14, 1991.

Rule 513-7-1-.01 has been amended. Filed September 25, 1991; effective October 15, 1991.

Rule 513-5-1-.21 has been adopted. Filed January 23, 1992; effective February 12, 1992.

Rule 513-1-1-.05 has been repealed and new Rule adopted. Filed March 24, 1992; effective April 13, 1992.

Rule 513-7-1-.19 has been adopted. Filed June 21, 1993; effective July 11, 1993.

Rule 513-7-1-.19 has been amended. Filed December 20, 1993; effective January 9, 1994.

Rule 513-1-1-.05 has been amended. Filed December 22, 1993; effective January 11, 1994.

Rules 513-5-1-.14, .16 have been amended. Rules 513-5-1-.22 to .59 have been adopted. Filed May 27, 1994; effective June 16, 1994.

Rules 513-7-1-.01 to .14 and .16 to .18 have been amended. Filed August 22, 1994; effective September 11, 1994.

Chapter 513-15-1 entitled "Rules of General Applicability" of "State Employees Assurance Department" has been adopted. Filed December 16, 1994; effective January 5, 1995.

Rule 513-5-1-.60 has been adopted. Filed July 28, 1995; effective August 17, 1995. Rules 513-14-1-.03 to .06 have been amended.

Rules 513-14-1-.10, .12, .17, .20, .21 have been adopted. Filed October 2, 1995; effective October 22, 1995.

Rule 513-1-1-.07 has been adopted. Filed August 19, 1996; effective September 8, 1996.

Rule 513-5-1-.61 has been adopted. Filed October 28, 1996; effective November 17, 1996.

Rule 513-5-1-.16 has been amended. Filed May 28, 1997; effective June 17, 1997.

Rule 513-5-1-.06 has been amended. Filed March 26, 1998; effective April 15, 1998.

Rule 513-1-1-.05 has been amended. Filed March 19, 1999; effective April 8, 1999.

Rule 513-5-1-.59 has been amended. Filed July 30, 1999; effective August 19, 1999.

Chapter 513-7-1 has been amended. Filed December 29, 1999; effective January 18, 2000.

Chapter 513-7-1 has been amended. Chapter 513-10-1 entitled "Georgia Class 9 Fire Department Pension Fund" has been adopted. Filed February 5, 2001; effective February 25, 2001.

Rule 513-5-1-.60 has been amended. Filed December 5, 2001; effective December 25, 2001.

Rules 513-5-1-.16 and .17 have been amended. Filed March 27, 2003; effective April 16, 2003.

Rule 513-14-1-.07 has been amended. Filed September 21, 2004; effective October 11, 2004.

Rules 513-7-1-.01, .03, .04, .09, .10, .12 to .15, .17, and .20 have been amended. Rules 513-7-1-.05 to .08, and .19 have been repealed and new Rules adopted.

Rules 515-7-1-.11 and .16 have been adopted. Filed August 20, 2009; effective September 9, 2009.

Rule 513-5-1-.57 has been repealed and a new Rule adopted. Filed January 27, 2010; effective February 16, 2010.

Rules 513-5-1-.01 and .22 have been amended. Rules 513-5-1-.02, .24, and .33 have been repealed. Rule 513-5-1-.62 has been adopted. Filed June 2, 2010; effective June 22, 2010.

Rule 513-5-1-.52 repealed and readopted. F. Nov. 16, 2011; eff. Dec. 6, 2011.

Chapter 513-10-1 repealed. F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rules 513-7-1-.01, 513-7-1-.03 to 513-7-1-.15, and 513-7-1-.20 amended. F. Oct. 29, 2013; eff. Nov. 18, 2013.

Rules 513-7-1-.04, .05, .06, .08 through .11 amended; Rule 517-7-1-.18 adopted; Rules 513-7-1-.15 through .17, .19, .20 repealed and new rules adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.04 corrected to add non-substantive change to Rule History, missing file and effective dates for amendment effective Aug. 30, 2015. Rule 513-7-1-.10 corrected to delete non-substantive spacing errors in paragraphs (3) and (5). Effective Aug. 30, 2015.

Rule 513-5-1-.63 adopted. F. Mar. 24, 2016; eff. Apr. 13, 2016.

Rule 513-7-1-.21 adopted. F. Nov. 15, 2016; eff. Dec. 5, 2016.

Note: Correction of Chapter 513-7 title on SOS Rules and Regulations website, "Georgia Fireman's Pension Fund" corrected to "Georgia Firefighters' Pension Fund", as amended by filing on Oct. 29, 2013; eff. Nov. 18, 2013. Effective Aug. 1, 2018.

Rules 513-7-1-.04, .08, .09 amended. F. July 12, 2018; eff. Aug. 1, 2018.

Note: Rule 513-7-1-.08, correction of non-substantive typographical error, as submitted by the Agency on Oct. 12, 2018. Subparagraph (1)(c), "*O.C.G.A. 47-7-6*" corrected to "*O.C.G.A. 47-7-61*." Effective October 12, 2018.

Rule 513-1-1-.05 amended; Rules 513-1-1-.08, 513-2-1-.02, 513-3-1-.02 and Chapter 513-16 entitled "Georgia Judicial Retirement System" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Rules 513-1-1-.09, .10, .11, .12 adopted. F. Apr. 21, 2022; eff. May 11, 2022.

Rules 513-1-1-.05, 513-3-1-.02 amended. F. June 16, 2022; eff. July 6, 2022.

Rules 513-7-1-.04, .08 amended. F. Aug. 17, 2022; eff. Sept. 6, 2022.

Rules 513-7-1-.05, .09, .12, .14 amended. F. July 28, 2023; eff. Aug. 17, 2023.

Rule 513-1-1-.05 amended. F. Apr. 29, 2025; eff. May 19, 2025.

Cite as Ga. Comp. R. & Regs. R. dept. 513, ADMINISTRATIVE HISTORY

Chapter 513-1. EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA.

Subject 513-1-1. ADMINISTRATIVE RULES.

Rule 513-1-1-.01. Rules of General Applicability.

(1) The mailing address of the Employees' Retirement System is Two Northside 75, Atlanta, Georgia 30318.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.01
Authority: O.C.G.A. Sec. 47-2.22.
History. Original Rule entitle "Rules of Applicability" effective on November 6, 1985; filed on November 18, 1985.

Rule 513-1-1-.02. Calculation of Forfeited Leave for Retirement Credit.

(1) Sick and annual leave for which a member is not eligible for payment may constitute creditable service for retirement purposes provided the member has at least six months of forfeited leave at the time of retirement. The member shall be given one month of creditable service for each twenty (20) days of forfeited leave.

(2) Upon retirement of a member who is in the classified or unclassified service of the State Merit System, the employer shall certify leave based on leave records for periods where adequate records were maintained.

(3) If there are periods of service where no leave records are available for classified members, leave credits should be computed as follows:

(a) For members with 15 years of documented leave history, the accumulated days of leave would be based on records where employers had maintained adequate records. Where records were not maintained, leave would be determined giving the following example:

Member with twenty-five (25) years of classified service applies for retirement--at age 65--January 1, 1986. Member has accrued ninety (90) days sick leave and fifty (50) days forfeited leave with a fifteen (15) year documented leave history (1971-1985) and ten (10) years undocumented leave history (1961-1970). Member has used a total of 352 days of sick and annual leave during his fifteen (15) years of documented leave history. Member could have accrued 300 days (1961-1970) during undocumented period.

1. Compute the maximum earnable sick and annual leave for the undocumented period. Example: 300 days(1961-1970).

2. Compute total sick and annual leave taken for all periods in which documentation is available. Example: 352 days (1971-1985).

3. Compute the average sick and annual leave taken per month by dividing the answer under paragraph 2. of this subsection by the total number of documented months. Example: 352 days/180 months (1971-1985) = 1.9556 days per month.

4. Multiply the answer under paragraph 3. of this subsection by the total number of months, in the undocumented period. Example: 1.9556 days per month X 120 months (1961-1970) = 234.672 days used (1961-1970).

5. Subtract the answer under paragraph 4. of this subsection from the answer under paragraph 1. of this subsection to determine total leave earned and not taken during the undocumented period. Example: 300 days (undocumented 1961-1970)--234.672 days used = 65.328 days for forfeited leave credit. 65.328 days plus 90 days accrued sick leave plus 50 days forfeited sick

leave = 205.328 total forfeited leave credit. 205.328/20 days = 10.27 or 10 months forfeited leave credit for retirement purposes.

(b) For members who are in the classified service of the State Merit System with less than fifteen (15) years of documented leave history, the accumulated days of leave would be based on records where employers had maintained adequate records. Where records were not maintained, leave would be determined giving the following example: Member with twenty (20) years of classified service applies for retirement at age 65--January 1, 1986. Member has accrued sixty (60) days sick leave with an eight (8) year documented leave history (1978-1985) and twelve (12) years undocumented leave history (1966-1977). Member has used a total of 183 days of sick and annual leave during his eight (8) years of documented leave history. Member could have accrued 385.5 days (1966-1977) during undocumented period.

1. Compute the maximum earnable sick and annual leave for the undocumented period. Example: 385.5 days (1966-1977).

2. Compute the total sick and annual leave taken for all periods in which documentation is available. Example: 183 days (1978-1985).

3. Compute the average sick and annual leave taken per month by dividing the answer under paragraph 2 of this subsection by the total number of documented months. Example: 183 days/96 months (documented 1978-1985) = 1.9063 days per month.

4. Multiply the answer under paragraph 3 of this subsection by the total number of months in the undocumented period. Example: 1.9063 days per month X 144 (1966-1977) = 274.5072 days used (1966-1977).

5. Subtract the answer under paragraph 4 of this subsection from the answer under paragraph 1 of this subsection to determine total leave earned and not taken during the undocumented period. Example: 385.5 days (1966-1977) -- 274.5072 days used = 110.9928 days for forfeited leave credit. 110.9928 days + 60 days accrued sick leave = 170.9928. 170.9928/20 days = 8.5496 or 9 months total forfeited leave credit for retirement purposes.

(4) For periods of service where no leave records are available for unclassified members, forfeited leave for the undocumented periods should be computed as follows:

(a) When fifteen (15) years or more of leave records are available for unclassified members, forfeited leave for the undocumented periods should be computed as illustrated in subsections 1-5 of paragraph (3)(a).

(b) When less than fifteen (15) years of leave records are available for unclassified employees, credit for undocumented periods would be based on a one year average of sick and annual leave accumulated by members who have at least ten (10) years of continuous service in the classified service of the State Merit System as of July 1, 1985. The average would be the difference between the average amount of sick and annual leave taken and the maximum number of days which may be accumulated in one year under regulations of the State Personnel Board. Example: Member with twenty-seven (27) years of unclassified service applied for retirement at age 65 -- October 1, 1985. Member has accrued forty-five (45) days annual leave and ninety (90) days sick leave with a ten (10) year documented leave history (1975-1985) and seventeen (17) years undocumented leave history (1958-1975).

1. For example purposes only, the Merit System average is 5.40 days of leave credit per year (maximum amount of leave credit for employees with at least 10 years continuous service **less** leave **used**).

2. 5.40 days per year X 17 years (undocumented 1958-1975) = 91.80 days.

3. 91.8 days (1958-1975) + 90 days accumulated sick = 181.8 days (amount of forfeited leave credit). 181.8 days/20 days = 9 months of forfeited leave used for retirement purposes.

(c) For unclassified employees who have less than 15 years of leave records available, the determination of forfeited leave shall be limited to the lesser of the amount calculated under subsection 1-5 of paragraphs (3)(a) and (3)(b) of this Rule or the average of actual annual and sick leave for which leave records are available, whichever is less.

(5) For members whose membership service includes both classified and unclassified service with undocumented leave records, the leave calculation method would be determined by whether or not the member had a total of fifteen (15) years through a combination of classified and unclassified service.

(a) If the combination is fifteen (15) or more years, then the leave is calculated according to the method prescribed for classified employees with undocumented records: subsections 1-5, paragraph (3)(a) of this Rule.

(b) If the combination is less than fifteen (15) years, then the calculation is based on the one-year average determined by the State Merit System Commissioner for the undocumented years and the documented period is calculated according to the method prescribe for classified employees with documented records: subsections 1-5, paragraph (3)(b) of this Rule. The two calculations are then added together to determine the total amount of forfeited leave for the undocumented period.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.02
Authority: O.C.G.A. Section 47-2-91.
History. Original Rule entitled "Calculation of Forfeited Leave for Retirement Credit" effective on July 1, 1985; filed November 18, 1985.

Rule 513-1-1-.03. Release of Medical Board Recommendations.

The Board authorized the Secretary to provide an applicant for disability retirement with a copy of the recommendations of our Medical Board doctor with the name of the doctor making the report obliterated upon written request from the applicant.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.03
Authority: O.C.G.A. Sec. 47-2-123.
History. Original Rule entitled "Release of Medical Board Recommendations" effective April 17, 1980; filed November 18, 1985.

Rule 513-1-1-.04. Procedure for Processing Involuntary Separation Retirement Applications by Board of Trustees in Cases Other Than Discretionary Terminations.

(1) Upon receipt of an Application for Involuntary Separation Retirement Benefits, and after the Employees' Retirement System (ERS) determines that the member has sufficient service to make such application, ERS will secure an affidavit from the department and the member providing full details regarding the circumstances surrounding the termination. ERS will also secure a copy of the separation notice issued by the department, as well as any other pertinent information from the department and the member.

(2) ERS will prepare an estimate of retirement benefits which would be payable to the member.

(3) ERS will determine if the employee was terminated from a nonclassified position or from a classified position covered by the State Merit System. If the employee had been in a classified position and filed an appeal from the termination, the application will not be placed on the agenda until that appeal has been finally resolved. If no appeal has been filed within the required time limitations established by the State Merit System, consideration of the application will proceed.

(4) ERS will make an initial administration decision as to whether referral of the application to a qualified investigator is appropriate. ERS will receive advice from legal counsel before making this administrative decision.

(5) The application can be referred to an investigator at this stage if such an administrative decision is made. If the decision is made not to refer the application to an investigator, the case will be presented to the Board. If a decision to refer the case to an investigator is

made, the investigator will take whatever steps are necessary to fully investigate the facts of the applicant's termination and application, which steps may include, but are not limited to the following:

(a) Contact appropriate officials of the member's department to ascertain the facts of the separation/release.

(b) Contact the member to ascertain his/her understanding of the facts.

(c) Contact any other persons who may provide additional information.

(d) Summarize the findings and transmit a written report to the ERS Director/Executive Secretary for distribution to the Board of Trustees. No recommendation is to be made. Report shall merely state the accumulated information.

(6) All documentation necessary for consideration of an Involuntary Separation Retirement Benefits Application, along with the findings of the investigator in cases which are investigated, shall be furnished to the full Board for decision on the application. In cases where an administrative decision was made not to refer an application to the investigator,the Board has the right to refer such a case for investigation.

(7) The Board of Trustees can grant, deny, defer, or take any other action on any application as it may deem appropriate and proper.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.04
Authority: O.C.G.A. Sec. 47-2-20.
History. Original Rule entitled "Procedure for Processing Involuntary Separation Retirement Applications by Board of Trustees in cases Other Than Discretionary Terminations" was filed on April 19, 1986; effective May 8, 1986.

Rule 513-1-1-.05. Post-Retirement Cost-of-Living Benefit Adjustment.

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement. Such adjustments shall not include changes to a beneficiary's Supplemental Guaranteed Lifetime Income annuity.

(2) Annually, cost-of-living post-retirement benefit adjustment(s) may be granted to each beneficiary who has surpassed the later of their Retirement Date or Normal Retirement Date (as defined in the Funding Policy) by at least twelve (12) months. The cost-of-living post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance and have surpassed their Retirement Date by at least twelve (12) months. Any increase shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc post-retirement benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

(5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.05
Authority: O.C.G.A. § 47-22-4.
History. Original Rule entitled "Post-Retirement Cost-of-Living Adjustments" was filed on July 17, 1987; effective August 6, 1987.
Repealed: New Rule, same title, adopted. F. Mar. 24, 1992; eff. Apr. 13, 1992.
Amended: F. Dec. 22, 1993; eff. Jan. 11, 1994.
Amended: F. Mar. 19, 1999; eff. Apr. 8, 1999.
Amended: New title "Post-Retirement Benefit Adjustment." F. Apr. 15, 2021; eff. May 5, 2021.
Amended: New title "Post-Retirement Cost-of-Living Benefit Adjustment." F. June 16, 2022; eff. July 6, 2022.
Amended: F. Apr. 29, 2025; eff. May 19, 2025.

Rule 513-1-1-.06. Medical Board.

(1) Members of the Employees' Retirement System who apply for disability retirement should be examined, whenever possible, by a member of the Medical Board or a physician selected by the Chairman of the Medical Board.

(2) The Board of Trustees shall review and take action on applications for disability retirement if the Medical Board recommends denial but the Social Security Administration and/or the examining physician (a member of the Medical Board or a physician selected by the Chairman of the Medical Board) recommends approval.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.06
Authority: O.C.G.A. Sec. 47-2-123.
History. Original Rule entitled "Medical Board" adopted. F. Mar. 25, 1991; eff. Apr. 14, 1991.

Rule 513-1-1-.07. Applications for Involuntary Separation Retirement Benefits Due to a Change in Administration Under O.C.G.A. Sec. 47-2-123(g)(4)(C).

(1) In the event the Board of Trustees is presented an application for involuntary separation retirement benefits as a result of a change in administration, the Board will consider the size of the agency and the nature of the administrative change in its review of the application.

(2) In the event the effective date of the proposed separation is more than twelve (12) months but less than eighteen (18) months after the administration has changed, the Board will require an appearance before the Board of the official or officials proposing the separation to explain the delay.

(3) The Board will not consider any application for involuntary separation retirement benefits that occurs as a result of a change in administration if the administration has been in office eighteen (18) months or more at the time the separation is proposed.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.07
Authority: O.C.G.A. Secs. 47-2-20, 47-2-21, 47-2-123(g)(4)(C).
History. Original Rule entitled "Applications for Involuntary Separation Retirement Benefits Due to a Change in Administration Under O.C.G.A. Sec. 47-2-123(g)(4)(C)." adopted. F. Aug. 19, 1996; eff. Sept. 8, 1996.

Rule 513-1-1-.08. Membership Eligibility.

Eligibility for first-time ERS membership requires an employee to be employed with an eligible employer working at least 35 hours per week for a minimum of 9 months per calendar year.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.08
Authority: O.C.G.A. § 47-2-1(23).
History. Original Rule entitled "Membership Eligibility" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Rule 513-1-1-.09. Membership Eligibility - Percent Time.

(1) Any individual who becomes an ERS member by being employed in a position that qualifies the employee for membership and subsequently reduces the number of hours of actual working time within the position below the required 35 hours a week as per Rule 513-1-1-.08, then the employee is able to maintain membership in ERS. The member's employer will report the employee at percentage time, determined by dividing the actual hours worked during a month by the normal full-time hours for the month. Service will be credited at the percentage reported.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.09
Authority: O.C.G.A. § 47-2-21.
History. Original Rule entitled "Membership Eligibility - Percent Time" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

Rule 513-1-1-.10. Membership Eligibility - Transfers to Tax Office.

(1) A "break in service," as used in O.C.G.A. § 47-2-292, is defined as more than 31 days of separation from the last day of employment, such that any actively contributing member,

whose membership date is prior to July 1, 2012 and is transferring between tax offices or from an ERS position and employer to a tax office within 31 days, is eligible to maintain their ERS membership provided such position meets general ERS membership eligibility requirements.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.10
Authority: O.C.G.A. § 47-2-292.
History. Original Rule entitled "Membership Eligibility - Transfers to Tax Office" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

Rule 513-1-1-.11. Formula Salary - Use of Merged Service.

(1) When calculating Formula Salary for members who have purchased past, refunded ERS Service and/or lost membership service that has been merged with the current membership, all associated salary shall be considered.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.11
Authority: O.C.G.A. § 47-2-21.
History. Original Rule entitled "Formula Salary - Use of Merged Service" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

Rule 513-1-1-.12. Formula Salary - Members with Less Than 24 Consecutive and/or Total Months of ERS Service.

(1) When calculating a member's highest average monthly earnable compensation and they do not have 24 consecutive months of ERS service, but have accrued at least or more than 24 total months, then the highest average over 24 successive months of service will be used in the Formula Salary.

(2) When calculating a member's highest average monthly earnable compensation and they have less than 24 total months of ERS service, then the total number of available months will be used in the Formula Salary.

Cite as Ga. Comp. R. & Regs. R. 513-1-1-.12
Authority: O.C.G.A. § 47-2-21.
History. Original Rule entitled "Formula Salary - Members with Less Than 24 Consecutive and/or Total Months of ERS Service" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

Chapter 513-2. PUBLIC SCHOOL EMPLOYEES RETIREMENT SYSTEM.

Subject 513-2-1. RULES OF GENERAL APPLICABILITY.

Rule 513-2-1-.01. Organization.

(1) The mailing address of the Public School Employees' Retirement System is Two Northside 75, Atlanta, Georgia 30318.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director of the Board of Trustees of the Employees' Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-2-1-.01
Authority: O.C.G.A. Section 47-4-22.
History. Original Rule entitled "Organization" effective November 6, 1985; filed on December 6, 1985.
Amended: Filed April 19, 1986; effective May 8, 1986.

Rule 513-2-1-.02. Post-Retirement Benefit Adjustment.

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Each January 1 and July 1, a post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance regardless of age. An increase not to exceed one and one-half percent (1.5%) may be made and shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

Cite as Ga. Comp. R. & Regs. R. 513-2-1-.02
Authority: O.C.G.A. §§ 47-4-25, 47-4-105.
History. Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Chapter 513-3. GEORGIA LEGISLATIVE RETIREMENT SYSTEM.

Subject 513-3-1. RULES OF GENERAL APPLICABILITY.

Rule 513-3-1-.01. Organization.

(1) The Georgia Legislative Retirement System is created and placed under the administration of the Board of Trustees of the Employees' Retirement System of Georgia.

(2) The mailing address of the Georgia Legislative Retirement System is Two Northside 75, Atlanta, Georgia 30318.

(3) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director of the Board of Trustees of the Employees' Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-3-1-.01
Authority: O.C.G.A. Section 47-6-20.
History. Original Rule entitled "Organization" effective November 6, 1985; filed December 6, 1985.

Rule 513-3-1-.02. Post-Retirement Benefit Adjustment.

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Annually, post-retirement benefit adjustment(s) may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment shall apply uniformly and equally to all members. An increase shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

(5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-3-1-.02
Authority: O.C.G.A. § 47-6-80(f).
History. Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.
Amended: F. June 16, 2022; eff. July 6, 2022.

Chapter 513-4. TRIAL JUDGES AND SOLICITORS RETIREMENT FUND.

Subject 513-4-1. RULES OF GENERAL APPLICABILITY.

Rule 513-4-1-.01. Organization.

(1) The mailing address of the Trial Judges and Solicitors Retirement Fund is Two Northside 75, Atlanta, Georgia 30318.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director of the Board of Trustees of the Employees' Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-4-1-.01
Authority: O.C.G.A. Section 47-10.20.
History. Original Rule entitled "Organization" effective November 6, 1985; filed December 6, 1985.
Amended: Filed April 19, 1986; effective May 8, 1986.

Chapter 513-5. TEACHERS RETIREMENT SYSTEM OF GEORGIA.

Subject 513-5-1. ADMINISTRATIVE RULES.

Rule 513-5-1-.01. Rules of General Applicability.

(1) The mailing address of the Teachers Retirement System of Georgia is Two Northside 75, Suite 100, Atlanta, Georgia 30318.

(2) All correspondence regarding the rules and regulations consistent with the requirements of O.C.G.A. § 47-1-10 is to be directed to the Executive Director.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.01
Authority: O.C.G.A. Secs. 47-3-26, 47-2-26(b).
History. Original Rule entitled "Rules of General Applicability" adopted.. F. Dec. 23, 1985; eff. Dec. 23, 1985.
Amended: F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.02
Authority: O.C.G.A. Sec. 47-3-26(b).
History. Original Rule entitled "Authorization to Execute Documents" adopted. F. Dec. 23, 1985; eff. Apr. 25,

1979.
Repealed: F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.03. Board Meetings.

Regular meetings of the Board of Trustees are held six (6) times a year: January, March, May, July, September, and November.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.03
Authority: O.C.G.A. Sec. 47-3-26(b).
History. Original Rule entitled "Board Meetings" effective July 26, 1979; was filed on December 23, 1985.

Rule 513-5-1-.04. Investment Committee Membership.

Members of the Investment Committee are elected by the Board of Trustees and the membership is increased from five (5) to six (6) members.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.04
Authority: O.C.G.A. Sec. 47-3-26(b).
History. Original Rule entitled "Investment Committee Membership" effective on November 18, 1979; was filed on December 23, 1985.

Rule 513-5-1-.05. Confidentiality of Information.

Applicants for disability retirement may obtain, upon Written request, copies of TRS Medical Board reports relating to their disability, with the names of the Medical Board being obliterated from the reports to preserve the anonymity of the physicians.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.05
Authority: O.C.G.A. Sec. 47-3-26(b).
History. Original Rule entitled "Confidentiality of Information" effective May 28, 1980; was filed on December 23, 1985.

Rule 513-5-1-.06. Service Credit.

The awarding of service credit shall be calculated and awarded on a fiscal year basis giving the benefit of one-ninth of a year of credit for each month of service, and the salary shall be calculated under both a fiscal year and calendar year basis to determine which calculation produced the greater benefit to the member. A retroactive adjustment shall be made in the benefits of members who retired since 1975 who had been penalized by the policy of calculating their service on a calendar year basis. Effective with the beginning of the fall semester 1998 those academic faculty members who are employed by the University System under a semester system shall be awarded one-eight year of credit for each month of membership service until such time as the Board of Trustees deems appropriate to make a change.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.06
Authority: O.C.G.A. Sec. 47-3-80.
History. Original Rule entitled "Service Credit" effective January 28, 1981; was filed on December 23, 1985.
Amended: F. Mar. 26, 1998; eff. Apr. 15, 1998.

Rule 513-5-1-.07. Payment of Benefits.

Benefits shall be payable during the lifetime of the beneficiaries, but when a beneficiary of a retired member passes away, that portion of the benefit payment would be terminated and would not be distributed to other named beneficiaries (inasmuch as the actuarial calculation of the percentage payment would be based on the beneficiaries' ages). No retiree's benefits shall be reduced by more than 50% in selecting a plan of retirement. Designated beneficiaries to receive monthly benefits normally could not be changed once a retired member began receiving monthly benefits, and the only exception to this Rule would occur in the event a retiree named a spouse to receive monthly benefits under one of the optional plans of retirement and later obtained a divorce.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.07
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Payment of Benefits" effective January 28, 1981; was filed on December 23, 1985.

Rule 513-5-1-.08. Calculation of Average Salary for Retirement.

The calculation of average salary for retirement purposes shall allow the use of the salary earned during any twenty-four (24) consecutive months producing the highest such average; not counting any month in which the member normally would be under contract but for which no contributions were reported, provided that additional months would be used only if the member did not have credit for two (2) full years of service for the twenty-four (24) month period.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.08
Authority: O.C.G.A. Secs. 47-3-26, 47-3-120.
History. Original Rule entitled "Calculation of Average Salary for Retirement" effective on May 27, 1981, was filed on December 23, 1985.

Rule 513-5-1-.09. Continuation of Membership During Study Leave.

In unusual cases, where a copy of the transcript cannot be obtained, a statement from the member's employer at the time the leave was taken is sufficient.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.09
Authority: O.C.G.A. Sec. 47-3-60(2)(B).
History. Original Rule entitled "Continuation of Membership During Study Leave" effective November 18, 1981; was filed on December 23, 1985.

Rule 513-5-1-.10. Contributions From Summer Quarter Salaries.

Contributions will be withheld and reported on all summer quarter salaries, even if only one course is taught, provided the instructor will establish credit for a full year of service during the immediately following three quarters within the fiscal year. The policy is applicable to summer school employment in colleges and universities, as well as in the public schools in the state.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.10
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Contributions From Summer Quarter Salaries" effective on September 22, 1982; was filed on December 23, 1985.

Rule 513-5-1-.11. Adoption of Unisex Option Factors.

Unisex Option Factors are effective with individuals retiring on and after September 1, 1983.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.11
Authority: O.C.G.A. Sec. 47-3-23(b),(c).
History. Original Rule entitled "Adoption of Unisex Option Factors" effective on July 27, 1983; was filed on December 23, 1985.

Rule 513-5-1-.12. Organizational Membership Material.

The sending of any organizational membership material to retirees with their benefit checks is prohibited.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.12
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Organizational Membership Material" effective on November 16, 1983; was filed on December 23, 1985.

Rule 513-5-1-.13. Social Security Records of Deceased Persons.

The Board has authorized the TRS "purchase of access" to the Social Security records of deceased persons to help identify situations where a deceased retiree might still be on the payroll.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.13
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Social Security Records of Deceased Persons" effective on March 28, 1984; was filed on December 23, 1985.

Rule 513-5-1-.14. Calculation of Member's Two-Year Average Salary.

(1) Select a two-year period of twenty-four (24) consecutive months with the highest salary. It is not necessary that all months have a salary amount.

(2) Determine the amount of service credit involved during this period. If the service credit is two or more years, then deal only with this period. If the service credit is less than two years, add additional consecutive months to the period until you have a minimum of two years of service credit.

(3) The only allowable salary during this period is the salary actually earned during this time. In cases where salary for retroactive pay or deferred summer pay have been reported during this period, only the salary actually earned can be counted in determining the salary amount for the period.

(4) Determine base year salary. The base year for average salary computation is the fiscal year preceding the first July 1 cap appearing in the two-year average salary period. Note: If the fiscal year to be used as the base year is not a full year of service credit, annualize the salary and use as a base year.

(5) Multiply base year salary by one (1) plus the percent cap of salary increase adopted by the Board of Trustees for the fiscal year being considered to produce the allowable salary for that year. If the year being considered is a complete year, then the full amount of the allowable salary is to be compared to the actual salary made for that year. If the year is not a complete year, then only the pro rata amount of the allowable salary is to be compared to the actual salary made for that year.

(6) Multiply the annual allowable salary produced by Step (5) by one (1) plus the percent cap of salary increase adopted by the Board of Trustees for the next fiscal year and continue in same manner as Step (5). For any salary after the second fiscal year, proceed as in Step (5) using zero as the percent cap. Note: Apply percentage to full year salary.

(7) Once all allowable salaries have been determined, add the allowable salaries for the period and divide by 24. The result is the average monthly salary to be used in the benefit calculation.

(8) Apply the salary limitations on a July thru June fiscal year basis since appropriations bills, upon which the maximum allowable increases will depend, are always applicable to a July thru June fiscal year. The "base year" - the year previous to the year for which the allowable salary is being determined is to be a July thru June fiscal year in every case.

(9) All references to salary refer to those salaries for which employee contributions have been reported to TRS and which qualify as "Earnable Compensation" as defined in O.C.G.A. 47-3-1.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.14
Authority: O.C.G.A. Secs. 47-3-26, 47-3-120.
History. Original Rule entitled "Calculation of Member's two-Year Average Salary" effective on August 21, 1984; was filed on December 23, 1985.

Amended: F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.15. Calculation: Calendar Year Employees.

For calendar year employees, that salary earned in any **nine** (9) or more months during a fiscal year will be considered a full year's salary.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.15
Authority: O.C.G.A. Secs. 47-3-26, 47-3-120.
History. Original Rule entitled "Calculation: Calendar Year Employees" effective on September 21, 1984; was filed on December 23, 1985.

Rule 513-5-1-.16. Post-Retirement Adjustment of Benefits.

(1) A cost-of-living increment will be granted two times a year on January 1 and July 1 to be determined in the following manner:

(a) On the July 1 or January 1 following retirement, the average of the Consumer Price Index will be determined. This is the base index for all beneficiaries retiring during the six month period ending on such July 1 or January 1.

(b) As of each subsequent January 1 or July 1, the average of the Consumer Price Index will be determined. This is the current index.

(c) The ratio of Item (b) to Item (a) is determined.

(d) If the ratio in (c) above is equal to or greater than 1.000, the retirement benefits would be adjusted by 1-1/2%.

1. If the percentage determined in (c) above is less than 1.00, indicating a reduction in the Consumer Price Index for the period, the retirement benefit may be reduced by the Board of Trustees if the ratio is less than .975 or, in other words, if the reduction is between 0 and 2-1/2%, no adjustment will be made in the retirement benefit; however, if the reduction is greater than 2-1/2%, the retirement benefit may be adjusted by the Board of Trustees, however, no reduction would be greater than 1-1/2% of the retirement benefit for any period. The beneficiary's retirement benefit, once adjusted, remains constant for the next six months until the next review. In no event will the retirement benefits be reduced by an amount exceeding all previously granted cost-of-living adjustments.

(e) For those retiring from July 1 thru December 1, the subsequent July 1 will be the earliest date for an adjustment to be made. For those retiring from January 1 thru June 1, the subsequent January 1 will be the earliest date for an adjustment to be made.

(f) The average Consumer Price Index (CPI) for a six month period ending on January 1 of any year is defined as the average of the "All Urban Consumers" CPI published by the Bureau of Labor Statistics for the six months ending on the previous October, similarly, the average as of July 1 will be computed based upon the six months ending on the prior April.

(g) Adjustments in benefit will be provided only to a real person who is in receipt of a life annuity with or without related death or survivorship benefits.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.16
Authority: O.C.G.A. Secs. 47-3-126, 47-3-126.2.
History. Original Rule entitled "Post-Retirement Adjustment of Benefits" was filed on June 9, 1987; effective June 29, 1987.
Amended: F. May 27, 1994; eff. June 16, 1994.
Amended: F. May 28, 1997; eff. June 17, 1997.
Amended: F. Mar. 27, 2003; eff. Apr. 16, 2003.

Rule 513-5-1-.17. Option 4 Plan of Retirement.

(1) Any member may select an optional plan of retirement under Ga. Laws, Code Section 47-3-121(e) provided the reduced retirement allowance so selected does not reduce the member's benefits by more than fifty percent (50%) of the maximum benefits as provided in Ga. Laws, Code Section 47-3-120 or 47-3-122 as applicable or increase the member's benefits to an amount greater than the maximum benefits as provided by Ga. Laws, Code Section 47-3-120 or 47-3-122 as applicable.

(2) Any member may elect a reduced retirement allowance under Option Four (4) as provided in Ga. Laws, Code Section 47-3-121(e) to be designated "Option 2 Pop-Up" with the provision that after his or her death, the reduced retirement allowance shall be continued throughout the life of and paid to the one person nominated by him or her by written designation duly executed and filed with the Board of Trustees at the time of his or her retirement and if the one person so nominated dies prior to the retiree that the basic benefits payable to the retiree shall be increased to an amount as though the retiree had not selected an optional benefit plan of retirement. The benefits of a member selecting this option shall be the actuarial equivalent of the basic benefits provided under Ga. Laws, Code Section 47-3-120 or 47-3-122 as applicable.

(3) Any member may elect a reduced retirement allowance under Option Four (4) as provided by Ga. Laws, Code Section 47-3-120(e) to be designated "Option 3 Pop-Up" with the provision that after his or her death, one-half of the reduced retirement allowance shall be continued throughout the life of and paid to the one person nominated by him or her by written designation duly executed and filed with the Board of Trustees at the time of his or her retirement and if the one person so nominated dies prior to the retiree that the basic benefits payable to the retiree shall be increased to an amount as though the retiree

had not selected an optional plan of retirement. The benefits of a member selecting this option shall be the actuarial equivalent of the basic benefits provided under Ga. Laws, Code Section 47-3-120 or 47-3-122 as applicable.

(4) In the event that a retiree's benefits are increased under the provisions of this rule or policy, the retiree shall only be entitled to such cost-of-living increases as actually being received at the time of the death of the beneficiary of the retiree and shall only be entitled to future cost-of-living increases as provided by Ga. Laws, Code Section 47-3-126.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.17
Authority: O.C.G.A. Secs. 47-3-26(b), 47-3-121.
History. Original Rule entitled "Option 4 Plan at Retirement" adopted. F. June 9, 1987; eff. June 29, 1987.
Amended: F. Mar. 27, 2003; eff. Apr. 16, 2003.

Rule 513-5-1-.18. Creditable Service for Student Related Employment.

Teaches Retirement System of Georgia members may establish retirement credit for student related employment rendered to an "Employer" (as defined in Teachers Retirement System Law), provided that such employment would currently make the person eligible for membership in the Teachers Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.18
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Creditable Service for Student Related Employment" was adopted as Emergency Rule 513-5-1-0.1-.18. Filed February 9, 1988; effective January 27, 1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule as specified by the Agency.
Amended: Emergency Rule repealed and a permanent Rule of the same title adopted. Filed March 25, 1988; effective April 14, 1988.

Rule 513-5-1-.19. Creditable Service for Out-of-State Employment.

Teachers Retirement System of Georgia members may establish retirement credit for employment under the out-of-state service provisions of TRS law, only if such employment, had it been rendered in Georgia, would have made the person eligible for membership in the Teachers Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.19
Authority: O.C.G.A. Secs. 47-3-89(a), 47-3-26.
History. Original Rule entitled "Creditable Service for Out-of-State Employment" was adopted as Emergency Rule 513-5-1-0.1-.19. Filed February 9, 1988; effective January 27, 1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed and a new Rule of the same title adopted. Filed March 25, 1988; effective April 14, 1988.

Rule 513-5-1-.20. Interest to be Paid on Special Refunds.

It is the policy of the Teachers Retirement System of Georgia to pay interest at the normal applicable accrued interest rate on a refund of monies paid directly into the Teachers Retirement System by a member when such refund is a result of a correction to the member's account and when such monies have been held by the Teachers Retirement System for more than 60 days. Such interest shall be prorated from the date received by the Teachers Retirement System to the date of a payment rounded to the closest month.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.20
Authority: O.C.G.A. Secs. 47-3-44, 47-3-26.
History. Original Rule entitled "Interest to be Paid on Special Refunds" was adopted as ER. 513-5-1-0.1-.20. F. Jul. 27, 1990; eff. July 1, 1990, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 27, 1990; eff. Oct. 17, 1990.

Rule 513-5-1-.21. Retirement Benefits in Cases of Divorce.

In the event a retiree has elected an optional allowance naming his or her spouse as sole beneficiary and later obtains a final judgment of complete divorce, the retiree may make a one-time change in the maximum plan of retirement or to another option, with only one such change being permitted after each divorce.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.21
Authority: O.C.G.A. Secs. 47-3-121(f), 47-3-26.
History. Original Rule entitled "Retirement Benefits in Cases of Divorce" adopted. F. Jan. 23, 1992; eff. F Feb. 12, 1992.

Rule 513-5-1-.22. Authority: Executive Director.

The Executive Director is authorized to execute and sign all checks, orders and other documents of the Teachers Retirement System. The Executive Director or the Board of Trustees may authorize the Chief Financial Officer or the Chief Operating Officer to sign such documents in the event the Executive Director is unable to.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.22
Authority: O.C.G.A. Secs. 47-3-26, 47-3-26(b).
History. Original Rule entitled "Authority: Executive Director" adopted. F. May 27, 1994; eff. June 16, 1994.
Amended: F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.23. Personal Liability Self-Insurance Program.

RESOLVED, that the members of the Board of Trustees, the officers, officials, employees and/or legal advisors of the Teachers Retirement System of Georgia be indemnified against and are held

to be immune from personal liability for damages arising out of their duties or in any way connected therewith under a sound program of self-insurance utilizing funds available to the retirement system under the authority contained in Act Number 638, pages 1051-53, 1977 Acts approved March 30, 1977. This resolution shall authorize the expenditure of funds for the payment of such liabilities as may occur out of claims against such Board members, officers, officials, employees or legal advisors of said Teachers Retirement System of Georgia. Such indemnity shall not extend to criminal acts committed by such members of the Board or Trustees, officers, officials, employees and/or legal advisors of said Teachers Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.23
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Personal Liability Self-Insurance Program" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.24
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Leave Rights of Unclassified Employees" adopted. F. May 27, 1994; eff. June 16, 1994.
Repealed: F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.25. Benefit Payment Date.

Retirement benefits are to be paid at the beginning of the month for which payment is being made.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.25
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Benefit Payment Date" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.26. Retirement Allowances Under $10 Per Month.

TRS may make a lump sum payment of a "Retirement Allowance" of less than $10 per month.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.26
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled "Retirement Allowances Under $10 Per Month" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.27. Verification of Previous Service.

Previous service can be certified from official employer records, or records of the Department of Audits, or State Board of Education, or Board of Regents, or in their absence 3 affidavits from 3 reliable people certifying to the member having rendered the requested years of service and some type of printed matter, such as a contract, school annual, or newspaper article.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.27
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Verification of Previous Service" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.28. Previous Service - Documentation.

The documentation of previous service for which a member desires to establish credit is to be secured by the member and in questionable cases the burden of proof is on the member.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.28
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Previous Service - Documentation" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.29. General Service Credit - Action if Member Dies While in Process of Establishing Credit.

In the event a member is in the process of establishing credit for service and dies prior to the completion of the process, the TRS staff is to refer the matter to the Administrative Procedures Committee of the Board of Trustees for disposition.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.29
Authority: O.C.G.A. Sec. 47-3-26
History. Original Rule entitled "General Service Credit - Action if Member Dies While in Process of Establishing Credit" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.30. Air National Guard Service.

National Guard Service is not deemed allowable as active duty in the Armed Forces and, therefore, not eligible to be established as creditable service.

(NOTE: This policy was based on the Federal Regulations that indicated that the definition of "Armed Forces" does not include the "Reserve Components" of the four Armed Forces and includes National Guard as a Reserve Component.)

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.30
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Air National Guard Service" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.31. Membership; Gordon Military College.

Policy adopted to deny request to continue membership for those teachers who are not members of TRS at Gordon Military College. Policy was based on the opinion that it will be necessary for additional legislation or a change in the Constitution to permit such teachers to be members or continue membership with TRS.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.31
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled" Membership, Gordon Military College" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.32. Membership of Maintenance and Custodial Employees of the University System.

Maintenance and Custodial employees of the University System will have the option to join TRS even though they elected not to join TRS in 1978.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.32
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Membership of Maintenance and Custodial Employees of the University system" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.33
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Military Service - Establishing Service Credit" adopted. F. May 27, 1994; eff. June 16, 1994.
Repealed: F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.34. Military Service - Military or Naval Academy.

Attendance at a United States Military or Naval Academy constitutes active duty in the Armed Forces for purposes of establishing military service credit.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.34
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Military Service - Military or Naval Academy" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.35. Military Service - Method of Calculating Interest.

After an appropriate salary is determined to be used in calculating the cost of military service credit, the calculation shall be made as though the member earned such salary during the period being established and contributions shall be determined on such salary and interest shall be computed from the date such service was rendered to the date of payment.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.35
Authority: O.C.G.A. Sec. 47-3.26 .
History. Original Rule entitled "Military Service - Method of calculating Interest" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.36. Military Service - Determination of Salary.

In determining the salary to be used in the calculation of military service cost, the teaching salary must be as a teacher in Georgia and not based upon out-of-state compensation.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.36
Authority: O.C.G.A. Sec. 47-3-26
History. Original Rule entitled "Military Service - Determination of Salary" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.37. Membership - ROTC Instructors.

An ROTC instructor is deemed to be eligible for TRS membership if more than one-half of his or her salary is paid by the local school system employing such instructor and such individual is eligible to establish previous service of this type of employment.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.37
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled "Membership - ROTC Instructors" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.38. Service with Southern Regional Education Board.

Credit for service with the "Southern Regional Education Board" is not to be allowed.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.38
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled "Service with Southern Regional Education Board" adopted. Filed May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.39. Credit for Study Leave.

(1) The Teachers Retirement System will, beginning July 1, 1976, prepare cost calculations for the establishment of approved study leave pursuant to Act No. 1375 (House Bill 1302)

signed into law on April 1, 1976. The following information should be submitted to the Teachers Retirement System by members wishing to establish such service:

(a) Verification of salary for full-time employment for the year immediately preceding the period of study leave, including a statement verifying the source of those funds. The verification statement must be from an official of the institution which employed the member for the year immediately prior to the period of study leave.

(b) A copy of the member's transcript or a statement showing the dates of attendance and course of study taken issued by the institution he or she attended during the period of study leave.

(c) Verification from an official of the institution which granted the study leave stating that the leave was granted for the purpose of additional study.

(2) The law also stipulates that to be eligible to establish approved study leave as creditable service, the member must have returned to employment for a minimum of five years. The records of the Teachers Retirement System will reflect the current status of a member as to years of service, so no verification of this five-year waiting period will be needed from the current employer.

(3) The cost for this service is to be calculated in the same manner as other retroactive service rendered in Georgia. Care should be taken to identify the source of the member's salary just prior to the period of leave. If that salary was paid from State funds, the member should be charged with only the employee contributions and interest on our Form C-I, and the appropriate matching fund should be collected from the State. If part of the member's salary was paid from funds other than State funds, the member is to be charged with member contributions plus interest, and the current employer is to be charged for the matching funds on all salaries **other than** State salaries and the remaining matching funds based upon State salary should be collected from the State. In all cases, members shall only be credited with the employee contributions and interest. Employer contributions collected from current employers will be credited to the Pension Accumulation Account. (4) Active members of the Teachers Retirement System are able to establish credit retroactively for study leave under Act No. 1375 (House Bill 1302, 1976 session), however, retirees of the system cannot establish credit for study leave under the bill.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.39
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Credit for Study Leave" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.40. Study Leave Credit - Establishment.

(1) Credit may be established if the member was registered for dissertation on at least a one-half time basis and not otherwise employed.

(2) If a member became a graduate assistant or teaching assistant during a period of study leave and wishes to establish credit for the period, the period must be established as study leave if otherwise allowable.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.40
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Study Leave Credit - Establishment" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.41. Study Leave Credit - Eligibility.

A member is not eligible to establish credit for study leave if the member was not a teacher in Georgia immediately prior to the study leave.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.41
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Study Leave Credit - Eligibility" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.42. Study Leave Credit - Auditing of Courses.

Study leave credit may be allowed for the "auditing" of courses if such period of study leave is otherwise allowable.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.42
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Study Leave Credit - Auditing of Courses" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.43. Membership of UGA Alumni Society.

Personnel of the University of Georgia Alumni Society should not be included in the Teachers Retirement System.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.43
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled "Membership of UGA Alumni Society" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.44. Earnable Compensation Defined.

(1) The interpretation of earnable compensation to be as follows:

(a) (TRS) Earnable compensation shall include amounts of locally paid compensation which are included in teachers' contract salaries, provided that the teachers and the employer make the necessary contributions based on such amounts. Earnable compensation shall not include overtime, travel allowances or salary for a secondary position (such as night school).

(b) The cash housing allowances of university presidents shall be included in their compensation for teacher retirement coverage and that comptrollers of the institutions be notified to begin deductions effective 9-1-74.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.44
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Earnable Compensation Defined" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.45. Reporting of Salary and Contributions.

All reporting authorities are to report each month the total salary and contributions for each member who renders 1/2 month or more of service and no deductions should be reported if the member renders less than 1/2 month of service.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.45
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Reporting of Salary and Contributions" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.46. Earnable Compensation - Coaching Supplements.

(1) If a member requests credit for compensation received as a coach, TRS staff must request a statement from the coach's employer which documents the following:

(a) Employer's customary practice relative to granting retirement credit for coaching service;

(b) Whether or not retirement contributions were withheld on the amount requested; and

(c) Whether or not the requested amount was paid as part of the employee's normal contract or under separate agreement.

(2) If the employer's customary practice is to contract for coaching under separate agreement and no retirement contributions are withheld, then the member's request for retirement credit on the coaching compensation will be denied.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.46
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Earnable Compensation - Coaching Supplements" adopted. F. May 27, 1994; eff June 16, 1994.

Rule 513-5-1-.47. Earnable Compensation - Extended Day/Year Contracts.

Salaries earned as a part of "extended day" or "extended year" contracts are to be considered as normal earnable compensation.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.47
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Earnable Compensation - Extended Day/Year Contracts" adopted. F. May 27, 1994; eff June 16, 1994.

Rule 513-5-1-.48. Information Requests to Furnish Names and Addresses of Beneficiaries to Public.

Requests for information such as names and addresses or benefits of members and beneficiaries shall normally only be furnished to the extent required by the Open Records Act.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.48
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Information Requests to Furnish Names and Addresses of Beneficiaries to Public" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.49. Maternity Leave.

Members whose date of membership is prior to July 1, 1973, are not restricted to one year of maternity leave per child.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.49
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Maternity Leave" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.50. Interest on Member Accounts.

Member accounts will be credited with 4-1/2% interest rather than 3-1/2% effective June 30, 1975. The interest credited will be based upon the previous June 30 balance.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.50
Authority: O.C.G.A. Secs. 47-3-26, 47-3-44.
History. Original Rule entitled "Interest on Member Accounts" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.51. Interest Rate for Local System Reimbursing Pensions.

A rate of 4-1/2% assumed interest will be used in the calculation of reimbursing pensions payable to the four local retirement systems effective June 30, 1975.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.51
Authority: O.C.G.A. Secs. 47-3-24, 47-3-26.
History. Original Rule entitled "Interest Rate for Local System Reimbursing Pensions" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.52. Interest Rate on Calculations.

The interest rate applied to service purchase calculations will be the System's current long-term discount rate of return. Interest rate changes will be effective the first of the month following a four-month period after the Board of Trustees adopts an amended long-term discount rate of return.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.52
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Interest Rate of Calculations and Contributions" adopted. F. May 27, 1994; eff. June 16, 1994.
Repealed: New Rule entitled "Interest Rate on Calculations" adopted November 16, 2011.

Rule 513-5-1-.53. Appeals by Non-TRS Members.

The Board of Trustees of TRS will not hear cases, requests, or appeals of non-TRS members unless the facts of the situation are of such a unique nature that the laws governing the situation authorize the TRS Board to grant the request.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.53
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Appeals by Non-TRS Members" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.54. Disability Retirees - Determining if Employed.

TRS is to try to determine if disability retirees are gainfully employed.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.54
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Disability Retirees - Determining if Employed" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.55. Filing of Applications for Retirement with Employer.

The filing of a written application for service or disability retirement benefits with a county or independent board of education or with a college or university of the University System of Georgia shall constitute receipt of a written application by the Board of Trustees as required by Section 47-3-101(a) and Section 47-3-122(a) of the Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.55
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Filing of Applications for Retirement with Employer" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.56. Average Salary Computation - Breaks in Service and Effect on Increase Limitations.

In determining the 2 year average salary of a member who has had breaks in service after 1984, salary increase limitations are to be applied cumulatively as set by the Board of Trustees during the entire period involved.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.56
Authority: O.C.G.A. Secs. 47-3-26, 47-3-120.
History. Original Rule entitled "Average Salary Computation - Breaks in Service and Effect on Increase Limitations adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.57. Disability Retirements; Re-Examinations.

(1) If two Medical Board members are for retirement and one Medical Board member is against retirement, member will be retired with the provision that member be re-examined in accordance with the provisions of O.C.G.A. § 47-3-122.

(2) If two Medical Board members are against retirement and one is for retirement, member will not be retired.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.57
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Disability Retirements; Re-examinations" adopted. F. May 27, 1994; eff. June 16, 1994.
Repealed: New Rule of same title adopted. F. Jan. 27, 2010; eff. Feb. 16, 2010.

Rule 513-5-1-.58. Membership - Post-op Research in the University System.

Those individuals who teach in the University System while performing post-op research are to be included in TRS membership.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.58
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.

History. Original Rule entitled "Membership - Post-op Research in the University System" adopted. F. May 27, 1994; eff. June 16, 1994.

Rule 513-5-1-.59. Temporary Employees; Definition.

(1) Temporary Employees are defined as follows:

(a) Any employee whose term of employment does not exceed one academic quarter or one calendar quarter (3 months);

(b) Visiting professors and other such professional employees whose term of appointment is one year or less.

(c) Student Assistant, Graduate Assistant, Graduate Research Assistant, Graduate Teaching Assistant.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.59
Authority: O.C.G.A. Secs. 47-3-1, 47-3-26.
History. Original Rule entitled "Temporary Employees; Definition" adopted. F. May 27, 1994; eff. June 16, 1994.
Amended: F. July 30, 1999; eff. August 19, 1999.

Rule 513-5-1-.60. Purchase of Service Credit with Rollover Contributions.

Effective January 1, 2002, the TRSGA Board of Trustees will accept rollovers or transfers from other types of plans for the purchase of eligible service credit as allowed by the Internal Revenue Service in the Internal Revenue Code. Prior to January 1, 2002 but after July 1, 1987, the TRSGA Board of Trustees only accepted regular rollover contributions and after-tax contributions from members in payment for the purchase of eligible service credit. A "regular rollover" occurred when an individual rolls over the taxable portion of their distributions to a conduit IRA, which is separate and apart from the individual's regular contributory IRA. Any rollover or transfer of contributions plus the interest earned on those contributions will be included in the member's gross income when distributions are made from TRSGA.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.60
Authority: O.C.G.A. Sec. 47-3-26.
History. Original Rule entitled "Purchase of Service Credit with Rollover Contributions" adopted. F. July 28, 1995; eff. August 17, 1995.
Amended: F. Dec. 5, 2001; eff. Dec. 25, 2001.

Rule 513-5-1-.61. Supplemental Retirement Benefit Plan.

The Board of Trustees does hereby adopt a Supplemental Retirement Benefit Plan as provided in the Small Business Job Protection Act, H.R. 3448.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.61
Authority: O.C.G.A. Sec. 47-3-101(d), 47-3-26(b).
History. Original Rule entitled "Supplemental Retirement Benefit Plan" adopted. F. Oct. 28, 1996; eff. Nov. 17, 1996.

Rule 513-5-1-.62. Service Credit - Definition of "Immediately".

The word "immediately" pertaining to the establishment of additional service credit, when stated in Georgia law and not otherwise defined, is to be interpreted as "not more than six months".

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.62
Authority: O.C.G.A. Sec. 47-3-26(b).
History. Original Rule entitled "Service Credit - Definition of "Immediately" adopted. F. June 2, 2010; eff. June 22, 2010.

Rule 513-5-1-.63. Public Comment at Meetings.

(1) The Board of Trustees ("Board") of the Teachers Retirement System of Georgia ("System") permits comments at meetings of the Board on topics that are under the statutory authority of the Board and are relevant to the mission and duties of the Board.

(2) Each person wishing to address the Board must notify the System no later than 3:30 p.m. the day prior to the meeting. Requests should be submitted via email to executive.director@trsga.com and include the speaker's name; address; telephone number; email address; name of group represented, if applicable; and, topic to be addressed.

(3) The Board Chair has discretion to limit a topic to one speaker. Therefore, persons with related concerns are strongly encouraged to select one spokesperson for their group and topic. Public comment will be heard during the "other business" portion of the meeting, unless the topic relates to an agenda item, in which case comments may occur concurrently with the agenda item. The Board Chair has discretion to recognize persons who have properly signed up to speak and to set the order of speakers. Each speaker who signs up by the deadline will have a maximum of three (3) minutes to speak, which time may be shortened by the Board Chair depending on the number of speakers present for the meeting and other concerns.

(4) A speaker may not speak to the specifics of their member account or any other member's account.

(5) Speakers will be allowed to provide written testimony, comments or other documents related to their topic for the members of the Board. If a speaker has such handouts for the Board members, they will need to provide fifteen (15) copies at the meeting during which their presentation occurs. Audio/visual presentations are not allowed during the three-minute public comment period.

(6) All remarks shall be addressed to the Board as a whole and not to a specific Trustee. The Board will not respond to any comments made during the public comment period unless it becomes necessary to ask a clarifying question, correct a factual error or provide specific factual information.

(7) Each speaker shall maintain civility and decorum. The Board Chair retains the right to stop or remove any speaker who uses profanity, makes threats, or is otherwise abusive or disruptive.

Cite as Ga. Comp. R. & Regs. R. 513-5-1-.63
Authority: O.C.G.A. § 47-3-26(b).
History. Original Rule entitled "Public Comment at Meetings" adopted. F. Mar. 24, 2016; eff. Apr. 13, 2016.

Chapter 513-6. RESERVED.

Cite as Ga. Comp. R. & Regs. R. dept. 513, ch. 513-6

Chapter 513-7. GEORGIA FIREMAN'S PENSION FUND.

Subject 513-7-1. ADMINISTRATIVE RULES.

Rule 513-7-1-.01. Rules of General Applicability.

(1) The mailing address of the Georgia Firefighters' Pension Fund (GFPF) is 2171 East View Parkway Conyers, Georgia 30013.

(2) The principal office of the Fund is located at 2171 East View Parkway Conyers, Georgia 30013.

(3) The official web site of the Fund is www.gfpf.org.

(4) Correspondence with the Board of Trustees concerning the Fund should be addressed to the Executive Director of the Fund only at the address in (1) above.

(5) Unless otherwise provided by the Board of Trustees, meetings of the Board of Trustees shall be held at its principal office.

(6) All checks issued by the Fund require the signature of the Executive Director or a duly authorized designee as approved by the Board of Trustees.

(7) This rule is solely for the purpose of determining compliance with time requirements for delivery to the Board of Trustees of such matters; any matter required to be filed with the Board of Trustees, and any payment required to be made to the Board of Trustees, shall be deemed received by the Board of Trustees based on the U. S. Postal Service postmark

date when such matter, or payment, is mailed to the Board of Trustees, if such mailing is later received by the Board of Trustees. The sender of any matter or any payment shall not be excused from the obligation to send or pay in the event any matter or payment so mailed is for any reason not delivered to the Fund.

(8) In all instances in the succeeding paragraphs, where the signature of a "Department Chief" is required, the Chief may designate no more than two delegates with signature authority for purposes of signing membership and retirement applications and beneficiary forms. Such delegations shall be on file with the Pension Fund Office in a form prescribed and approved by the Board of Trustees.

(9) All forms referenced herein are available from the principal office of the Fund or from the official web site of the Fund as noted above.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.01
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Rules of General Applicability" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Sept. 25, 1991; eff. Oct. 15, 1991.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.

Rule 513-7-1-.02. Organization of the Board.

(1) The Board shall annually elect a Chair, Vice-Chair, and such other officers as it shall determine appropriate. Each officer shall hold office until the officer's successor is elected and qualified.

(2) There shall be an Investment Committee which shall consist of all of the Board Members.

(3) Unless otherwise provided, the Chair shall preside at each meeting of the Board or of any committee on which the Chair serves.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.02
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Organization of the Board" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.

Rule 513-7-1-.03. Hearings Before the Board.

(1) Unless otherwise provided by the Board, each determination of the Board, with respect to eligibility for membership or continued membership in the Fund, creditable service, eligibility for regular retirement or disability retirement benefits, the amount of retirement benefits, or the termination or suspension of benefits shall become final upon the expiration of thirty (30) days after the date of such decision.

(2) Request for Hearing.

(a) If a person desires to appear before the Board of Trustees, the request shall be made by letter, in a form prescribed by the Board of Trustees, to the Executive Director. The party requesting a hearing shall identify the issues for which a hearing is requested and the action requested of the Board.

(b) Upon determination by the Board of the date and time of the hearing, the Executive Director shall give written notice of the time and date of the hearing. The subject matter presented at that hearing shall be complete.

(c) At any hearing before the Board a person may retain legal counsel. Notice of such representation shall be provided to the Board at least 15 days in advance of any scheduled hearing.

(d) For the purpose of receiving evidence to be presented before the Board, the Board may appoint a hearing officer to receive such evidence and make a report thereof to the Board. Prior to any decision in such case, the person requesting such a hearing shall be entitled to make a closing argument before the Board of Trustees.

(e) The decision of the Board shall be final.

(3) No person shall be entitled to a second hearing on the same question or subject matter unless new evidence relevant to the subject matter in question shall be discovered. However, in all matters of alleged newly discovered evidence, the person so claiming shall first submit such evidence to the Board of Trustees, in writing, and, if said evidence has sufficient merit to warrant a second hearing on the matter, the Board of Trustees in its sole discretion may grant a second hearing.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.03
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Hearings Before the Board" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.

Rule 513-7-1-.04. Qualification for Membership and Creditable Service.

(1) To qualify for initial membership in the Pension Fund, an individual shall meet one of the following,

(a) Be a firefighter who,

(1) Is a permanent compensated employee of a compliant fire department;

(2) Works at least 20 hours per week on average (1040 hours annually); and,

(3) Is state certified or is a candidate for state certification by the Georgia Firefighter Standards and Training Council,

(b) Be a Volunteer firefighter who,

(1) Is enrolled as a firefighter with a compliant volunteer fire department; and,

(2) Has the principal responsibility of preventing or suppressing fires,

(c) Be a full-time employee of the Pension Fund working an average of 30.5 hours per week.

(2) Employees who are not state certified through the Georgia Firefighter Standards and Training Council and whose only function is the performance of emergency medical services are not eligible for membership.

(3) No person under a sentence of confinement shall be eligible for active membership in the Fund, nor shall any member of the Fund earn creditable service during a time period in which the member is incarcerated under a sentence of confinement.

(4) Any individual who does not qualify for membership under (1) above, or who does not have and principally perform the duties of a firefighter shall not be eligible for initial or continued membership in the Georgia Firefighters' Pension Fund, even though the individual is employed by a fire department in some other capacity, unless prior to July 1, 2006 as an employee of a full-time fire department, the individual principally performed within that fire department a support function set forth in subpart (5) (a, b and c).

(5) Current members of the Pension Fund who do not meet the initial membership requirements specified in paragraph (1) above, and who were admitted to the Fund prior to July 1, 2006 may remain in the Fund and continue to earn creditable service so long as there is no break in eligibility based on qualifying employment listed below,

(a) Clerical services for administration of the department performed by personnel within the fire department;

(b) Communication services for fire suppression and fire prevention activities performed by personnel within the fire department; and,

(c) The maintenance and repair of fire fighting equipment and apparatus performed by personnel within the fire department.

In the event of a transfer from one department to another, no more than 30 calendar days may lapse where the member is not eligibly employed by a department.

(6) The Board may require evidence of qualification for initial or continued membership in the Georgia Firefighters' Pension Fund and of the performance of creditable service certification by the applicant or member and by the Chief of the department as to the roster of the department, showing the position held and the duties of the position held.

(a) For membership which requires state certification the Board shall verify through the Georgia Firefighter Standards and Training Council, department records, and other means, that qualifications are met.

(b) For volunteer firefighters, the Board shall require annual affidavits from department chiefs that training and attendance requirements set forth in 513-7-1-.08 are met.

(c) For part-time firefighters, the Board shall require annual affidavits from the department chiefs that requirements in 513-7-1-.08 are met.

(d) For all others, the Board shall require an initial job description and periodically, on request, reaffirmation of fire support duties through inquiries of the employing fire department.

(7) Creditable service may be earned by qualifying firefighters serving in a public fire department that serves a designated district provided all of the following are met;

(a) The fire department is financed by public appropriation or subscription and is not privately owned; and,

(b) The fire department has a current certificate of compliance issued by the Georgia Firefighter Standards and Training council; and,

(c) The fire department has been issued an ISO rating as a Class 9 or better under the current approved ISO rating schedule

(d) A volunteer fire department shall hold no less than 8 (eight) hours training/fire department activity in at least 10 (ten) months of a calendar year for any member of the department to earn creditable service for that year.

(8) Credit for prior eligible service may be granted if the member satisfied the requirements for membership and creditable service in 513-7-1-.04 at the time such service was rendered. For the member to be eligible for the purchase of prior eligible service the

department with which credit is being claimed shall have met the requirements set forth above in 513-7-1-.04(7).

A member shall be entitled to credit for up to ten years of prior eligible service, provided that such person satisfies the following requirements;

(a) The member shall file with the Board an application for such credit on forms prescribed by the Board,

(b) Submit required documentation verifying that creditable service was earned; and,

(c) Pay to the fund an amount sufficient to grant requested creditable service without creating any actuarially determined accrued liability against The Fund. This amount will be determined and provided by Fund Staff, based on the most recent tables provided by the actuary retained by the Board.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.04
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Qualification for Membership and Creditable Service" adopted. F. Dec. 23, 1985; eff. July 30, 1981, as specified by the Agency.
Amended: F. Nov. 20, 1990; eff. Dec. 10, 1990.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.
Note: Correction of non-substantive typographical error by addition of "**Amended:** F. Aug. 10, 2015; eff. Aug. 30, 2015" to Rule History. Effective August 30, 2015.
Amended: F. July 12, 2018; eff. August 1, 2018.
Amended: F. Aug. 17, 2022; eff. Sep. 6, 2022.

Rule 513-7-1-.05. Application for Membership.

(1) A person applying for membership in the Fund shall file a completed application in the form prescribed by the Board, together with proof of date of birth, and a specified payment which shall be applied to dues payable for the first month of membership in the event the application is granted.

(2) As noted in the application, the applicant should select a beneficiary. A beneficiary is any person designated before or after the approval of an application for retirement, by the applicant or member to receive benefits which may continue to be payable upon the death of the member. See also 513-7-1-.12. If there is no stated beneficiary, the beneficiary will be the member's estate.

(3) The applicant shall furnish such additional information as may be requested by the Board or the Executive Director.

(4) Upon receipt of a completed application and upon Board approval, a letter of acceptance shall be mailed to the applicant and a copy to the applicant's fire department. For the member's convenience, a copy of the "Rules and Regulations" is available on the GFPF website.

(5) Upon acceptance to the Fund, new members shall be assigned a "Member Identification Number" (Member ID) to be used in all correspondence with the Pension Fund office and for access to member records in the "Member's Area" of the website.

(6) Upon the determination by the Executive Director that an applicant does not satisfy the objective standards of the Fund relating to membership, the Executive Director shall have authority to give notice to the applicant that the application has been rejected.

(7) When incomplete documentation is received by the Pension Fund the Fund staff will attempt to contact the member and the member's Fire Department to obtain missing documentation. If the staff is unable to obtain missing documentation, the application shall be returned to the applicant for resubmission.

(8) Membership in the Fund shall be deemed to have commenced on the date the Pension Fund receives a completed application which includes the first month's dues payment or electronic payment authorization. The Executive Director shall report such action to the Board.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.05
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Duty to Report Address Changes" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: New Rule entitled "Application for Membership" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.
Amended: F. July 28, 2023; eff. Aug. 17, 2023.

Rule 513-7-1-.06. Duty to Report Changes in Department and/or Employment Status.

(1) A member who changes status from one to another of the following, full time, part-time or volunteer, or a member who changes from one fire department to another, shall report such change to the Pension Fund Office within sixty (60) days of the change date on the Change of Status/Transfer Form prescribed by the Board. If the reporting date is more than sixty (60) days past the transfer date, documentation providing proof of employment

by paid personnel, or training and incident response documentation by volunteers, shall be required. Failure to report such changes may result in loss of subsequent creditable service through the date the form is stamped "Received" in the Pension Fund Office.

(2) A member shall give notice to the Board of any change of employment status, including any change of duties to those which are not the duties of a firefighter, or a support function described in 513-7-1-.04. This shall be submitted on the Change of Status/Transfer Form prescribed by the Board. A member may request leave of absence under 513-7-1-.09. A member may also resign from the Fund and request a refund of dues under 513-7-1-.10.

(3) Any member who receives non-creditable service from a department shall not claim credit from another department for that same time period. Credit shall only be earned from the department in which the member was/is enrolled with the Pension Fund.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.06
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Application for Membership" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: New Rule entitled "Duty to Report Changes in Employment Status" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: New title "Duty to Report Changes in Department and/or Employment Status." F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.07. Duty to Report Address Changes.

Each applicant for membership shall be required to provide their current mailing address to the Pension Fund. Each member, and each retiree shall be required to give notice to the Pension Fund of any change in member's current mailing address. The Pension Fund shall rely upon, and use for the purpose of correspondence and giving notices, the most recent mailing address provided by the member, which is on file with the Pension Fund Office.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.07
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Duty to Report Changes in Employment Status" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: New Rule entitled "Duty to Report Address Changes" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.

Rule 513-7-1-.08. Volunteer and Part-Time Firefighter Requirements and Affidavits.

(1) A volunteer fire department shall have an active volunteer program as outlined in (a), (b) and (c) below in order for its members to be eligible to earn pension credit. Volunteer firefighters shall meet a minimum standard of 50% of the aggregate of creditable department drills or meetings and creditable calls for the calendar year using a point based system. One point shall be earned for each eligible call, and one point for each completed hour of designated department drills or meetings held as a group.

(a) A volunteer fire department shall hold at least 8 hours of drills or meetings per month for 10 months (or more) in a calendar year. If the department fails to hold the required hours of drills and meetings, no member of the department shall be able to earn creditable service for that year.

(b) Creditable department drills or meetings shall take place as a group, at the department level. If a department has multiple stations, drills and meetings as a group at the station level may count as department drills and meetings. There shall be no subgroups within a station for the purpose of calculating annual department drills and meetings for Pension Fund credit. Of regular department drills, and meetings offered annually, each member of the department shall attend a minimum of 25%, In addition, creditable service shall not be earned if the member attended less than 24 hours of department drills and meetings for the year. Drills and meetings must be documented on forms that contain the following;

(i) Date of training/event

(ii) Actual beginning and actual end times

(iii) Location

(iv) Brief description of training/activity

(c) Creditable calls are calls specific to the department being called. If a department has multiple stations, the calls may be specific to the station. Fire calls shall be counted towards pension credit. A fire call is defined as fires on property subject to insurance coverage under O.C.G.A. 47-7-61, including, but not limited to structures, vehicles, boats, planes and motorcycles. Structures include commercial and residential properties, whether occupied or not. In addition to fire calls, it shall be predetermined annually by the chief, if, and what other types of calls are also counted as creditable. This may include but is not limited to motor vehicle accidents, and vegetation, crop, and open land fires. Awarding of, or denying of credit for a particular type call shall be consistent throughout the year. Members shall meet a minimum of 25% of creditable calls annually. In the event the 25% calculation does not result in a whole number, the calculation may be rounded

down to the nearest whole number. Firefighters from departments with one or more creditable calls, cannot earn creditable service if no calls were attended.

(2) Additional pension eligible points may be earned for Additional Training and Station Duty.

(a) One point may be earned for each hour of organized training attended which shall take place outside the department's regularly scheduled station activity. Additional training points are not required to be earned within the member's department, but shall require the approval of the member's chief. Additional training credit shall not account for more than 25% of the members total annual pension eligible points.

(b) Additional points may also be earned by performing pre-scheduled, pre-approved Station Duty. Station Duty, performed in two hour blocks, shall earn one point of additional credit per completed two hour block. Work shall take place during the time in which credit is being earned. Station Duty Credit shall not account for more than 25% of the members total annual pension eligible points.

(c) Station duty credit and additional member training credit shall not be earned concurrently. The department shall maintain documentation of station duty, and additional training where credit is being applied towards annual pension credit. Documentation shall be on forms provided, and prescribed by, the Board of Trustees.

(3) The Chief or Chief's designee shall determine if a Volunteer has earned pension creditable service for the period under report by summarizing the points earned relative to points available to determine if the "50%" standard has been met in accordance with O.C.G.A. 477-81.

(a) The Chief or Chief's designee shall add all points earned by a Volunteer for Station Activity and Fire Calls, plus any approved points earned for Station Duty and/or Additional Training (under 513-7-1-.08(1) and (2) above) to determine Total Points Earned.

(b) The Chief or Chief's designee shall add all points offered by the station or department for Station Activity and those Fire Calls for which the Volunteer and his/her volunteer unit is responsible to determine Total Points Available.

(c) For each Volunteer unit, the total of points offered and responsible, i.e. the Total Points Available should be the same for all Volunteers.

(d) The Chief or Chief's designee shall divide Total Points Earned by Total Points Available for each pension participating Volunteer to determine if pension creditable service has been earned.

(4) Volunteer Service Affidavits for each active volunteer shall be filed promptly after the end of each calendar year by the chief of each department with which volunteer firefighters are enrolled attesting to the attendance of the volunteer firefighters for the prior calendar year.

(a) The Required Annual Affidavit Packet shall be provided by the Fund, and is to be completed and returned in its entirety by the chief of their respective fire department.

(b) A list of active members will be provided to the department. Individual Volunteer Service Affidavits shall be completed for each person listed. Each Volunteer Service Affidavit must be signed by the member and the chief.

(c) The annual Volunteer Service Affidavits, along with any requested or specified backup documentation for each member listed, shall be properly addressed and mailed in its entirety to the Pension Fund office, by first class mail, postage prepaid, and bear a postmark not later than February 15th of each year.

(d) Volunteer Service Affidavits received without required backup documentation, for each member listed, will be considered incomplete and shall be returned to the department for completion. Required Reporting Documentation received after February 15th shall not be accepted without the approval of the Board of Trustees. In addition, each member listed will be assessed a $25 late fee if their Volunteer Service Affidavit is received after February 15th.

(e) Creditable service extended to volunteer firefighters based on the Chief's Affidavit is provisional, and subject to audit and verification by the Fund.

(f) Records of calls, training, drills, meetings and station duty shall be maintained by the Department for a minimum of 10 years. Such records shall be made available for inspection by the Fund, upon request.

(5) Part-Time Firefighters are state certified firefighters, employed in a permanent compensated position, working at least 20 hours per week on average, (1040 hours annually).

(a) The annual Part-Time Affidavit, prepared by the Fund and completed by the chief, attesting that the requirements in 513-7-1-.08(5) above have been met, shall be filed promptly after the end of each calendar year. The completed affidavit shall contain the number of hours worked for each member listed, and be signed by the chief for the member to receive credit.

(b) The annual Part-Time Affidavit shall be properly addressed and mailed to the Pension Fund office, by first class mail; postage prepaid, and be postmarked no later than February 15th of each year.

(c) Any Part-Time Affidavit received after February 15th shall not be accepted without the approval of the Board of Trustees. In addition, each member listed on the affidavit will be assessed a $25 late fee if the "Part-Time Affidavit" is received after February 15th.

(d) Creditable service extended to part-time firefighters based on the Chief's Affidavit is provisional, and subject to audit and verification by the Fund.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.08
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Volunteer Reports" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Nov. 20, 1990; eff. Dec. 10, 1990.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: Rule retitled "Volunteer Affidavits." F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: New Rule entitled "Part-Time Firefighter and Volunteer Firefighter Affidavits" F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: New title "Volunteer Firefighter Requirements and Affidavits." F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: New title "Volunteer and Part-Time Firefighter Requirements and Affidavits. "F. Aug. 10, 2015; eff. Aug. 30, 2015.
Amended: F. July 12, 2018; eff. August 1, 2018.
Note: Correction of non-substantive typographical error, as submitted by the Agency on Oct. 12, 2018. Subparagraph (1)(c), "O.C.G.A. 47-7-6" corrected to "O.C.G.A. 47-7-61." Effective October 12, 2018.
Amended: F. Aug. 17, 2022; eff. Sep. 6, 2022.

Rule 513-7-1-.09. Leave of Absence.

(1) Leave of Absence.

(a) Any member of the Fund may request a Leave of Absence from the Fund when the member is no longer an active member of a fire department and no longer qualifies for membership in the fund, by submitting a written request for such leave to the Executive Director within thirty (30) days of the date the member wishes such leave. Upon submission of the request and approval by the Board, said request shall be granted for two years. The member shall state in the request the date the member ceased to qualify for membership and any change in mailing address.

(b) Before the end of the two year leave period, the member may, in writing, request a renewal of the leave status for an additional two years. Leaves of Absence may be renewed in such manner for an indefinite period.

(c) If a member re-enters the fire service, the member may apply for reinstatement. A request for reinstatement shall include a completed new member application and

the first month's dues payment by check, money order, or electronic payment authorization.

(d) Pursuant to O.C.G.A. Section 47-7-41, the reinstatement to active membership from a Leave of Absence or an extension of a Leave of Absence shall be subject to the requirements of O.C.G.A. Section 47-7-40.

(e) A member is not required nor permitted to pay dues during a Leave of Absence, and no creditable service is earned during such leave.

(2) Military Leave of Absence.

(a) A member may request a Military Leave of Absence by submitting a written request, including a copy of activation orders, to the Executive Director. Such request shall be granted for the period the member remains on active duty.

(b) Members must rejoin the fire service and apply for re-instatement in the Pension Fund within one year of their release from active duty in order to preserve this benefit. A request for re-instatement shall include a new member application, a copy of military separation papers and the first month's dues payment by check, money order, or electronic payment authorization.

(c) Members on military leave who pay dues currently or within one year of their return from active military service shall receive pension creditable service for the period of active duty upon which the relevant dues amount is paid.

(3) A full time firefighter may earn up to 90 days/3 months of creditable service while on unpaid medical leave so long as the leave is reported to the Fund on forms prescribed by the Board.

(4) In the event a member fails to submit requested documentation regarding his/her status, a Leave of Absence may be imposed by the Board.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.09
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Leave of Absence" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Nov. 20, 1990; eff. Dec. 10, 1990.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.
Amended: F. July 12, 2018; eff. August 1, 2018.
Amended: F. July 28, 2023; eff. Aug. 17, 2023.

Rule 513-7-1-.10. Payment of Dues.

(1) Dues are to be paid in the amount as prescribed in O.C.G.A. 47-7-60. Dues are due on the tenth (10th) day of each month if paid by individual or department. If paid by direct debit, dues are debited on the fifteenth (15th) day of each month.

(2) Dues payments made directly to the Fund by an individual may be paid by personal check, money order or direct debit. Each such check or money order shall show the member's Pension Fund ID number or social security number.

(a) Any member having two returned items from any bank for any reason may be required by the Executive Director to pay dues by money order or certified funds until such requirement is released.

(b) Any member having a returned item from any bank for any reason shall be charged a "returned items" charge in an amount set by the Board prior to being allowed to resume dues payments.

(c) Members shall be current with their dues in order to apply for the direct debit program and shall maintain current dues payments in order to stay in the program. Members who fall in arrears on dues payments due to returned debit items shall be discontinued from the program until the arrearage is satisfied.

(d) Dues paid by check or money order may be paid up to one year in advance.

(3) As a matter of convenience to its members, the Fund, subject to these rules, accepts remittance of dues made on behalf of its members by the employer fire department. In such cases, the employer fire department is not acting as agent for the Fund. The Fund is not responsible for loss or error by the employer fire department. In such cases:

(a) All departments that submit dues payments on behalf of their employees shall enclose a copy of the Georgia Firefighters' Pension Fund payments receipt;

(b) A separate notice shall be given to the Fund of each addition to the list of members for whom dues are paid and the new members shall be shown on the composite list;

(c) A person leaving the fire service or the department shall be removed from the composite list by the employer fire department and separate notice given to the Fund of such removal by the employer fire department;

(d) If a department pays the member's dues and the member consequently receives non-creditable service for such period, the department may request, in writing, that such funds be returned to the department if the money has not previously been returned to the member.

(4) Dues payments, whether by individual members or by employer fire departments, are not effective until actually received by the Fund.

(5) Any member leaving the fire service or Pension Fund for any reason may request are fund of dues less a 5% administrative service cost. Moneys paid to the Fund for creditable service are refunded to the member regardless of the source of payment.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.10
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Payment of Dues" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.
Note: Correction of non-substantive typographical error by correction of spacing errors in paragraphs (3) and (5). eff. August 30, 2015.

Rule 513-7-1-.11. Delinquent Dues; Notification Process.

(1) As a matter of courtesy, any member of this Fund who becomes delinquent in the payment of dues by failure to pay the prescribed amount of dues shall be notified of such delinquency by first class mail by the Executive Director after five (5) months of delinquency. The notice shall be mailed to the member's current mailing address on file with the Pension Fund, and a copy of such notice shall be sent to the employer fire department by first class mail. If the member becomes six (6) months delinquent, the member shall then be suspended from active membership in the Fund and a notice of suspension shall be sent by first class mail to the member and the employer fire department. In such an event, a refund of 95% of the dues paid by the delinquent member shall be available for refund to the member upon request.

(2) The notices set forth above are provided by the Fund to its members solely as a matter of courtesy to its membership. The failure of the Fund to give notice, in any case, or the failure of a member to receive such notices, shall not excuse a member's responsibility and a member may not rely upon the procedure set forth above to avoid payment of dues when required by law. No claim shall be made upon the Executive Director or any member of the Pension Fund's staff for the failure to give such notice or for the member's failure to receive it.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.11
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Delinquent Dues; Notification Process" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.

Amended: Rule reserved. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: New Rule entitled "Delinquent Dues; Notification Process" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.12. Retirement.

(1) Applications: Requirements.

(a) Members qualifying for retirement and seeking to do so shall prepare and submit an application for retirement in a form prescribed by the Board of Trustees. Such form shall be submitted 60 days in advance of the planned retirement date. The form shall be signed by the Chief of the member's fire department. A Chief's retirement application shall be signed by the Chief's civilian supervisor (e.g., Mayor, City Manager, etc.).

(b) An application for retirement shall include the form to select a survivor option, and a beneficiary (if such has not already been chosen). This shall be verified during processing by the Pension Fund office. The three options available are:

1. Full Benefits-No survivor- a named beneficiary is required to receive the final pension payment after the retiree's death;

2. Option A - Joint and Survivor - beneficiary must be a legal spouse; and

3. Option B - Ten year Certain and Life - beneficiary may be a spouse or any non-spousal relationship, but must be an individual, see Rule 513-7-1-.14.

(c) A change in beneficiary designation may be made only upon forms prescribed by the Board and no change is effective until said completed form is received by the Fund. To be valid, a change in beneficiary designation shall be received in the Fund office prior to the member's death.

(2) Payments of retirement benefits shall not commence until it has been determined that all requirements for retirement eligibility have been satisfied and a completed application for retirement has been approved by the Board. A completed application must include proof of age of member and when the member chooses a Joint and Survivor option, proof of age of spouse and proof of marriage must also be provided. Notice of separation of employment for full-time and part-time employment must also be submitted. When a member's separation notice is unavailable at time of application submission, the member shall submit a copy within 60 days of receiving their first monthly pension benefit. If a copy is not received within the allowed 60 days, benefits will cease until the required document is received. For members that have dues in arrears, the amount due shall be subtracted from the first month's benefit payment.

(3) All volunteer firefighters, upon application for retirement, shall complete and submit a notarized Creditable Service Affidavit, indicating that they have met the requirements for creditable service since the previous year's affidavit was filed.

(4) Benefits may not commence until the member is no longer employed by a fire department nor engaged in a compensated capacity that would qualify him/her for membership in the Fund, except for as provided in (a) and (b) below.

(a) Retired firefighters, after retiring from service with their respective fire departments and commencing to receive benefits from this Fund, may then volunteer their time, service and resources to assist their local fire department in any capacity deemed appropriate to their expertise. So long as the retired firefighter is not compensated by the hour, by the call, per diem, or in any manner related to his/her service in an amount which creates a taxable event, the retired firefighter may continue to receive retirement benefits. The determinant of whether or not a firefighter is compensated or not compensated will rest with the production of tax reporting documentation for the individual. If a Form W-2 or Form 1099 is issued to report taxable income or transfer payments to a retired firefighter, then compensation shall be presumed, and benefits shall be suspended.

(b) If a retired firefighter is reimbursed for purchases made for personal equipment or on behalf of a fire department, bona fide receipts, certified by the firefighter as correct, shall be maintained and available to the pension office on request for a period not to exceed seven years.

(5) Retired firefighters who are receiving benefits and choose to return to service with a fire department shall notify the Fund within 30 days of re-employment. Benefits shall be suspended for the period of re-employment. Such member may re-join the Fund and earn additional creditable service under O.C.G.A. Sec. 47-7-101. Benefits will be resumed at the prior level, plus any increases granted in the interim, when the member subsequently retires.

(6) The retired member shall notify the Pension Fund office of any of the following changes: mailing address, direct deposit information, marital status (i.e., divorce, death of spouse, re-marriage), beneficiary, tax withholding or re-engagement for compensation in a capacity that qualifies for membership in the Pension Fund.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.12
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Retirement" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: F. July 28, 2023; eff. Aug. 17, 2023.

Rule 513-7-1-.13. Waiting Legal Age Status.

(1) A member who no longer serves in the fire service and has not yet attained the age of 50 (for early retirement) or 55 (for full retirement), but who has earned the minimum creditable service years required for benefits upon application, may defer the receipt of benefits until the member reaches the chosen retirement age. Such member shall be placed in "Waiting Legal Age" status. In the event the member is placed in "Waiting Legal Age" status, an application for retirement shall be filed with the Fund, but shall not be presented to the Board for approval until the member reaches the chosen retirement age. A member who elects "Waiting Legal Age" status at the minimum vested age may at any time revoke the election and apply for early retirement benefits, if otherwise eligible.

(2) Any person in "Waiting Legal Age" status who returns to active service revokes the member's election for retirement and must notify the Executive Director of that fact within thirty (30) days after returning to active service. Such member will automatically be placed on "Leave of Absence" pending the receipt of a new member application, if the member chooses to re-join the Fund.

(3) Reserved.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.13
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Waiting Legal Age Status" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.

Rule 513-7-1-.14. Issuance of Benefit Payments.

(1) Pension benefit payments shall commence in the month following the date the Board of Trustees approves the member's application for retirement. Benefits shall not be paid retroactively should the application be delayed or not submitted to the Board in a timely manner.

(2) Payments.

(a) Pension payments shall be made to retirees and beneficiaries by direct deposit.

(b) Retirees and their beneficiaries shall provide information for direct deposit of benefit payments to the checking or savings account of their choice. Direct deposit is the required payment method for efficiency and security. Direct deposit

payments are released to retiree banks no later than the last day of the current month.

(3) Pension payments shall be issued to and in the name of the member only, except in the case of the survivor benefits payable under Option A (Joint & Survivor) or Option B (Ten years Certain). In the case of optional benefits, upon notice to the Fund of the death of the member, and receipt of evidence of death, benefit payments shall be issued in the name of the designated beneficiary.

(4) Death benefits, other than survivor benefits are available to beneficiaries of members who become deceased in the following circumstances:

(a) Beneficiaries of members with less than 15 years of creditable service shall be eligible to receive a one-time payment of $10,000.

(b) The beneficiary of a retired member who chooses the "Regular Retirement" option will be due:

1. The final payment at the end of the month during which the retiree died payable to the beneficiary; and

2. Should the retiree die prior to receiving a total of $10,000 in retirement benefits, the beneficiary shall receive the balance of $10,000, less the benefits paid-to-date to the retiree.

(c) Claims for death benefits must be supported by a notarized copy of the official death certificate.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.14
Authority: O.C.G.A. § 47-7-23.
History. Original Rule entitled "Issuance of Pension Checks" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Amended: New title, "Issuance of Benefit Payments." F. July 28, 2023; eff. Aug. 17, 2023.

Rule 513-7-1-.15. Early Retirement Calculation; Reemployment.

(1) A member may choose to receive a reduced monthly benefit if they are between the ages of 50 and 55 and/or they earned between 15 and 25 years of creditable service at the time of retirement. The monthly benefit will be a prorata amount based on the maximum monthly retirement benefit in effect at the time of the member's retirement to which the

member would have otherwise been eligible to receive. For each year of age less than 55, the member's maximum monthly retirement benefit will be reduced by 6%. For each year of creditable service less than 25, the member's maximum monthly retirement benefit in effect will be reduce by 4%. If a member has more than 25 years of creditable service upon retirement, 2% of the member's maximum monthly retirement benefit will be added to that monthly benefit for each additional year.

(2) A retired member who has begun receiving benefits must immediately notify the Executive Director if they become reemployed with a Fire Department. Retirement benefits being paid to such person shall be suspended from the time of when reemployment begins until the time reemployment terminates. After their reemployment has terminated and they have notified the Pension Fund, retirement benefits shall be resumed. That benefit amount will be based on the firefighter's age and creditable service earned at the original retirement date.

(a) A retired member who becomes reemployed with a Fire Department and meets the requirements for membership may submit a new application for membership. If the application is granted, he or she may rejoin the Fund as an active member. After their reemployment has terminated and they have notified the Pension Fund, retirement benefits shall be resumed. If the member acquires less than seven (7) years of subsequent creditable service, the benefit amount will be based on the firefighter's age at the original retirement date and creditable service earned at the date reemployment was terminated.

(b) If the member acquires seven (7) years (or more) of creditable service during the period of re-employment, the benefit amount will be based on the firefighters' age and creditable service earned at the date reemployment was terminated.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.15
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Annual Affidavit by Disability Retirees" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Repealed: New Rule entitled "Early Retirement Calculation; Reemployment" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.16. Increases in Monthly Retirement and Disability Benefits.

Unless this rule shall be properly amended, any increases in benefits authorized by the Board of Trustees under O.C.G.A. Section § 47-7-27 by resolution shall be applied as follows: The maximum monthly retirement benefit and the maximum monthly disability benefit of those members who have theretofore retired or who thereafter retire under O.C.G.A. Section § 47-7-100 and Section § 47-7-102, respectively, shall be increased by an amount equal to the

percentage increase authorized by Board resolution applied to the maximum monthly benefit in effect on the date of such member's retirement. In the case of retirement benefits theretofore elected or thereafter elected under Option A, "Joint and Survivor," or Option B,"Ten year Certain and Life." of Section § 47-7-100, the percentage increase shall be applied to the maximum monthly retirement benefit to which such option was or is thereafter applied.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.16
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Examination of Records Relating to Tax on Insurance Premiums" adopted. F. Sept. 3, 1986; eff. Sept. 23, 1986.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: Rule reserved. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: New Rule entitled "Examination of Records Relating to Tax on Insurance Premiums" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Repealed: New Rule entitled "Increases in Monthly Retirement and Disability Benefits" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.17. Conversions Under Section 47-7-100(d)(3) on Death or Divorceor Remarriage.

(1) Purpose of Rule. This rule implements Code Section § 47-7-100(d)(3) concerning conversions of a Joint and Survivor benefit to a retiree lifetime benefit following death of or divorce from a spouse and conversion of a retiree lifetime benefit to a Joint and Survivor benefit upon a subsequent remarriage. This rule prescribes the manner in which the calculation of resulting benefits is to be made.

(2) Death or Divorce.

(a) If a member has elected Option A, the "Joint and Survivor" benefit and following retirement the spouse dies or the member and the member's spouse are divorced, a member may convert the retirement benefit to a "Regular Retirement" benefit.

(b) The amount of the retiree lifetime benefit in that case will be calculated as of the time the application to revoke the Option A benefit is received by the Board in proper form. Payments shall commence effective the first day of the month immediately following the Board's approval. There is no payment of retiree lifetime benefits for any period prior to the time the revocation is approved by the Board.

(c) The amount of the benefit will be calculated based on:

1. The member's age at the time of the member's retirement;

2. The maximum monthly retirement benefit at the time of the member's retirement; and

3. All lump sum or percentage increases in that maximum monthly retirement benefit which have been made by action of the General Assembly, or by action of the Board since the date of the member's original retirement date.

(3) Remarriage.

(a) If after retirement, a member has previously revoked an Option A benefit because of the death of, or divorce from the designated spouse and converted the benefit to a retireelifetime benefit, and the member then remarries, the member may then elect an Option A benefit for the member and the member's new spouse.

(b) The amount of the Option A benefit payable to the member during the member's lifetime and payable to the spouse upon the death of the member shall be calculated from the time the application to elect Option A benefit is received by the Pension Fund in proper form. Payments shall commence effective on the first day of the month immediately following the Board's approval. The calculation of the Option A benefit shall be based on both the member's and new spouse's ages at the time the completed application for the Option A benefit is received by the Pension Fund.

(c) The calculation of the Option A benefit is also based on:

1. The maximum benefit in effect at the time of the member's original retirement; and

2. All lump sum of percentage increases in that maximum monthly retirement benefit which have been made by action of the General Assembly or by action of the Boardsince the date of the member's original retirement date. For purposes of simplicity, the calculation shall be made as if the member and the member's new spouse, at each of their ages at the time the application is received by the Pension Fund in proper form, were retired at the date of the member's original retirement, and adjustments to the lifetime and survivor benefits had been made since that time. However, there is no payment of benefits socalculated for any period prior to the time the application for the Option A benefit is approved by the Board. Any benefit change of this nature shall be effective on the firstday of the month immediately following board approval.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.17
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Determination of Unprotected Property Under O.C.G.A. Sec. 47-7-61" adopted. F. Sept. 3, 1986; eff. Sept. 23, 1986.
Amended: F. Aug. 22, 1994; eff. Sept. 11, 1994.
Amended: F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.

Repealed: New Rule entitled "Conversions Under Section 47-7-100(d)(3) on Death or Divorce or Remarriage" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.18. Annual Affidavit by Disability Retirees.

Each member receiving disability retirement from the Fund shall, within 120 days of January 1st of each year, furnish the Executive Director, in affidavit form, an itemized statement showing the amounts and source, of income obtained from gainful employment by such retiree in the preceding year. Each member shall include with such affidavit, a photocopy of his/her Federal Income Tax return. In the case of a joint return, the return shall reflect the member's separate true income. Failure on the part of any disability retiree to comply with this rule shall be cause for the Executive Director to discontinue such disability retirement payment until compliance is fully achieved.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.18
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Successor to National Board of Fire Underwriters" adopted. F. Sept. 3, 1986; eff. Sept. 23, 1986.
Amended: Rule reserved. F. Aug. 22, 1994; eff. Sept. 11, 1994.
Adopted: New Rule entitled"Annual Affidavit by Disability Retirees." F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.19. Examination of Records Relating to Tax on Insurance Premiums.

The Executive Director, or delegate, is authorized on behalf of the Board to examine such records as may be necessary to determine the accuracy of returns filed under O.C.G.A. Section 47-7-61 and to determine the tax liability of any insurance company, corporation or association thereunder. Each insurance company, corporation or association collecting or receiving premiums for fire, lightning and extended coverage, inland marine and applied lines, and wind storm insurance policies covering property within this State shall keep and make available to the Executive Director, or delegate, such records as may be necessary to determine the accuracy of returns filed by it and to determine the tax liability on such company, corporation or association under O.C.G.A. Section 47-7-61.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.19
Authority: O.C.G.A. Sec. 47-7-23
History. Original Rule entitled "Increase in Maximum Monthly Retirement and Disability Benefits" adopted. F. June 21, 1993; eff. July 11, 1993.
Amended: F. Dec. 20, 1993; eff. Jan. 9, 1994.
Amended: Rule retitled "Method of Applying Increases in Monthly Retirement and Disability Benefits." F. Dec. 29, 1999; eff. Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: New Rule entitled "Increases in Monthly Retirement and Disability Benefits" adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.
Repealed: New Rule entitled "Examination of Records Relating to Tax on Insurance Premiums" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.20. Determination of Unprotected Property Under O.C.G.A. Section 47-7-61.

In connection with the examination of any return filed under O.C.G.A. Section § 47-7-61 or the determination of tax liability under such section, the Executive Director, or delegate, shall from discussions with the taxpayer or examination of the records of the taxpayer or such other records as may be available, recommend to the Board of Trustees a proposed resolution of any questions with respect to the determination of whether property covered by an insurance policy, with respect to which a tax would be otherwise due under O.C.G.A. Section § 47-7-61, is protected or unprotected property as defined in such code section. No such recommendation shall become final or be accepted by the Board of Trustees unless duly adopted by the Board at a duly called meeting.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.20
Authority: O.C.G.A. Sec. 47-7-23.
History. Original Rule entitled "Conversions Under Section 47-7-100(d)(3) on Death or Divorce or Remarriage" adopted. F. Dec. 29, 1999; effective Jan. 18, 2000.
Amended: F. Feb. 5, 2001; eff. Feb. 25, 2001.
Amended: F. Aug. 20, 2009; eff. Sept. 9, 2009.
Amended: F. Oct. 29, 2013; eff. Nov. 18, 2013.
Repealed: New Rule entitled "Determination of Unprotected Property Under O.C.G.A. Section 47-7-6" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.

Rule 513-7-1-.21. Determination of Substantial Equivalency.

For purposes of premium tax calculations under O.C.G.A. § 47-7-61(a)(2) only, the ratings standards filed by the American Association of Insurance Services with the Georgia Commissioner of Insurance, as of August 18, 2015, and which have not been disapproved by the Commissioner, are substantially equivalent and utilizes similar ratings as compared to the standards set forth in the Fire Suppression Rating Schedule published by the Insurance Services Office, a rating organization licensed by the Commission of Insurance and filed with the Georgia Commissioner of Insurance.

Cite as Ga. Comp. R. & Regs. R. 513-7-1-.21
Authority: O.C.G.A. §§ 47-7-23, 47-7-61.
History. Original Rule entitled "Determination of Substantial Equivalency" adopted. F. Nov. 15, 2016; eff. Dec. 5, 2016.

Chapter 513-8. SUPERIOR COURT JUDGES RETIREMENT FUND OF GEORGIA.

Subject 513-8-1. ADMINISTRATIVE RULES.

Rule 513-8-1-.01. Rules of General Applicability.

(1) The mailing address of Superior Court Judges Retirement Fund of Georgia, is P.O. Box 38198, Capitol Hill Station, Atlanta, Georgia 30334.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director, Fiscal Division of the Department of Administrative Services.

Cite as Ga. Comp. R. & Regs. R. 513-8-1-.01
Authority: O.C.G.A. 47-8-2.
History. Original Rule entitled "Rules of General Applicability" effective on December 31, 1985; filed on December 31, 1985.

Rule 513-8-1-.02. Calculation of Partial Months of Service for Retirement Credit.

For members with a partial month of service at the time of retirement, creditable service shall be rounded to the nearest one-half (1/2) month of service. For this purpose, thirty (30) days shall constitute a full month of service and fifteen (15) days shall constitute a half month of service.

Cite as Ga. Comp. R. & Regs. R. 513-8-1-.02
Authority: O.C.G.A. Section 47-8-3.
History. Original Rule entitled "Calculation of Partial Months of Service for Retirement Credit" effective on April 24, 1984; filed on December 31, 1985.

Chapter 513-9. SUPERIOR COURT JUDGES RETIREMENT SYSTEM.

Subject 513-9-1. ADMINISTRATIVE RULES.

Rule 513-9-1-.01. Rules of General Applicability.

(1) The mailing address of Superior Court Judges Retirement System is P.O. Box 38198, Capitol Hill Station, Atlanta, Georgia 30334.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director, Fiscal Division of the Department of Administrative Services.

Cite as Ga. Comp. R. & Regs. R. 513-9-1-.01
Authority: O.C.G.A. 47-9-20.
History. Original Rule entitled "Rules of General Applicability" effective on December 31, 1985; filed on December 31, 1985.

Rule 513-9-1-.02. Calculation of Partial Months of Service for Retirement Credit.

For members with a partial month of service at the time of retirement, creditable service shall be rounded to the nearest one-half (1/2) month of service. For this purpose, thirty (30) days shall constitute a full month of service and fifteen (15) days shall constitute a half month of service.

Cite as Ga. Comp. R. & Regs. R. 513-9-1-.02
Authority: O.C.G.A. Section 47-9-22.
History. Original Rule entitled "Calculation of Partial Months of Service for Retirement Credit" effective on April 24, 1984; filed on December 31, 1985.

Rule 513-9-1-.03. Alternate Procedure for Hearing Retirement Applications.

Upon receipt of an application for retirement, the Director of the Fiscal Division shall recommend approval or rejection based on the member's age and creditable service. He shall forward his recommendation to the Attorney General's Office who, upon approval, shall forward the application to the Governor's Office for final approval and arranging the oath of Office as Senior Judge. Approval in this manner shall constitute a hearing and approval of the member's application by the Board.

Cite as Ga. Comp. R. & Regs. R. 513-9-1-.03
Authority: O.C.G.A. Section 47-9-22.
History. Original Rule entitled "Alternate Procedure for Hearing Retirement Applications" effective on May 26, 1977; filed on December 31, 1985.

Rule 513-9-1-.04. Calculation of Interest on Refunds.

Contributions on deposit of receivable as of June 30 shall earn interest at the statutory rate. Interest shall be credited on the succeeding June 30 provided the contributions are still on deposit and the member is still actively employed. Interest so credited shall be deemed a contribution on deposit as of that June 30 to earn interest the following fiscal year.

Cite as Ga. Comp. R. & Regs. R. 513-9-1-.04
Authority: O.C.G.A. Sections 47-9-22 and 47-9-75.
History. Original Rule entitled "Calculation of Interest on Refunds" effective on December 3, 1980; filed on December 31, 1985.

Chapter 513-10. REPEALED.

Cite as Ga. Comp. R. & Regs. R. dept. 513, ch. 513-10

Subject 513-10-1. REPEALED.

Cite as Ga. Comp. R. & Regs. R. dept. 513, ch. 513-10, sub. 513-10-1

Rule 513-10-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.01
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Rules of General Applicability" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.02
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Organization of the Board" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.03
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Hearings Before the Board" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.04
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Qualification for Membership and Creditable Service" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.05
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Duty to Report Address Changes" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.06
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Application for Membership" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.

Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.07
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Duty to Report Changes in Employment Status" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.08
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Volunteer Affidavits" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.09
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Leave of Absence" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.10
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Payment of Dues" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.11
Authority: O.C.G.A. §§47-7A-20.
History. Rule number Reserved.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.12
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Retirement" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.

Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.13
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Waiting Legal Age Status" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.14
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Issuance of Pension Checks" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.15
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Method of Applying Increases in Monthly Retirement and Disability Benefits" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Rule 513-10-1-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-10-1-.16
Authority: O.C.G.A. §§47-7A-20.
History. Original Rule entitled "Conversions Under Section 47-7A-100(d)(3) on Death or Divorce or Remarriage" adopted. F. Feb. 5, 2001; eff. Feb. 25, 2001.
Repealed: F. Oct. 25, 2013; eff. Nov. 14, 2013.

Chapter 513-11. DISTRICT ATTORNEYS' RETIREMENT FUND OF GEORGIA.

Subject 513-11-1. ADMINISTRATIVE RULES.

Rule 513-11-1-.01. Rules of General Applicability.

(1) The mailing address of District Attorneys' Retirement Fund of Georgia, is P.O. Box 38198, Capitol Hill Station, Atlanta, Georgia 30334.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director, Fiscal Division of the Department of Administrative Services.

Cite as Ga. Comp. R. & Regs. R. 513-11-1-.01
Authority: O.C.G.A. 47-12-21.
History. Original Rule entitled "Rules of General Applicability" effective on December 31, 1985; filed on December 31, 1985.

Rule 513-11-1-.02. Calculation of Partial Months of Service for Retirement Credit.

For members with a partial month of service at the time of retirement, creditable service shall be rounded to the nearest one-half (1/2) month of service. For this purpose, thirty (30) days shall constitute a full month of service and fifteen (15) days shall constitute a half month of service.

Cite as Ga. Comp. R. & Regs. R. 513-11-1-.02
Authority: O.C.G.A. Section 47-12-22.
History. Original Rule entitled "Calculation of Partial Months of Service for Retirement Credit" effective on April 24, 1984; filed on December 31, 1985.

Chapter 513-12. DISTRICT ATTORNEYS RETIREMENT SYSTEM.

Subject 513-12-1. ADMINISTRATIVE RULES.

Rule 513-12-1-.01. Rules of General Applicability.

(1) The mailing address of District Attorneys Retirement System is P.O. Box 38198, Capitol Hill Station, Atlanta, Georgia 30334.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director, Fiscal Division of the Department of Administrative Services.

Cite as Ga. Comp. R. & Regs. R. 513-12-1-.01
Authority: O.C.G.A. 47-13-22.
History. Original Rule entitled "Rules of General Applicability" effective on December 31, 1985; filed on December 31, 1985 .

Rule 513-12-1-.02. Calculation of Partial Months of Service for Retirement Credit.

For members with a partial month of service at the time of retirement, creditable service shall be rounded to the nearest one-half (1/2) month of service. For this purpose, thirty (30) days shall constitute a full month of service and fifteen (15) days shall constitute a half month of service.

Cite as Ga. Comp. R. & Regs. R. 513-12-1-.02
Authority: O.C.G.A. Section 47-13-22.
History. Original Rule entitled "Calculation of Partial Months of Service for Retirement Credit" effective on April 24, 1984; filed on December 31, 1985 .

Rule 513-12-1-.03. Alternate Procedure for Hearing Retirement Applications.

Upon receipt of an application for retirement, the Director of the Fiscal Division shall recommend approval or rejection based on the member's age and creditable service. He shall forward his recommendation to the Attorney General's Office who, upon approval, shall forward the application to the Governor's Office for final approval. Approval in this manner shall constitute a hearing and approval of the member's application by the Board.

Cite as Ga. Comp. R. & Regs. R. 513-12-1-.03
Authority: O.C.G.A. Section 47-13-22.
History. Original Rule entitled "Alternate Procedure for Hearing Retirement Applications" effective on October 22, 1979; filed on December 31, 1985.

Rule 513-12-1-.04. Calculation of Interest on Refunds.

Contributions on deposit of receivable as of June 30 shall earn interest at the statutory rate. Interest shall be credited on the succeeding June 30 provided the contributions are still on deposit and the member is still actively employed. Interest so credited shall be deemed a contribution on deposit as of that June 30 to earn interest the following fiscal year.

Cite as Ga. Comp. R. & Regs. R. 513-12-1-.04
Authority: O.C.G.A. Sections 47-13-22 and 47-13-73.
History. Original Rule entitled "Calculation of Interest on Refunds" effective on December 3, 1980; filed on December 31, 1985.

Chapter 513-13. SHERIFFS' RETIREMENT FUND OF GEORGIA.

Subject 513-13-1. RULES OF GENERAL APPLICABILITY.

Rule 513-13-1-.01. Organization.

The persons elected as Chairman and Vice-Chairman shall serve for a term of one year and are eligible for re-election to successive terms. In the event the Chairman is unable to serve on the

Board, the Vice-Chairman shall automatically move up to the Chairmanship and a new Vice-Chairman shall be elected. Service in either office shall be limited to 2 successive years.

Cite as Ga. Comp. R. & Regs. R. 513-13-1-.01
Authority: O.C.G.A. Sec. 47-16-21.
History. Original Rule entitled "Organization" effective on August 29, 1984; filed November 25, 1985.

Rule 513-13-1-.02. Review of Action.

Any action taken by the Secretary/Treasurer which adversely affects any member or applicant for membership shall be subject to review by the Board. Such member or applicant shall be notified in writing of his privilege to appear before the Board.

Cite as Ga. Comp. R. & Regs. R. 513-13-1-.02
Authority: O.C.G.A. Sec. 47-16-25.
History. Original Rule entitled "Review of Action" effective August 29, 1984; filed November 25, 1985.

Subject 513-13-2. ADMINISTRATIVE RULES.

Rule 513-13-2-.01. Application for Membership.

(1) Proof of date of birth must be established at the time of applying for membership, as referred to in GA. Code 47-16-40, Paragraphs 3 and 6.

(2) An applicant for membership must pay all dues for prior service within 12 months after being accepted as a member, as referred to in Ga. Code 47-16-40, Paragraph 5.

(3) No receipts for dues will be mailed to members, unless requested with self addressed stamped envelope.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.01
Authority: O.C.G.A. Sec. 47-16-40.
History. Original Rule entitled "Application for Membership" effective on August 29, 1984; filed November 25, 1985.

Rule 513-13-2-.02. Reinstatement to Active Membership.

Any member of said retirement fund who is suspended for failure to pay dues, must, in addition to paying dues in default, with interest thereon at 8% as provided in Ga. Code 47-16-44, Paragraph c, also pay a reinstatement penalty of $50.00.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.02
Authority: O.C.G.A. Sec. 47-16-44.
History. Original Rule entitled "Reinstatement to Active Membership" effective August 29, 1984; filed November

25, 1985.

Rule 513-13-2-.03. Non-Payment of Dues.

In the event a member does not pay his monthly dues by the 10th of the following month, as required under Ga. Code 47-16-43 paragraph 2, he shall be notified of such delinquency by Certified Mail with Return Receipt by the end of the month and if not paid within 30 days after such notice, he is to be suspended from membership. In order to be reinstated, he must meet the requirements of Rule 513-13-2-.02.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.03
Authority: O.C.G.A. Sec. 47-16-43.
History. Original Rule entitled "Non-Payment of Dues" effective August 29, 1984; filed November 25, 1985.

Rule 513-13-2-.04. Eligibility for Retirement Benefits.

(1) All applications for retirement must be confirmed by the Board of Commissioners. However, the Secretary/Treasurer may begin payment of the monthly pension before the confirmation if all papers are in compliance with the laws and rules governing the Fund.

(2) In the event a person receiving retirement benefits under this Act is again appointed or elected as Sheriff of a Superior Court in Georgia, he will forfeit his retirement during such time as he is again serving as such Sheriff.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.04
Authority: O.C.G.A. 47-16-100.
History. Original Rule entitled "Eligibility for Retirement" effective August 29, 1984; filed November 25, 1985.

Rule 513-13-2-.05. Payment of Death Benefits.

The Secretary/Treasurer is hereby given the authority to make payment to a surviving beneficiary of any amount due, as outlined in Ga. Code 47-16-102 without waiting for approval from the Board, provided satisfactory proof of death is established.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.05
Authority: O.C.G.A. 47-16-102.
History. Original Rule entitled "Payment of Death Benefits" effective August 29, 1984; filed November 25, 1985.

Rule 513-13-2-.06. Creditable Peace Officer Service.

The Secretary/Treasurer is hereby given authority to approve any prior Peace Officer service as creditable which has been approved as creditable by the Peace Officers' Fund, except those

positions which are part of the Correctional System. Any service which might be questionable, must be passed on by the Board.

Cite as Ga. Comp. R. & Regs. R. 513-13-2-.06
Authority: O.C.G.A. Sec. 47-16-.80.
History. Original Rule entitled "Creditable Peace Officer Service" effective August 29, 1984; filed November 25, 1985.

Chapter 513-14. PEACE OFFICERS' ANNUITY AND BENEFIT FUND OF GEORGIA.

Subject 513-14-1. ADMINISTRATIVE RULES.

Rule 513-14-1-.01. Rules of General Applicability.

(1) The mailing address of the Peace Officers' Annuity and Benefit Fund of Georgia is 405 North Expressway, P.O. Box 56, Griffin, Georgia 30224.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Secretary/Treasurer of the Peace Officers' Annuity and Benefit Fund of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.01
Authority: O.C.G.A. Sec. 47-17-21.
History. Original Rule entitled "Rules of General Applicability" filed and effective on November 25, 1985.

Rule 513-14-1-.02. Annual Affidavit by Disability Retirees.

Each person receiving a disability retirement from this Fund who has not reached the 65th birthday, shall, within 120 days after January 1, of each year, furnish to the Secretary-Treasurer of this Fund, in affidavit form, an itemized statement showing the amounts and sources of income obtained from gainful employment by such retiree in the preceding year, or in lieu of such affidavit, such retiree may submit the first page of his/her Federal Income Tax Return for the preceding year. Failure, on the part of any disability retiree, to comply with this Rule shall be cause to discontinue such disability retirement payment until compliance is fully completed.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.02
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Annual Affidavit of Disability Retirees" adopted. F. Nov. 25, 1985; eff. Dec. 12, 1978.

Rule 513-14-1-.03. Proof of Birth Requirements.

All members must furnish proof of the date of their birth prior to receipt of any pension benefits.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.03
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Proof of Birth Requirements" adopted. F. Nov. 25, 1985; eff. Oct. 3, 1984.
Amended: F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.04. Leave of Absence.

Any member of the Fund who requests a "Leave of Absence" for the purpose of continuing his or her active membership in the Fund while not employed as a Peace Officer, in accordance with O.C.G.A. 47-17-41, shall have the request reviewed by the Board No "Leave of Absence" shall be granted to a member who is under disciplinary action, with less than 9 years of service credit. No "Leave of Absence" shall be granted to any member with more than 10 years of service credit.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.04
Authority: O.C.G.A. Sec. 47-17-41.
History. Original Rule entitled "Leave of Absence" adopted. F. Nov. 25, 1985; eff. Feb. 24, 1981.
Amended: F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.05. Request for Leave of Absence.

(1) A request for a Leave of Absence under O.C.G.A. 47-17-41 may be granted, within the discretion of the Board of Commissioners, upon proper application for any person who is or has been a legally qualified member of the Peace Officers' Annuity and Benefit Fund. A Leave of Absence shall be granted only for the purpose of allowing a member to accumulated sufficient creditable service for service retirement benefits during the time such person is on Leave of Absence. No person on Leave of Absence shall be entitled to any death benefits pursuant to Ga. Code 47-17-82 or to any disability benefits under Ga. Code 47-17-81 for death or disability occurring while such person is on a Leave of Absence.

(2) Any person on Leave of Absence who returns to peace officer employment must notify the Secretary-Treasurer of the Fund of that fact within thirty (30) days after returning to peace officer employment. All requests for Leaves of Absence must be made in writing in duplicate originals upon forms provided by the Board of Commissioners. Any person applying for a Leave of Absence shall agree to abide by the terms of this Regulation, and any Leave of Absence granted shall be subject to all the terms and conditions of this Regulation. Any promises, terms, or conditions, either written or oral, not contained in the Application for a Leave of Absence shall be invalid and of no effect.

(3) In the event the Board of Commissioners of said Fund grants a leave of absence, said Board hereby delegates the Secretary-Treasurer of this Fund authority to execute the approval of said application.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.05
Authority: O.C.G.A. Sec. 47-17-41.
History. Original Rule entitled "Request for Leave of Absence" adopted. F. Nov. 25, 1985; eff. Jun. 15, 1981.
Amended. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.06. Reinstatement After Deactivation for Non-Payment of Dues.

(1) Any member of said retirement fund with less than 10 years of service credit, who is dropped from active membership on or after July 1, 1994, for failure to pay dues, and who continues his or her employment as a peace officer, must reinstate his or her membership in accordance with provisions of this Rule, within eight (8) months from the date he or she becomes delinquent in paying his or her dues or he or she will forfeit his or her rights of membership. Such reinstatement for delinquency in dues will be effected by payment of all dues which are delinquent and payment of a reinstatement fee of $35.00.

(2) Any member of said retirement fund with more than 10 years of service credit, who is dropped from Active membership on or after July 1, 1994, for failure to pay dues, and who continues his employment as a peace officer, must reinstate his or her membership to Active status within 8 months from the date he or she became delinquent in payment of dues or he or she will forfeit all claim to any employment service during such period he or she remains employed as a peace officer while not on Active status in the Fund. Such reinstatement made within the required 8 months will require payment of all dues then due in addition to a $35.00 reinstatement fee.

(a) If reinstatement is made after the passing of 8 months of continuous employment as a peace officer, return to Active status may be made by forfeiting all claim to and service credit for periods when not an Active member of the Fund.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.06
Authority: O.C.G.A. Secs. 47-17-41, 47-17-83.
History. Original Rule entitled "Reinstatement After Deactivation for Non-payment of Dues" adopted. F. Nov. 25, 1985; eff. Oct. 3, 1984.
Amended: F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.07. Delinquency in Dues: Notification Procedure.

(1) Any member of the Fund who becomes delinquent in payment of dues by failure to pay the prescribed amount by the 10th of any month, shall be notified of such delinquency by the Secretary-Treasurer on the 10th of the following month. If such member is still delinquent on the 24th of this following month, send a second a second and final notice by proof of mail. With the second notice will be the requirement of a $5.00 handling fee in addition to the dues due, to cove the additional cost of this special notification. If payment

is not received by the 5th of the next month the member is removed from the Active Rolls. Reinstatement must be in accordance with Rule 513-14-1-1-.06.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.07
Authority: O.C.G.A. Sec. 47-17-44.
History. Original Rule entitled "Delinquency in Dues: Notification Procedure" adopted. F. Nov. 25, 1985; eff. Nov. 7, 1984.
Amended: F. Mar. 25, 1991; eff. Apr. 14, 1991.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.

Rule 513-14-1-.08. Payment of Death Claims.

The Secretary-Treasurer is hereby given the authority to pay any death claim to any legal beneficiary without having to wait for approval from the Board of Commissioners, provided, however, if the claim is for death in line-of-duty, the Board must approve the additional $2,000.00, provided for in Ga. Code 47-17-82.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.08
Authority: O.C.G.A. Sec. 47-17-82.
History. Original Rule entitled "Payment of Death Claims" adopted. F. Nov. 25, 1985; eff. Dec. 12, 1967.

Rule 513-14-1-.09. Date for Issuing Pension Checks.

(1) When an Application for Retirement has been approved, the Secretary/Treasurer shall issue and deliver the applicant's first check on the last day of the month during which said application was approved, covering all periods of retirement pay through that date. A check covering retirement pay for such retired officer for each subsequent month thereafter, so long as such person is entitled thereto, shall be issued and delivered on the last day of each month during which such benefit has accrued.

(2) The reversion to Option One from Option Two or Three in the event of the divorce of the couple, where the final decree does not prohibit such reversion, shall be effective on the first of the month following the notice with the proper documentation to the Fund Office.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.09
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Date for Issuing Pension Checks" adopted. F. Nov. 25, 1985; eff. May 1, 1962.
Amended: F. Mar. 25, 1991; eff. Apr. 14, 1991.

Rule 513-14-1-.10. Reinstatement to Active from Paid-up Status.

(1) Any member who wishes to reinstate to Active status after being placed on Paid-up status and who has not been employed for more than 8 months as a peace officer, may be returned to Active status and begin accumulating service credit again by paying all dues then due from the date of first employment and continuing to pay dues on a current basis.

(2) Any member who wishes to reinstate to Active status after being placed on Paid-up status and who has been employed for more than 8 months as a peace officer, may be returned to Active status and begin accumulating service credit only from the date of application for reinstatement. Service prior to the date of reinstatement for which no dues were paid, are forfeited.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.10
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Determining Age for Pension Calculations" adopted. F. Nov. 25, 1985; eff. Apr. 23, 1965.
Repealed: F. Mar. 25, 1991; eff. Apr. 14, 1991.
Amended: New Rule entitled "Reinstatement to Active from Paid-up Status" adopted. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.11. Effective Date for Retirement.

The effective date for retirement will be the first day of the month following the member's last official work day, or the member's 55th birthday, whichever comes later.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.11
Authority: O.C.G.A. Sec. 47-17-44.
History. Original Rule entitled "Effective Date for Retirement" adopted. F. Nov. 25, 1985; eff. Apr. 2, 1968.

Rule 513-14-1-.12. Status Description and Administrative Coding.

(1) The following classifications will be used to define the various status descriptions of membership:

(a) ACTIVE: Currently employed as a peace officer in a qualified position; dues paid up on a current basis; working an average of 40 or more hours per week; receiving service credit for this employment. CODE: "A".

(b) DECEASED: Deceased member, death payments not yet completed. CODE: "D". Deceased member, All payments completed and file closed. CODE: "E" OR "S".

(c) INACTIVE: Has been Active, but not currently employed as a peace officer in a qualified position; OR currently employed but dues now in a delinquent state; OR working less than 40 hours per week. Not receiving service credit for this period of time. CODE: "I".

(d) INACTIVE: Withdrawn from plan, has received refund of contributions. CODE: "J".

(e) LEAVE OF ABSENCE: Not now employed as a peace officer in qualified position, but dues currently being paid and service credit being accumulated (maximum of 12 months during total membership). Special status granted by Board Action. CODE "L".

(f) MILITARY: Currently on Active Military Duty. Up to five years of service accumulation, no dues required while in this status. CODE: "M".

(g) PAID-UP: Vested in service credit and dues payment, but not yet of retirement age. Not receiving any further service credit while in this status. CODE: "P".

(h) RETIRED: Receiving a monthly pension. Not receiving further service credit. CODE: "R".

(i) TERMINATED: Previously retired, not now eligible to receive pension, i.e. Surviving spouse who has remarried. CODE: "T".

(j) UNDETERMINED: Previous member whose status is now in question. CODE: "Z".

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.12
Authority: O.C.G.A. Sec. 47-17-24, 47-17-44, Ga. L. 1956, p. 280.
History. Original Rule entitled "Dues Not Required from Surviving Spouse" adopted. F. Nov. 25, 1985; eff. Apr. 1, 1962.
Repealed: F. Mar. 24, 1991; eff. Apr. 14, 1991.
Amended: Rule entitled "Status Description and Administrative Coding" adopted. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.13. Receipts for Dues.

Effective November 1, 1962, no receipts for dues payments will be mailed to members unless requested with self addressed stamped envelope.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.13
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Receipts for Dues" adopted. F. Nov. 25, 1985; eff. Oct. 16, 1962.

Rule 513-14-1-.14. Hearings Before the Board.

If a person has been accorded a hearing before the Board of Commissioners and a decision has been made by said Board of Commissioners on the subject matter presented at said hearing, the decision of the Board of Commissioners shall be final and no person shall be entitled to a second

hearing on the same question or subject matter, unless some evidence relevant to the subject matter in question, of which such person had no knowledge of at the time of the first hearing, shall be discovered. However, in all matters of alleged newly-discovered evidence, the person so claiming shall first submit such alleged newly-discovered evidence to the Board of Commissioners, in writing, and, if said Board of Commissioners shall determine that such alleged newly-discovered evidence has sufficient merit to warrant a second hearing on said question or subject matter, said Board of Commissioners in its sole discretion, may grant a second hearing herein.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.14
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Hearings Before the Board" adopted. F. Nov. 25, 1985; eff. July 12, 1971.

Rule 513-14-1-.15. Forfeiture of Pension While Working as Peace Officer.

Any member who is receiving retirement benefits from the Fund and who returns to peace officer employment for any period of time shall forfeit one months retirement benefit for each month or any part of any month during such employment.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.15
Authority: O.C.G.A. Sec. 47-17-80(g)
History. Original Rule entitled "Forfeiture of Pension While as Peace Officer" adopted. F. Nov. 25, 1985; eff. May 5, 1976.

Rule 513-14-1-.16. Medical Examinations.

In accordance with Ga. Code 47-17-81, the Board may require medical examinations by physicians appointed by the Board when information is desired in addition to that furnished by the applicant's or the applicant's employer's physicians. The expenses for such examination shall be paid for by the Board. (5/5/76)

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.16
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Medical Examinations" adopted. F. Nov. 25, 1985; eff. May 5, 1976.

Rule 513-14-1-.17. Spousal Benefits at Death of Vested Active or Paid-up Member.

Upon the death of an Active member with 10 or more years of service credit or of a Paid-up member, the spouse of such member shall be entitled to receive a monthly pension as if the member had been retired under Option 2. The beginning date shall be the day following the date of the death of the member.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.17
Authority: O.C.G.A. Sec. 47-17-22, 47-17-80.
History. Original Rule entitled "Investment Committee" adopted. F. Nov. 25, 1985; eff. Oct. 3, 1984.
Repealed: F. Mar. 25, 1991; eff. Apr. 14, 1991.
Amended: Rule entitled "Spousal Benefits at Death of Vested Active or Paid-up Member" adopted. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.18
Authority: O.C.G.A. Sec. 47-17-23.
History. Original Rule entitled "Countersignature of Checks" adopted. F. Nov. 25, 1985; eff. Oct. 3, 1984.
Repealed. Mar. 25, 1991; eff. Apr. 14, 1991.

Rule 513-14-1-.19. Personnel Expenses.

Payment of expense allowances and reimbursement for travel expenses shall be in accordance with the Guidelines set up for the State as Statewide Travel Regulations by the State Department of Audits and the Office of Planning and Budget.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.19
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Personnel Expenses" adopted. F. Nov. 25, 1985; eff. Oct. 3, 1984.
Amended: F. Mar. 25, 1991; eff. Apr. 14, 1991.

Rule 513-14-1-.20. Penalty for Non-payment of Dues Because of Insufficient Funds in Bank.

In the event of three occurrences of return of a check or rejection of ACH withdrawal for payment of dues in any 24 month period, the member shall be removed from Active membership.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.20
Authority: O.C.G.A. Sec. 47-17-22.
History. Original Rule entitled "Penalty for Non-payment of Dues Because of Insufficient Funds in Bank" adopted. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Rule 513-14-1-.21. Reinstatement to Active Status from Inactive Membership not Entitled to Disability Benefits.

If a member on Active status who has Disability Benefit Coverage is removed to Inactive status and applies for reinstatement to Active membership, such member is not entitled to restoration of Disability Benefit coverage.

Cite as Ga. Comp. R. & Regs. R. 513-14-1-.21
Authority: O.C.G.A. Sec. 47-17-81(r).
History. Original Rule entitled "Reinstatement to Active Status from Inactive Membership Not Entitled to Disability Benefits" adopted. F. Oct. 2, 1995; eff. Oct. 22, 1995.

Chapter 513-15. STATE EMPLOYEES ASSURANCE DEPARTMENT.

Subject 513-15-1. RULES OF GENERAL APPLICABILITY.

Rule 513-15-1-.01. Rules of General Applicability.

(1) The mailing address of the State Employees Assurance Department is Two Northside 75, Suite 300, Atlanta, Georgia 30318-7778.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director.

Cite as Ga. Comp. R. & Regs. R. 513-15-1-.01
Authority: O.C.G.A. Sec. 47-19-4.
History. Original Rule entitled "Rules of General Applicability" adopted. F. Dec. 16, 1994; eff. Jan. 5, 1995.

Rule 513-15-1-.02. Continuance of Coverage While on Leave Without Pay.

(1) A member with at least one year of membership service may retain group term life insurance coverage while on leave without pay (LWOP) for a maximum of four (4) years provided:

(a) member submits a request in writing to the State Employees Assurance Department;

(b) member does not accept employment other than with a State agency;

(c) member does not go on active duty with the Armed Forces of the United States.

(2) The cost for continuing coverage is 1% of the last monthly salary reported to the Employees' Retirement System (ERS). Premiums will be collected later at termination, date of retirement, or at the time of death. If member terminates, the premium is deducted from the check refunding retirement contributions. When member continues in service until retirement, the premiums due while on LWOP may be paid by check to the Employees' Retirement System, or, at the member's request, ERS can suspend the monthly retirement check until the premiums are recovered. In the event of death while on LWOP, premiums are deducted from the life insurance payment to the beneficiary.

Cite as Ga. Comp. R. & Regs. R. 513-15-1-.02
Authority: O.C.G.A. Sec. 47-19-4.
History. Original Rule entitled "Continuance of Coverage While on Leave Without Pay" adopted. F. Dec. 16, 1994; eff. Jan. 5, 1995.

Chapter 513-16. GEORGIA JUDICIAL RETIREMENT SYSTEM.

Subject 513-16-1. RULES OF GENERAL APPLICABILITY.

Rule 513-16-1-.01. Organization.

(1) The mailing address of the Georgia Judicial Retirement System is Two Northside 75, Atlanta, Georgia 30318.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director of the Board of Trustees of the Georgia Judicial Retirement System of Georgia.

Cite as Ga. Comp. R. & Regs. R. 513-16-1-.01
Authority: O.C.G.A. § 47-1-10.
History. Original Rule entitled "Organization" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Rule 513-16-1-.02. Post-Retirement Benefit Adjustment.

(1) "Post-retirement benefit adjustment" shall not include any increases in member's retirement benefit associated with the type of optional form of payment selected at retirement.

(2) Each January 1 and July 1, a post-retirement benefit adjustment may be granted to each beneficiary who has attained age forty-five (45) and has been retired at least seven (7) months. The post-retirement benefit adjustment may be granted to beneficiaries who are receiving a disability allowance regardless of age. An increase shall apply only to the current retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(3) An ad hoc benefit adjustment may be granted based upon provisions adopted by the Board of Trustees and shall apply to the retirement allowance not in excess of the Social Security wage base as established for that calendar year.

(4) Any increase in benefit shall become effective only if the necessary appropriations/funds are available to maintain the actuarial soundness of the System.

(5) A member who becomes or became a member of this retirement system on or after July 1, 2009 shall not be entitled to receive any post-retirement benefit adjustment.

Cite as Ga. Comp. R. & Regs. R. 513-16-1-.02
Authority: O.C.G.A. § 47-23-21.
History. Original Rule entitled "Post-Retirement Benefit Adjustment" adopted. F. Apr. 15, 2021; eff. May 5, 2021.

Chapter 513-17. GEORGIA DEFINED CONTRIBUTION PLAN.

Subject 513-17-1. RULES OF GENERAL APPLICABILITY.

Rule 513-17-1-.01. Organization.

(1) The mailing address of the Georgia Defined Contribution Plan is Two Northside 75, Atlanta, Georgia 30318.

(2) All correspondence respecting rules and regulations consistent with the requirements of Code Section 47-1-10 is to be directed to the Director of the Board of Trustees of the Georgia Defined Contribution Plan.

Cite as Ga. Comp. R. & Regs. R. 513-17-1-.01
Authority: O.C.G.A. § 47-1-10.
History. Original Rule entitled "Organization" adopted. F. Apr. 24, 2023; eff. May 14, 2023.

Rule 513-17-1-.02. Membership Eligibility - Retirees of ERS, TRS, GJRS, and LRS.

Retirees of the Employees' Retirement System of Georgia (ERS), Teachers Retirement System of Georgia (TRS), Georgia Judicial Retirement System (GJRS), Legislative Retirement System (LRS), and Georgia Defined Contribution Plan (GDCP) are exempt from mandatory membership while employed in a GDCP eligible position.

Cite as Ga. Comp. R. & Regs. R. 513-17-1-.02
Authority: O.C.G.A. § 47-22-4.
History. Original Rule entitled "Membership Eligibility - Retirees of ERS, TRS, GJRS, and LRS" adopted. F. Apr. 24, 2023; eff. May 14, 2023.