



ADMINISTRATIVE RULES OF MONTANA

2.43.2102 OPTIONAL MEMBERSHIP

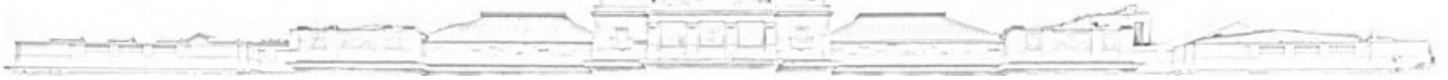
- (1) Employees for whom membership in PERS is optional may become members by completing an application provided by the board. The application must be filed within the time set in applicable statute. Membership becomes effective upon filing and is not retroactive except as provided in (5). Except as provided in (2), once elected, members may not discontinue membership without termination of employment.
- (2) The board may permit an employee to discontinue optional membership if the employee submits proof that the employee was not informed membership was optional. The employee must submit such proof within 180 days of the employee's first day of employment, or within 180 days of the filing of the application form, whichever is later.
 - (a) Membership discontinued pursuant to (2) must be treated as a reporting error and will be corrected pursuant to ARM 2.43.2115.
 - (b) The board shall issue a credit to the employer for all erroneous contributions.
 - (c) The employer is responsible for refunding appropriate contributions to the employee.
- (3) If an employer discovers that an eligible employee was not notified of the option to join PERS, the employer must:
 - (a) provide the employee the optional membership application form immediately upon discovery of the omission;
 - (b) notify the employee that the application must be completed within 180 days of employment, or within 30 days after receipt of the application, whichever is later; and
 - (c) notify MPERA of the omission and the employee's decision whether or not to join PERS.
- (4) If, pursuant to (3), the employee elects not to become a member of PERS, the employer must still report the employee to MPERA as a nonmember pursuant to ARM 2.43.2114.
- (5) If, pursuant to (3), the employee elects to become a member of PERS, membership will begin the first day of the first pay-period for which the employer reports the employee as a member of PERS and pays PERS contributions on behalf of the member. Membership will not be retroactive. However, a member electing the DBRP may choose to purchase the retroactive service under 19-3-505, MCA.

Authorizing statute(s): 19-2-403, MCA

Implementing statute(s): 19-2-903, 19-3-412, MCA



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History: Eff. 12/31/72; AMD, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 1994 MAR p. 291, Eff. 2/11/94; AMD, 1999 MAR p. 1504, Eff. 7/2/99; AMD, 2001 MAR p. 1834, Eff. 9/21/01; AMD & TRANS, from ARM 2.43.403, 2009 MAR p. 78, Eff. 12/1/08.