



ADMINISTRATIVE RULES OF MONTANA

2.43.1302 DEFINITIONS

Undefined terms used in this chapter are consistent with statutory meanings. Defined terms will be applied to the statutes unless a contrary meaning clearly appears. For the purposes of this chapter, the following definitions apply:

- (1) "Additional service" means one year of service for each five years of membership service as explained in ARM 2.43.2318.
- (2) "Benefit recipient" means any retired member, contingent annuitant, or survivor who receives a monthly benefit payment from a retirement system. It does not include a beneficiary who receives a lump-sum payment or an annuity.
- (3) "Board" means the Montana Public Employees' Retirement Board.
- (4) "Contested case" means a legal proceeding, as set forth in these rules, subsequent to preliminary administrative determination.
- (5) "Contingent beneficiary" means a beneficiary designated to receive payments if all primary beneficiaries are deceased. Contingent beneficiaries will be on a share and share alike basis, unless the member specifies otherwise.
- (6) "Continuous employment" means a member serves in full-time, part-time, or seasonal employment, but does not terminate service nor withdraw the accumulated contributions from the member's account.
- (7) "DBRP" means the defined benefit retirement plan within PERS.
- (8) "DCRP" means the defined contribution retirement plan within PERS.
- (9) "Employment" or "reemployment" means the performance of services for an employer by a person other than an independent contractor. If any of the four factors listed in (16) indicate control or direction by the employer, an employment relationship exists.
- (10) "Filed" or "filed with the board" generally means the electronic delivery or mailing of a form or payment in a properly addressed stamped envelope.
 - (a) If the form or payment is mailed, the postmark date will be used to determine the date on which filing occurs.
 - (b) If the form or payment is hand-delivered, it is considered filed on the day it is personally delivered to the MPERA office.

- (c) If the form is electronically delivered to MPERA, it is considered filed on the day it is received in the MPERA office.
- (11) "Full-time employment" for service credit, means an employer or employers paid the member for at least 160 hours during a calendar month. A member may not receive more than one month credit for months in which the member receives pay for more than 160 hours.
- (12) "Full-time public service employment" means full time employment which when it was performed was not covered by a system referred to in 19-2-302, MCA, and may not otherwise be credited in a retirement system.
- (13) "FURS" means the Firefighters' Unified Retirement System.
- (14) "GWPORS" means the Game Wardens' and Peace Officers' Retirement System.
- (15) "HPORS" means the Highway Patrol Officers' Retirement System.
- (16) "Independent contractor" means an individual who renders service in the course of an occupation and is both:
 - (a) engaged in an independent trade, occupation, profession, or business; and
 - (b) under contract and in fact, at all times free from control or direction over the performance of the services.
 - (i) MPERA may consider but is not limited to the following factors when determining freedom from control and direction:
 - (A) right or exercise of control of the means by which the work is accomplished;
 - (B) method of payment (time basis indicates employment);
 - (C) furnishing of equipment; and
 - (D) employer's right to fire.
 - (ii) Independent contractor status may only be established by a convincing accumulation of these factors indicating freedom from control or direction over performance of the services.
- (17) "JRS" means the Judges' Retirement System.
- (18) "MPERA" means the Montana Public Employee Retirement Administration.
- (19) "MPORS" means the Municipal Police Officers' Retirement System.
- (20) "Part-time employment" for service credit means an employer or employers paid a member for less than 160 hours during a calendar month.
- (21) "PERS" means the Public Employees' Retirement System.
- (22) "Primary beneficiary" means a beneficiary designated to receive payments upon the death of a member. Primary beneficiaries will be on a share and share alike basis, unless the member specifies otherwise.
- (23) "Seasonal employment" means employment of a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

- (24) "Service years" or "years of service" means periods of 12 calendar months of membership service which qualify members for retirement or other benefits.
- (25) "Signature" includes an electronic signature as defined in 30-18-102, MCA.
- (26) "SRS" means the Sheriffs' Retirement System.
- (27) "Survivor" means the designated or statutory beneficiary of a member who dies while in service.
- (28) "VFCA" means the Volunteer Firefighters' Compensation Act.

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

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

History: NEW, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 1987 MAR p. 1338, Eff. 8/14/87; AMD, 1990 MAR p. 994A, Eff. 7/1/90; AMD, 1993 MAR p. 2762, Eff. 11/25/93; AMD, 1994 MAR p. 291, Eff. 2/11/94; AMD, 1994 MAR p. 2106, Eff. 7/8/94; AMD, 1998 MAR p. 920, Eff. 4/17/98; AMD, 2001 MAR p. 1834, Eff. 9/21/01; AMD & TRANS, from ARM 2.43.302, 2008 MAR p. 2467, Eff. 12/1/08; AMD, 2013 MAR p. 830, Eff. 5/24/13; AMD, 2020 MAR p. 391, Eff. 2/29/20.