OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM

ADMINISTRATIVE RULES

The following is an unofficial copy of the administrative rules promulgated by the Oklahoma Police Pension and Retirement Board under the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. The Board's administrative rules are for the administration of the System and for the transaction of its business consistent with law.

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CHAPTER 1. ADMINISTRATIVE OPERATIONS

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[**Authority:** 11 O.S., §§ 50-105.2(A) and (B) and 50-106(3)]
[**Source:** Codified 6-4-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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550:1-1-1. Purpose

The rules of this Chapter are adopted for the purpose of simplifying procedures, avoiding unnecessary delays, saving expenses, and facilitating the administration of the Oklahoma Police Pension and Retirement System.
[**Source**: Amended at 22 OK Reg 979, eff 6-1-05]

550:1-1-2. Definitions [REVOKED]

[**Source**: Revoked at 14 Ok Reg 1987, eff 5-27-97]

550:1-1-3. Principal office; hours

(a) The principal office of the Oklahoma Police Pension and Retirement Board is located in Oklahoma City, Oklahoma.

(b) Office hours shall be from 8:00 A.M. to 4:30 P.M., unless otherwise designated by the Executive Director. Office hours will be Monday through Friday inclusive, except legal holidays established by statutes or proclamations of the Governor.

550:1-1-4. Communications to Board; Board records

(a) Written communications shall be addressed to the Chairman or the Executive Director of the Board at the principal office, unless otherwise directed by the Board.

(b) All rules and other written documentation adopted or used by the Board shall be available at the principal office during regular business hours.

(c) Copies of all official records of the Board not privileged from disclosure by law shall be available for inspection at the principal office during regular office hours. Copies of such records, certified by the Executive Director of the Board, may be made, and the expense of such copies shall be paid by the person requesting the same.

[**Source:** Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-1-5. Fair and impartial consideration

The rules of this Title shall be given fair and impartial consideration.

550:1-1-6. Status changes required in writing

Request for change of address and change of tax status must be made in writing. A participating municipality may request a change of address for an active member. A request for change of address submitted by a participating municipality must be submitted on the System's Notice of Change of Address form or the municipality's form which has been approved by the System and must be signed by the member or an authorized employee of the municipality.

[**Source:** Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 20 Ok Reg 1338, eff 6-1-03]

550:1-1-7. Inspection, copy and/or reproduction fees

Access to Oklahoma Police Pension and Retirement System records shall be subject to the System's fee schedule. A reasonable search fee may be charged to recover the cost of document searches if the request is solely for commercial purposes or clearly would cause excessive disruption of the System's essential functions.

(1) document search/inspection (minimum one hour) - $20.00 per hour
(2) document copying (per sheet) - $.25
(3) certified document copying - $1.00
(4) mechanical reproduction - Actual Cost
(5) magnetic tapes - Actual Cost
(6) CPU access time - Actual Cost

[**Source:** Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-1-8. Municipality membership Effective Date

An eligible employer shall join the System pursuant to 11 O.S. § 50-106.3 on the first day of the month following State Board approval of the Application for Affiliation.

[**Source:** Amended at 28 Ok Reg 2061, eff 7-11-11]

SUBCHAPTER 3. ORGANIZATION OF BOARD

Section

550:1-3-1. Powers of the Board
550:1-3-2. Board meetings
550:1-3-3. Nomination of Board members
550:1-3-4. Election of Board members
550:1-3-5. Filling Board vacancies

550:1-3-1. Powers of the Board

(a) The Oklahoma Police Pension and Retirement Board shall exercise all powers expressly granted or implied by statute.

(b) The Oklahoma Police Pension and Retirement Board shall have the power to negotiate and enter into agreements with local, state, and federal governments, agencies or instrumentalities as may be authorized by statute as necessary for the performance of its duties.

(c) The Board may exercise official powers at any location in the State of Oklahoma.

[**Source:** Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-3-2. Board meetings

(a) **Location.** The Board may convene at any location or institution within the jurisdiction of the Board, or at such other location as the Board may specify.

(b) **Agenda.** The agenda of the Board's regular meeting shall be determined by the Chairman and Executive Director and a copy thereof sent to each Board member at least five days before the meeting. Additional items of business may be added to the agenda as an addendum prior to posting of the agenda at the discretion of the Chairman or Executive Director.

[**Source**: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 21 Ok Reg 1423, eff 6-1-04]

550:1-3-3. Nomination of Board members

(a) Nomination procedures. The following procedures shall govern the nomination of Board members:

(1) Each member in the district under election will be sent a letter from the Executive Director ("Director's Letter") briefly describing the reason for the nomination/election, the general procedures to elect a Board member and the responsibilities of a Board member. The Director's Letter will also state how a member can obtain a copy of a nomination petition.

(2) The nomination petition for districts 1, 2, 3, and 4 will include a list of participating municipalities whose active members are eligible to be nominated. To be placed on the ballot for districts 1, 2, 3, and 4, nominees must receive signatures from 5% of the active members in their respective district and the petition must include at least one signature from five different participating municipalities. To be placed on the ballot for districts 5 and 6, nominees must receive signatures from 5% of the active members in their

respective district. To be placed on the ballot for district 7, nominees must receive signatures from 25 retired members of the district with at least one signature being from retirees of five different municipalities. Members of the district under election; their mailing addresses; and, for districts 1, 2, 3, 4, 5, and 6, the number of signatures required to be placed on the ballot, will be determined at least one week prior to the date the Director's Letter is to be mailed.

(3) The Director's Letter will be placed in individual envelopes addressed to each active member separately in care of their mailing address on file with the System. The envelopes will be mailed First Class to the member. Mailings to retired members will be made to the address used to mail year-end tax notices (1099R). The Director's Letter will be mailed at least six weeks prior to the date the election ballot is to be mailed. The System shall make no attempt to forward/resend any mailing returned by the United States Postal Service as undeliverable unless it is found that the mailing was sent to an incorrect address due to an administrative error on the part of the System.

(4) A copy of the Director's Letter and a copy of the nomination petition will be posted on the agency's website. Upon request, a copy of the nomination petition will be emailed or mailed First Class to members.

(5) Nomination petitions must be returned by certified mail with return receipt or delivered in person to the certified public accounting firm supervising the election or to the System. The Director's Letter will specify the date by which the nomination petition must be received by the certified public accounting firm or by the System. The nominee must also provide a 25 words or less biographical sketch to be included in the election ballot. The names of the nominees will be posted in the System's office for public view for not less than seven days.

(6) Should only one member be nominated for any district, that member will automatically become the Board member for that district.

(7) If no nominations are received by the deadline, a second Director's Letter will be sent and handled in accordance with the normal procedures. The time frame for the mailing of the second Director's Letter and the deadlines established therein shall be set by the Board.

(8) The Executive Director or the Executive Director's designee will verify that each nominee is eligible to be elected to the Board.

(b) **Certified public accounting firm procedures.** A certified public accounting firm shall:

(1) Meet with the Executive Director or the Executive Director's designee and determine the timing of the mailing of the Director's Letter to each member in the districts electing a board member.

(2) Obtain from the Executive Director or the Executive Director's designee a copy of a list of municipalities included in each district holding an election.

(3) Obtain from the Executive Director or the Executive Director's designee a copy of the Director's Letter to be sent outlining the duties of a Board member, nomination and election process, critical dates, etc.

(4) Review a mailing list obtained from the Oklahoma Police Pension and Retirement System which contains the name and mailing address of each member in each district conducting an election who will be mailed the Director's Letter.

(5) Obtain from the Executive Director or the Executive Director's designee a copy of the nomination petition and determine if any changes to the form are required.

(6) Judgmatically select members listed on the mailing list and verify that they are to receive the Director's Letter. Judgmatically select envelopes containing the Director's Letter and verify that members to which the envelopes are being mailed are listed on correct district mailing list.

(7) Accumulate nomination responses and determine that each petition has the proper number of signatures from the appropriate municipalities.

(8) Require the Executive Director or the Executive Director's designee to verify that each nominee is eligible to be elected to the Board.

(c) **Oklahoma Police Pension and Retirement System procedures.** The Oklahoma Police Pension and Retirement System shall:

(1) Obtain a mailing list for each district conducting an election. The mailing list should contain the name and mailing address of each member in the district.

(2) Prepare the nomination petition.

(3) Prepare mailing of the Director's Letter for review by certified public accounting firm.

(4) Post copy of the Director's Letter and copy of nomination petition for each district conducting an election on agency's website.

[**Source**: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 19 Ok Reg 1471, eff 7-1-02; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 22 Ok Reg 40, eff 8-11-04 (emergency); Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 25 Ok Reg 1985, eff 7-1-08; Amended at 27 Ok Reg 1901, eff 7-1-10]

550:1-3-4. Election of Board members

(a) **Election procedures.** The following procedures shall govern the election of Board members:

(1) Eligible nominees will be placed on the election ballot.

(2) Members eligible to receive election ballots and their mailing addresses will be determined at least one week prior to the date the election ballot is to be mailed.

(3) The ballot will be mailed at least three weeks prior to the date the completed ballot must be received by the certified public accounting firm. This ballot will instruct voters to return their ballot directly to the certified public accounting firm and will specify the date by which the certified public accounting firm must receive the ballot in order for it to be counted. Self-addressed, postage-paid envelopes will be enclosed to return the ballots. The ballot and return envelope will be placed in individual envelopes addressed to each active member separately in care of their mailing address on file with the System. The envelopes will be mailed First Class to the member. Mailings to retired members will be made to the address used to mail year-end tax notices (1099R). The System shall make no attempt to forward/resend any mailing returned by the United States Postal Service as undeliverable unless it is found that the mailing was sent to an incorrect address due to an administrative error on the part of the System.

(4) Ballots will be pre-numbered and require the individual signature of the voter to be counted. Ballots will be printed on the certified public accounting firm letterhead or watermarked paper.

(5) The nominee receiving the highest number of votes, even if this constitutes less than 50% of the total votes cast, will be elected to serve on the Board.

(6) Votes cast for members other than nominees contained on the ballot will not be counted.

(7) Ballots returned to the Oklahoma Police Pension and Retirement System or some location other than the certified public accounting firm's office will not be counted.

(8) Ballots received after the deadline will not be counted.

(9) Ballots with more than one vote will not be counted.

(10) Ballots which are not signed will not be counted.

(b) **Certified public accounting firm procedures.** A certified public accounting firm shall:

(1) Review ballots before mailing. Judgmatically select members listed on the district mailing list and verify that they are to receive a ballot. Judgmatically select ballots and verify that members are listed on correct district mailing list.

(2) Accumulate responses and total results.

(3) Exclude any ballots not received by the certified public accounting firm by the cut-off date, or other spoiled ballots.

(4) Provide the total number of votes cast for each nominee and total available votes to the Oklahoma Police Pension and Retirement Board.

(c) **Oklahoma Police Pension and Retirement System procedures.** The Oklahoma Police Pension and Retirement System shall:

(1) Prepare the ballot for each district holding an election. Include each nominee's biographical sketch. Photocopy and/or print the ballot on the certified public accounting firm letterhead or watermarked paper.

(2) Copy of ballot to be posted in the office of the Oklahoma Police Pension and Retirement System for public view during regular office hours not less than seven business days before the ballot is to be mailed.

(3) Pre-Number each ballot sequentially.

(4) Obtain mailing list for each district conducting an election. The mailing list should contain the name and mailing address of each member in the district eligible to receive an election ballot.

(5) Apply the name and mailing address of each member on district mailing list on a ballot and place the ballot and a self-addressed return envelope in window envelopes.

(6) After certified public accounting firm has audited the ballots, mail a package to each member on district mailing list.

(7) Send notification of election results to nominees via certified mail.

(d) **Tie votes.** Should two nominees tie for the most votes received, the election will be conducted again between the two nominees.

(e) **Election challenge.** A nominee has 10 days from the date they receive notice of the election results to provide the System with written notice of their desire to challenge the results.

(1) Should the election results be challenged by a nominee, procedures for determining the winning nominee will be established by the Oklahoma Police Pension and Retirement Board and could include but are not limited to:

(A) Verification of a sample or all of the signatures on the ballots.

(B) Re-perform the election with notarized ballots.

(2) The Board may order a new election if the Board, in its discretion, finds that the previous election and/or result was affected by some material impropriety. The new election will be conducted in the same manner as provided by rules with the exception that the Board may establish a revised time frame for the new election.

[**Source**: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 25 Ok Reg 1985, eff 7-1-08]

550:1-3-5. Filling Board vacancies

(a) A vacancy occurring within six months of the normal three year election cycle shall not be filled until the regular election.

(b) A vacancy occurring other than above shall be filled by a special election conducted in the same manner as the normal nomination/election process. However, the Board in its discretion may establish a time frame for the special election different from that of the normal nomination/election process.

[**Source:** Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 20 Ok Reg 1338, eff 6-1-03]

SUBCHAPTER 5. PETITION PROCEDURES

Section

550:1-5-1. Emergency hearings
550:1-5-2. Individual hearings
550:1-5-3. Appeals of the Board's orders [REVOKED]
550:1-5-4. Requests for declaratory rulings
550:1-5-5. Qualified domestic relations orders
550:1-5-6. Child/children educational benefit
550:1-5-7. Common Law Beneficiary Requirements

550:1-5-1. Emergency hearings

The Board may designate a person to serve as a hearing officer in a particular proceeding or may designate a group of persons to serve as an advisory council to act as a hearing body in any proceeding. The officer or body so designated shall have full authority to conduct all aspects of the hearing.

550:1-5-2. Individual hearings

(a) **Application/written request for right to relief.** In each individual proceeding, there shall be filed with the Oklahoma Police Pension and Retirement Board an application/written request stating a brief summary of facts giving rise to the request for relief.

(b) **Notice of receipt.** The Chairman of the Board, or other person designated by the Chairman, shall notify the party requesting the individual hearing of the acceptance of the application/written request for individual hearing by the Oklahoma Police Pension and Retirement Board or a hearing officer and shall specify the date, time, and place for the hearing. The notice shall comply with the requirements of 75 O.S., Section 309 and laws amendatory thereto, and may incorporate by reference material alleged in the application/written request.

(c) **Service of notices.** All notices or other papers requiring service in an individual proceeding shall, unless otherwise provided by statute, be served in one of the following manners:

(1) Personal service by a person appointed by the Board to make such service in the manner authorized by the laws of this state for the service of summons or other process in the state courts; or

(2) By certified mail forwarded by the Board or its designee, at the exact location that the person can be served such notice.

(3) If the personal service or if service by mail cannot be made after the exercise of all due diligence in attempting to learn the whereabouts or

mailing address of any person to be served, then by publication in such newspapers as is determined by the Board.

(d) **Completed service of notice.** Service of notice shall be complete upon receipt of certified mail by the addressee or upon the first posting of publication notice.

(e) **Setting of hearing.** The time set for a hearing as specified in the notice shall not be less than ten (10) days after date of mailing of notice, unless otherwise agreed upon by the parties. Motions for extension of time or for a continuance of the hearing shall be made in writing and shall be filed with the Board or a person designated by the Board. Any such motion shall be for a time certain and any such motion for an extension or continuance shall state the reasons for the request and specify the length of time. Each party to a hearing shall be allowed to move for one (1) continuance wherein the Board or the person designated by the Board shall act upon such motion promptly and grant or deny such request in the exercise of sound discretion. If the motion is denied, the party may renew his or her request at the hearing.

(f) **Subpoenas.** Subpoenas for the attendance of witnesses, for the furnishing of information required by the Board or hearing officer and for the production of evidence shall be issued by the Board or their designee upon written request.

(1) Subpoenas shall be served and a return made in the same manner as provided for in state court proceedings.

(2) If a person fails to obey a subpoena, refuses to be sworn or make an affirmation at a hearing, or refuses to answer a question put to him or her in the course of a hearing, the Board or hearing officer may institute appropriate judicial proceedings to compel compliance with the subpoena or the giving of testimony. The hearing shall proceed as long as practical despite any such refusal but the Board or hearing officer may, at its discretion, at any time, continue the proceedings for such time as may be necessary to secure a court ruling.

(3) Any person who fails to appear as directed, after receipt of notice as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the notice and/or request for relief. A final order in such a proceeding may be issued by the Chairman.

(g) **Order of procedure.** The order of procedure in all individual proceedings for members of the Police Pension and Retirement System shall generally follow that which applies in civil proceedings at law. Each party shall be afforded an opportunity to make a brief opening statement, to present witnesses, documents, and exhibits on its behalf, to cross examine adverse witnesses, and to rebut and to make closing arguments. The rules of evidence applicable to such hearing shall be those specified by the Administrative Procedures Act. At the discretion of the Board or hearing officer, any party may reopen his or her case in chief even after the adverse party has rested. Parties may enter into stipulations on any lawful matter.

(h) **Objections.** The Board or hearing officer shall rule on the admissibility of evidence and objections to evidence and shall rule on motions or objections raised in the course of such hearings. In the exercise of this function the Board or hearing officer may rely on the advice of counsel present and serving in such advisory capacity. Any party may object to a ruling which the party considers erroneous and an exception to such ruling shall be noted on the record. Failure to timely object to any alleged error or irregularity shall be deemed a waiver of such objection.

(i) **Findings of Fact / Conclusions of Law.** The Board or hearing officer shall hear all evidence and arguments applicable in a case and shall prepare Findings of Fact and Conclusions of Law which shall be submitted to the Chairman of the Board and mailed to parties to the action. The Board or hearing officer may request the parties to submit proposed Findings of Fact and Conclusions of Law before making a ruling on the matter at issue.
(j) **Record of hearing.** A record of the hearing, in the form of a digital recording, will be made of all hearings conducted by the Board or a hearing officer.
(k) **Issuance of Board's order.** At the conclusion of the proceedings, the Board shall issue an order reflecting the Findings of Fact made, and the Conclusions of Law specifying the action taken. The order shall be signed by the Chairman. Parties shall be notified by mail of the issuance of an order and a copy of the order shall be provided to the party or his/her attorney.
(l) **Record on file.** The record of a proceeding and the file containing the pleadings in such a proceeding will be maintained at the Oklahoma Police Pension and Retirement System.
(m) **Petition of rehearing.** Any person may petition for a rehearing, reopening or reconsideration of any decision in an individual proceeding. Such petition must be filed within ten (10) days of the date on which the order was issued and shall state the grounds for requesting such action. The grounds for such action are set forth in 75 O.S., Section 317 and are the only grounds for rehearing, reopening or reconsidering such action. Hearings pursuant to such a request, when granted by the Board, shall be limited to the issues upon which the reconsideration, reopening or rehearing was granted.

[**Source:** Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 19 Ok Reg 1471, eff 7-1-02; Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 27 Ok Reg 1901, eff 7-1-10; Amended at 29 Ok Reg1359, eff 7-1-12]

550:1-5-3. Appeals of the Board's orders [REVOKED]

[**Source:** Revoked at 18 Ok Reg 2759, eff 7-1-01]

550:1-5-4. Requests for declaratory rulings

(a) All requests for declaratory rulings as to the applicability of any rule or order of the Board shall be made by filing a petition with the Board requesting such ruling.
(b) The petition shall identify the rule or order questioned, the date on which such rule or order became effective and shall set forth the contents of the rule or order. The petition shall include a brief statement of the issue or issues raised by the rule or order which caused such request to be made and a statement as to the petitioner's personal interest in the ruling of the Board and how a ruling by the Board will affect those interests.
(c) Upon receipt of a petition requesting such declaratory ruling, the Board shall consider the petition and respond to the request at the next scheduled Board Meeting subsequent to the filing of petition.
(d) The Board may entertain oral presentation or argument on the request of the petitioner and may on its own motion request such argument or presentation.
(e) On considering the petition the Board may, in its sound discretion, refuse to issue a declaratory ruling or may decide the issues and determine the validity or applicability to the petitioner of the rule or order.
(f) Appeals from declaratory rulings of the Board may be taken in the manner provided by the Administrative Procedures Act.

[**Source:** Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 21 Ok Reg 1423, eff 6-1-04]

550:1-5-5. Qualified domestic relations orders

(a) The Oklahoma Police Pension and Retirement System shall submit only that information which reflects the member's contribution history and/or benefit amount.

(b) Said information shall not be furnished to any person unless prior written consent of the member is obtained or an order is issued by a court of competent jurisdiction.

(c) When a qualified domestic relations order is issued by a court of competent jurisdiction prior to the member entering the Deferred Option Plan and the qualified domestic relations order does not specifically address the division of the member's Deferred Option Plan account, the following shall apply:

(1) At the time of the issuance of the qualified domestic relations order, if the member has not entered the Deferred Option Plan but subsequently does so, the alternate payee's monthly pension amount is deposited into the Deferred Option account for the alternate payee's benefit and draws interest at the same rate as that of the member. When the member terminates the Deferred Option Plan, the alternate payee has the same options and rights as the member has relating to the payment of the Deferred Option Plan account.

(2) At the time of the issuance of the qualified domestic relations order, if the member has entered the Deferred Option Plan, the alternate payee's monthly pension amount is deposited in the Deferred Option Plan account for the alternate payee's benefit, draws interest at the same rate as that of the member, and the alternate payee receives a share of the municipality's contributions to the Deferred Option Plan account commensurate with the alternate payee's proportion of the total monthly pension amount.

(d) Provided the qualified domestic relations order does not state otherwise, whenever a member requests a refund of contributions, the alternate payee is entitled to a refund of contributions commensurate with the alternate payee's proportion of the total monthly pension amount.

(e) Provided the qualified domestic relations order does not state otherwise, whenever a retired member receives a cost of living adjustment, the alternate payee is entitled to a cost of living adjustment commensurate with the alternate payee's proportion of the total monthly pension amount.

[**Source:** Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 16 Ok Reg 2553, eff 7-1-99; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 22 Ok Reg 979, eff 6-1-05]

550:1-5-6. Child/children educational benefit

(a) **Public or private school.** Payment of benefit for beneficiary continues until the eighteenth (18th) birthday, at which time if the beneficiary is enrolled in a public or private school the payment of benefit continues directly to the beneficiary through the month in which the beneficiary graduates. Verification of enrollment must be submitted to the Oklahoma Police Pension and Retirement System at the beginning of each semester in attendance as well as a copy of grades received at the end of each semester. Any monies received by an ineligible recipient must be repaid to the system immediately. Benefits terminate the last day of the month in which the beneficiary becomes twenty-two (22) years of age.

(b) **Institution of higher education.** Full-time enrollment in an institution of higher education entitles the beneficiary to receive benefits. Verification of enrollment must be submitted to the Oklahoma Police Pension and Retirement System at the beginning of each semester in attendance as well as a copy of

grades received at the end of each semester. If the beneficiary drops classes and becomes a part-time student or withdraws from the institution of higher education, then benefits cease the last day of the month in which the beneficiary becomes a part-time student or withdraws from the institution of higher education. It is the responsibility of the beneficiary to notify the Oklahoma Police Pension and Retirement System of any change in student status. Any monies received by an ineligible recipient must be repaid to the system immediately. Benefits terminate the last day of the month in which the beneficiary becomes twenty-two (22) years of age.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 16 Ok Reg 2553, eff 7-1-99]

550:1-5-7. Common Law Beneficiary Requirements

(a) In order for the Oklahoma Police Pension & Retirement Board to find in an individual proceeding that an applicant is a beneficiary based upon a common law marriage, the applicant asserting a common law marriage must prove by clear and convincing evidence the following elements;

(1) An actual mutual agreement between the spouses to be husband and wife;

(2) A permanent relationship;

(3) An exclusive relationship, proved by cohabitation as man and wife; and

(4) The parties to the marriage must hold themselves out publicly as husband and wife

(b) Documentation accepted by the board as evidence of the existence of a common law marriage shall be; joint tax returns; joint bank account titled as husband and wife; real property deeds titled as husband and wife; and/or titles to vehicles and machinery held as husband and wife

[**Source:** Amended at 28 Ok Reg 2061, eff 7-11-11]

SUBCHAPTER 7. COLLECTIONS AND DISBURSEMENTS

Section

550:1-7-1. Refund vouchers
550:1-7-2. Pension vouchers
550:1-7-2.1. Reemployment by participating municipality
550:1-7-3. All vouchers
550:1-7-4. Vouchers payable to an estate
550:1-7-5. Direct rollovers
550:1-7-6 Return of contributions made under mistake of fact

[**Source:** Codified 9-12-14]

550:1-7-1. Refund vouchers

(a) **Conditions upon receiving refunds.** The following conditions must be met before contributions are refunded:

(1) All contributions made through the last day of employment must be received by the Oklahoma Police Pension and Retirement System.

(2) Member must have ceased employment with the participating municipality before any application for refund of contributions will be considered by the Oklahoma Police Pension and Retirement Board.

(b) **Payment.** The refund of contributions shall be mailed or directly deposited by the Oklahoma Police Pension and Retirement System no earlier than the last business day of the month following Board approval.

[**Source:** Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 27 Ok Reg 1901, eff 7-1-10; Amended at 31 Ok Reg 2162, eff 9-12-14]

550:1-7-2. Pension vouchers

(a) The monthly pension voucher, payable to members, eligible beneficiaries, alternate payees, or the member's estate shall be directly deposited on the last business day of the month. The monthly pension benefit will not be paid by the System until a personal depository agent is identified for direct deposit of the benefit.

(b) Upon the death of a member or eligible beneficiary, the monthly pension benefit shall be payable as follows:

(1) If the member dies during the month but not on the last day of the month and there is a beneficiary, the full monthly pension benefit for the month of the member's death shall be paid to the member's beneficiary upon proper application and approval by the Board.

(2) If the member dies during the month but not on the last day of the month and there is not a beneficiary, the full monthly pension benefit for the month of the member's death shall be paid to the member's estate.

(3) If the eligible beneficiary dies during the month but not on the last day of the month and there is another eligible beneficiary, the full monthly pension benefit for the month of the eligible beneficiary's death shall be paid to the other eligible beneficiary upon proper application and approval by the Board.

(4) If the eligible beneficiary dies during the month and there is not another eligible beneficiary, the full monthly pension benefit for the month of the eligible beneficiary's death shall be paid to the eligible beneficiary's estate.

(c) The deferred option voucher shall be mailed first class as directed by the member, eligible beneficiaries, alternate payees, or member's estate.

[**Source:** Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended 16 Ok Reg 2553, eff 7-1-99; Amended at 22 Ok Reg 979, eff 6-1-05; Amended 23 Ok Reg 2798, eff 7-1-06; Amended at 26 Ok Reg 1318, Eff 07-01-09]

550:1-7-2.1. Reemployment by participating municipality

(a) Retirement pursuant to 11 O.S. Section 50-112 has at all times included reemployment of a member by a participating municipality in a position not covered by the Oklahoma Police Pension and Retirement System. Thus, in-service distributions from the Oklahoma Police Pension and Retirement System to such a member are permitted. In-service distributions to a reemployed police chief are also permitted.

(b) A member who has terminated employment with a participating municipality must submit an application for refund prior to reemployment with a participating municipality in order to receive a refund of member contributions.

[**Source:** Added at 20 Ok Reg 1341, eff 6-1-03; Amended at 29 Ok Reg 1359, eff 7-1-12]

550:1-7-3. All vouchers

The Oklahoma Police Pension and Retirement System shall issue a replacement voucher in lieu of any voucher that has been lost or destroyed provided that 5 (five) business days have transpired after the date of mailing, and no replacement voucher shall be issued until an original affidavit or a facsimile of

the original affidavit setting forth the facts as to the loss or destruction of said original voucher is received by the Oklahoma Police Pension and Retirement System. If a facsimile affidavit is provided, the executed original affidavit must be mailed to the Oklahoma Police Pension and Retirement System. After original or facsimile affidavit is received and reviewed, the State Treasurer's Office will be requested to put a stop payment on the original voucher.

[**Source:** Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-7-4. Vouchers payable to an estate

(a) **Conditions for obtaining voucher payable to an estate**. The Oklahoma Police Pension and Retirement System will issue a voucher to an estate upon the following conditions being met:

(1) For estates whose fair market value of property located in this state owned by the decedent and subject to disposition by will or intestate succession at the time of the decedent's death, less liens and encumbrances, exceed Twenty Thousand Dollars ($20,000.00), the personal representative of the estate of the deceased must have filed a probate action in a court of competent jurisdiction, have been issued either letters testamentary or letters of administration, and must furnish the Oklahoma Police Pension and Retirement System with the employer identification number assigned to the estate by the Internal Revenue Service.

(2) For estates whose fair market value of property located in this state owned by the decedent and subject to disposition by will or intestate succession at the time of the decedent's death, less liens and encumbrances, does not exceed Twenty Thousand Dollars ($20,000.00), the provisions of 58 O.S. Sections 393 and 394 shall apply. In addition, the employer identification number assigned to the estate by the Internal Revenue Service must be furnished to the Oklahoma Police Pension and Retirement System.

(b) **Payment.** Vouchers payable to an estate shall be mailed or directly deposited by the Oklahoma Police Pension and Retirement System no earlier than the last business day of the month following Board approval.

[**Source:** Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 25 Ok Reg 2619, eff 6-10-08 through 7-14-09 (emergency); Amended at 26 Ok Reg 1319, eff 07-01-09; Amended at 31 Ok Reg 2162, eff 9-12-14]

550:1-7-5. Direct rollovers

(a) A Distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

(b) For purposes of this section, the definitions as stated in 11 O.S. Section 50-114.2(B) and the provisions of 11 O.S. Section 50-114.3 shall apply.

(c) At least thirty (30) days and not more than one-hundred eighty (180) days before the date of distribution, the Distributee must be provided with the IRS Notice regarding rollover options and tax effects. The distribution may be paid less than thirty (30) days after the notice is given, provided that:

(1) The Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

(2) The Distributee, after receiving the notice, affirmatively elects a distribution.

(d) An Eligible Retirement Plan which is selected by the Distributee shall be the result of the Distributee's own research and investigation. The Oklahoma Police Deferred Option Plan and/or the Oklahoma Police Pension and Retirement System shall not be subject to any fees or charges from the Eligible Retirement Plan.
[**Source:** Added at 20 Ok Reg 1341, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 30 Ok Reg 1848, eff 07-15-13]

550:1-7-6. Return of contributions made under mistake of fact
Notwithstanding Section 550:1-7-1(a), should a contribution be made through a mistake of fact that is more than the correct amount of participating municipality or member contributions to be paid to the Oklahoma Police Pension and Retirement System by a participating municipality, the Oklahoma Police Pension and Retirement System may refund the mistaken portion of the contribution to the participating municipality within one year of the date on which the mistaken portion of the contribution was made. The Oklahoma Police Pension and Retirement System shall not pay the participating municipality earnings attributable to the mistaken portion of the contribution but shall reduce the amount returned to the participating municipality pursuant to this subsection by the amount of losses attributable to the mistaken portion of the contribution.
[**Source:** Added at 31 Ok Reg 2162, eff 9-12-14]

SUBCHAPTER 9. TAX QUALIFICATION COMPLIANCE [EXPIRED]

Section
550:1-9-1. Determination of gross salary [EXPIRED]
550:1-9-2. Minimum distribution requirements [EXPIRED]

550:1-9-1. Determination of gross salary [EXPIRED]

[**Source:** Added at 19 Ok Reg 2782, eff 6-21-02 through 7-14-03 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-03 (after the 7-14-03 expiration of the emergency action), Section 550:1-9-1 was no longer effective. For the official text of the emergency rule that was in effect from 6-21-02 through 7-14-03, see 19 Ok Reg 2782.*

550:1-9-2. Minimum distribution requirements [EXPIRED]

[**Source:** Added at 19 Ok Reg 2782, eff 6-21-02 through 7-14-03 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-03 (after the 7-14-03 expiration of the emergency action), Section 550:1-9-2 was no longer effective. For the official text of the emergency rule that was in effect from 6-21-02 through 7-14-03, see 19 Ok Reg 2782.*

CHAPTER 10. RETIREMENT AND PENSION BENEFIT PROGRAM

Section

550:10-1-1. Purpose
550:10-1-2. Physical-medical examination requirements
550:10-1-3. Re-entering the system [REVOKED]
550:10-1-4. Job description of a police officer [REVOKED]
550:10-1-5. Application for disability benefit

Appendix A. Height and Weight Chart [REVOKED]
Appendix B. Skinfold Chart [REVOKED]
Appendix C. Skinfold Chart [REVOKED]

[**Authority**: 11 O.S., §§ 50-101(6), 50-105.2(A) and (B), 50-106(3), and 50-112]
[**Source:** Codified 6-4-91]

550:10-1-1. Purpose

The purpose of this chapter is to establish physical-medical examination requirements in order to identify pre-existing medical conditions and to establish policies related to the administration of disability benefits.

[**Source:** Amended at 21 Ok Reg 1425, eff 6-1-04]

550:10-1-2. Physical-medical examination requirements

(a) The Oklahoma Police Pension and Retirement System shall supply the physical-medical examination form which shall be completed by the applicant and the examining medical professional and submitted to the Oklahoma Police Pension and Retirement System prior to employment with a participating municipality. The physical-medical examination form shall include a release for medical/psychological information.

(b) The completed physical-medical examination form shall be provided to the Oklahoma Police Pension and Retirement System for submission to the Board's reviewing physician or medical professional to identify any preexisting medical/psychological conditions.

(c) The physical-medical examination shall cover, but is not limited to, the following medical conditions:

(1) **Head and Neck.**

(A) Head:

(i) Deformities of the skull such as depressions or exostoses.

(ii) Deformities of the skull associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(iii) Loss or congenital absence of the bony substance of the skull.

(B) Neck:

(i) Thoracic outlet syndrome.

(ii) Congenital cysts, chronic draining fistulas, or similar lesion.

(iii) Contracture of neck muscles.

(C) Eyes and vision:

(i) Far visual acuity in each eye.

(ii) Peripheral vision.

(iii) Diseases of the eye such as retinal detachment, progressive retinopathy, or optic neuritis.

(iv) Ophthalmological procedures such as radial keratotomy or repair of retinal detachment.

(D) Ears and hearing:

(i) Auditory canal -- atresia, severe stenosis, or tumor.

(ii) Severe external otitis.
(iii) Auricle -- severe agenesis or traumatic deformity.
(iv) Mastoid -- severe mastoiditis or surgical deformity.
(v) Meniere's syndrome or labyrinthitis.
(vi) Otitis media.
(vii) Hearing deficit in the pure tone thresholds, with or without aids in both ears, in the following frequencies: 500 Hz, 1000 Hz, 2000 Hz, 3000 Hz, 4000 Hz, and 6000 Hz.

(E) Dental:
(i) Diseases of the jaws or associated tissues.
(ii) Orthodontic appliances.
(iii) Oral tissues, extensive loss.

(F) Nose, oropharynx, trachea, esophagus, and larynx:
(i) Tracheostomy.
(ii) Aphonia.
(iii) Congenital or acquired deformity.
(iv) Allergic respiratory disorder.
(v) Sinusitis, recurrent.
(vi) Dysphonia.

(2) **Heart and vascular system.**

(A) Heart:
(i) Current angina pectoris.
(ii) Myocardial insufficiency.
(iii) Acute pericarditis, endocarditis, or myocarditis. Chronic pericarditis, endocarditis with resultant significant valvular lesions, or myocarditis leading to myocardial insufficiency or excludable arrhythmias.
(iv) History of myocardial infarction, coronary artery bypass, or coronary angioplasty.
(v) Cardiac pacemaker.
(vi) Recurrent syncope.
(vii) Significant valvular lesions of the heart including prosthetic valves.
(viii) Coronary artery disease.
(ix) Atrial tachycardia, flutter, or fibrillation.
(x) Third degree atrio-ventricular block.
(xi) Ventricular tachycardia.
(xii) Hypertrophy of the heart.
(xiii) Recurrent paroxysmal tachycardia.
(xiv) History of a congenital abnormality.

(B) Vascular system:
(i) Congenital or acquired lesions of the aorta and major vessels.
(ii) Marked circulatory instability as indicated by orthostatic hypotension, persistent tachycardia, and severe peripheral vasomotor disturbances.
(iii) Aneurysm of the heart or major vessels, congenital or acquired.
(iv) Hypertension.
(v) Peripheral vascular disease such as Raynaud's phenomenon.
(vi) Recurrent thrombophlebitis.
(vii) Chronic lymphedema due to lymphopathy or severe venous valvular incompetency.

(3) **Lungs, abdomen, spine and joint.**

(A) Lungs and chest wall:

(i) Suppurative disease of lung or pleural space.

(ii) Lobectomy.

(iii) Bronchial asthma.

(iv) History of bronchiectasis, bronchitis, fibrous pleuritis, fibrosis, cystic disease, tuberculosis, or mycotic disease of the lung.

(v) Pneumothorax.

(vi) Restrictive or obstructive lung disease.

(B) Abdominal organs and gastrointestinal system:

(i) Cholecystectomy or cholecystitis.

(ii) Gastritis.

(iii) Hemorrhoids.

(iv) Acute hepatitis.

(v) Hepatitis B.

(vi) Hepatitis C.

(vii) Hernia.

(viii) Inflammatory bowel disease.

(ix) Intestinal obstruction.

(x) Pancreatitis.

(xi) Resection, bowel.

(xii) Ulcer, gastrointestinal.

(xiii) Cirrhosis, hepatic or biliary.

(C) Spine, scapula, ribs, and sacroiliac joints:

(i) Arthritis.

(ii) Structural abnormality, fracture, or dislocation.

(iii) Nucleus pulposus, herniation of or history of laminectomy.

(D) Extremities:

(i) Limitation of motion of a joint.

(ii) Amputation or deformity of a joint or limb.

(iii) Dislocation of a joint.

(iv) Joint reconstruction, ligamentous instability, or joint replacement.

(v) Chronic osteoarthritis or traumatic arthritis.

(vi) Inflammatory arthritis.

(4) **Genitourinary system.**

(A) Reproductive:

(i) Pregnancy.

(ii) Dysmenorrhea.

(iii) Endometriosis, ovarian cysts, or other gynecologic conditions.

(iv) Testicular or epididymal mass.

(B) Urinary system:

(i) Diseases of the kidney.

(ii) Diseases of the ureters, bladder, or prostate.

(5) **Other conditions.**

(A) Neurological disorders:

(i) Ataxias of heredo-degenerative type.

(ii) Cerebral arteriosclerosis as evidenced by documented episodes of neurological impairment.

(iii) Multiple sclerosis with activity or evidence of progression within previous three years.

(iv) Progressive muscular dystrophy or atrophy.

(v) Any form of seizure disorder [simple partial, complex, generalized, psychomotor or absence (petit mal)].
(vi) Narcolepsy.
(vii) Congenital malformations.
(viii) Migraine.
(ix) Clinical disorders with paresis, paralysis, dyscoordination, deformity, abnormal motor activity, abnormality of sensation, or complaint of pain.
(x) Subarachnoid or intracerebral hemorrhage.
(xi) Abnormalities from recent head injury such as severe cerebral contusion or concussion.

(B) Skin:
(i) Acne or inflammatory skin disease.
(ii) Eczema.

(C) Blood and blood-forming organs:
(i) Hemorrhagic states requiring replacement therapy.
(ii) Sickle cell disease (homozygous).
(iii) Anemia.
(iv) Leukopenia.
(v) Polycythemia vera.
(vi) Splenomegaly.
(vii) History of thromboembolic disease.

(D) Endocrine and metabolic disorders:
(i) Diseases of the adrenal gland, pituitary gland, parathyroid gland, or thyroid gland of clinical significance.
(ii) Nutritional deficiency disease or metabolic disorder.
(iii) Diabetes mellitus.

(E) Systemic diseases and miscellaneous conditions:
(i) Connective tissue disease, such as dermatomyositis, lupus erythematosus, scleroderma and rheumatoid arthritis.
(ii) Residuals from past thermal injury.
(iii) Documented evidence of a predisposition to heat stress with recurrent episodes or resulting residual injury.

(F) Tumors and malignant diseases.

(G) Psychiatric conditions:
(i) History of psychiatric condition.
(ii) Substance abuse problems.

(H) Chemicals, drugs, and medications:
(i) Anticoagulant agents.
(ii) Cardiovascular agents.
(iii) Narcotics.
(iv) Sedative-hypnotics.
(v) Stimulants.
(vi) Psychoactive agents.
(vii) Steroids.

(I) Immunologic deficiency diseases:
(i) Acquired immunodeficiency syndrome (Aids).
(ii) HIV positive without evidence of HIV infection.

(d) Medical examination results are valid for no more than six (6) months after date of examination.

(e) A medical examination is required for all persons who have ceased employment from a participating municipality as a police officer for more than 90 days.

[**Source:** Amended at 8 Ok Reg 2361, eff 7-1-91; Amended at 9 Ok Reg 1155, eff 1-24-92 (emergency); Amended at 9 Ok Reg 2535, eff 7-1-92; Amended at 14 Ok Reg 1992, eff 5-27-97; Amended at 16 Ok Reg 2554, eff 7-1-99; Amended at 20 Ok Reg 1342, eff 6-1-03]

550:10-1-3. Re-entering the system [REVOKED]

[**Source:** Reserved at 9 Ok Reg 2543, eff 7-1-92; Added at 16 Ok Reg 2554, eff 7-1-99; Revoked at 18 Ok Reg 2764, eff 7-1-01]

550:10-1-4. Job description of a police officer [REVOKED]

[**Source:** Added at 9 Ok Reg 1163, eff 2-18-92 (emergency); Added at 9 Ok Reg 2543, eff 7-1-92; Amended at 14 Ok Reg 1992, eff 5-27-97; Amended at 18 OK Reg 2764, eff 7-1-01; Amended at 20 Ok Reg 1342, eff 6-1-03; Revoked at 21 Ok Reg 1425, eff 6-1-04]

550:10-1-5. Application for disability benefit

(a) **Member application for disability benefit.** A member applying for a disability benefit based on a permanent in-line disability must submit evidence of injury in the line of duty and/or evidence of exposure to hazardous chemicals in the line of duty. The Board may require that such evidence be in the form of a copy of an Official Oklahoma Traffic Collision Report, a copy of the official Injury Report/Incident Report filed with the Police Department, or a copy of an Order issued by the Worker's Compensation Court. If an official Injury Report/Incident Report is submitted which is not signed by the Chief of Police or by the member's Supervisor, the Board may require that an Affidavit of Authenticity be executed by the Chief of Police or the member's Supervisor certifying that such report is the official report of the Police Department with regard to the injury/incident related to the member's disability.

(b) **Municipality application for disability benefit.** A municipality applying for a disability benefit must submit a fitness for duty physical completed by physician licensed to practice medicine in the State of Oklahoma.

[**Source:** Added at 21 Ok Reg 1425, eff 6-1-04, Amended at 26 Ok Reg 1320, eff 07-01-09]

APPENDIX A. HEIGHT AND WEIGHT CHART [REVOKED]

[**Source:** Revoked and reenacted at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

APPENDIX B. SKINFOLD CHART [REVOKED]

[**Source**: Revoked and reenacted at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

APPENDIX C. SKINFOLD CHART [REVOKED]

[**Source:** Added at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN

Section

550:15-1-1. Purpose
550:15-1-2. Forward drop
550:15-1-3. Back drop

[**Authority:** 11 O.S., §§ 50-105.2(A) and (B), 50-106(3), and 50-111.3]
[**Source:** Codified 6-13-91]

550:15-1-1. Purpose

The plan allows an active participating member who has not less than twenty (20) years of creditable service, who is eligible to receive a service retirement pension, an election to participate in the Oklahoma Police Deferred Option Plan. The member may elect to participate under the provisions of subsections A, B, C, D, E and F of Section 50-111.3 of Title 11 of the Oklahoma Statutes, which for purposes of this chapter is referred to as an election for forward drop; or, the member may elect to participate under the provisions of subsection H of Section 50-111.3 of Title 11 of the Oklahoma Statutes, which for purposes of this chapter is referred to as an election for back drop.

[**Source:** Added at 8 Ok Reg 2365, eff 6-13-91; Amended at 21 Ok Reg 1426, eff 6-1-04]

550:15-1-2. Forward drop

(a) **Application.**

(1) The applicant must have twenty (20) years or more of credited service with the Oklahoma Police Pension and Retirement System to be eligible.

(2) The applicant must submit his/her completed application for participation in the Oklahoma Police Deferred Option Plan. Forms will be provided by the Oklahoma Police Pension and Retirement System.

(3) The effective date of membership will be the first day of the month.

(4) Once the Board has approved a member's application and the member's option account has been credited with the first contribution or benefit, the member's participation in the Oklahoma Police Deferred Option Plan is irrevocable as long as the member remains employed.

(b) **Contributions.**

(1) The final member contribution made to the Oklahoma Police Pension and Retirement System shall be for the last pay period prior to the first of the month in which the member becomes a participant in the Oklahoma Police Deferred Option Plan.

(2) The employer's contribution will continue to the Oklahoma Police Pension and Retirement System.

(3) The member's option account shall be credited fifty percent (50%) of the employer's contribution received for the member and the Oklahoma Police Pension and Retirement System shall be credited fifty percent (50%). The credit to the member's option account shall be made the next work day after receipt of the employer's contribution.

(4) Only the member's portion of the employer's contribution will be credited to the member's option account. No other contributions will be accepted.

(5) When a member has participated in the Oklahoma Police Deferred Option Plan for five (5) years or if the member terminates employment prior to the end of five (5) years, contributions will no longer be credited to the member's option account.

(c) **Benefits**.

(1) The monthly retirement benefit that would have been payable had the member elected to cease employment and receive a service retirement shall be credited into the member's option account.

(2) The member's service retirement benefit is frozen and at no time will he/she be allowed to increase his/her pension benefit due to additional years of service.

(3) The monthly retirement benefit will be credited to the member's option account the last day of the month.

(4) A member who participates in this plan shall be eligible to receive cost of living increases.

(d) **Interest.**

(1) The member's option account shall earn interest at a rate of two percent (2%) below the rate of return of the total investment portfolio of the System, but no less than the actuarial assumed interest rate established at the beginning of the fiscal year as certified by the actuary and approved by the Board in the yearly evaluation report of the actuary. This report is on a fiscal year basis ending on June 30.

(2) The Fund's annual rate of return shall be calculated and certified by the Board's financial consultant. The annual rate of return shall be for the fiscal year ending June 30.

(3) The interest shall be credited to the member's option account on an annual basis which is defined as fiscal year ending June 30. The amount of the interest credited shall be calculated at simple interest. The formula for calculating the interest shall be the amount of the deposit times the certified annual rate of return, less two percent (2%), divided by 365 days times the number of days the deposit was credited to the member's option account for the fiscal year.

(4) Each member shall receive an itemized statement at least on an annual basis beginning with interest credited at June 30, 1991.

(5) Upon completion of the five year term in the Oklahoma Police Deferred Option Plan or earlier termination of employment by the member, annual interest calculated through the last day of the month employed and certified by the Board's financial consultant will be credited to the member's option account provided the annual rate of return is greater than the actuarial assumed interest rate. If the rate of return is less than the actuarial assumed rate then the member's option account will be credited at the assumed interest rate of the last actuarial report.

(6) When a member has participated in the Oklahoma Police Deferred Option Plan for five (5) years or if the member terminates employment prior to the end of the five (5) years, the member's option account if left in the Plan, ceases to earn interest unless the member made a timely election pursuant to the Deferred Option Payout Provision Policy. Effective July 1, 2006, pursuant to the Deferred Option Payout Provision Policy, a retired member who has completed participation in the Oklahoma Police Deferred Option Plan under the Forward Drop or the Back Drop provisions may elect within thirty (30) days following termination of employment with a participation municipality to leave his or her Deferred Option Payout Account balance in the Plan. Under the Deferred Option Payout Provision Policy, the retired member’s Deferred Option Payout Account balance will be commingled and invested with the total pension fund and as such the retired member will not be able to direct his or her investments.