

# Rules

## RULE

### Board of Trustees of the District Attorneys' Retirement System

District Attorneys' Retirement System  
(LAC 58:XXI.103, 105, 107, 701, and 901)

The Board of Trustees of the District Attorneys' Retirement System (DARS) has amended LAC 58:XXI.Chapter 9 as interpretation of the provisions of the District Attorneys' Retirement System, as authorized by R.S. 11:1658 and 1659. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The purposes of this Rule are to provide improved funding for the District Attorneys' Retirement System, to permit the repayment of benefits that have been distributed, and to comply with certain requirements of the *Internal Revenue Code*.

#### Title 58

#### RETIREMENT

#### Part XXI. District Attorneys' Retirement System

#### Chapter 1. General Provisions

#### §103. Actuarial Equivalent

A. Effective July 1, 2013 and continuing through June 30, 2015, as provided by R.S. 11:1588(A) actuarial equivalent shall be defined by using the following assumptions.

1. Interest shall be compounded annually at the rate of 7.5 percent per annum.

a. For single life option factors, mortality rates shall be based on the RP-2000 combined healthy tables unisexed based on 70 percent males and 30 percent females. For joint life option factors, mortality rates shall be based on the RP-2000 combined healthy tables unisexed based on 95 percent males and 5 percent females for retirees and 5 percent males and 95 percent females for beneficiaries

b. For disability award lifetime equivalences, mortality rates shall be based on the RP-2000 disabled lives tables unisexed based on 70 percent males and 30 percent females.

B. Effective July 1, 2015 and continuing through June 30, 2016, as provided by R.S. 11:1588(A) actuarial equivalent shall be defined by using the following assumptions.

1. Interest shall be compounded annually at the rate of 7.25 percent per annum.

a. For single life option factors, mortality rates shall be based on the RP-2000 combined healthy tables unisexed based on 70 percent males and 30 percent females. For joint life option factors, mortality rates shall be based on the RP-2000 combined healthy tables unisexed based on 95 percent males and 5 percent females for retirees and 5 percent males and 95 percent females for beneficiaries.

b. For disability award lifetime equivalences, mortality rates shall be based on the RP-2000 disabled lives

tables unisexed based on 70 percent males and 30 percent females.

C. Effective July 1, 2016 and continuing so long as not amended by resolution of the board, as provided by R.S. 11:1588(A) actuarial equivalent shall be defined by using the following assumptions.

1. Interest shall be compounded annually at the rate of 7.00 percent per annum.

a. For single life option factors, mortality rates shall be based on the RP-2000 combined healthy table with white collar adjustment with no setback for males and with 1 year setback for females and unisexed based on 80 percent males and 20 percent females. For joint life option factors, mortality rates shall be based on the RP-2000 combined healthy tables with white color adjustment with no setback for males and with a 1 year setback for females and unisexed based on 95 percent males and 5 percent females for retirees and 5 percent males and 95 percent females for beneficiaries.

b. For disability award lifetime equivalences, mortality rates shall be based on the RP-2000 disabled lives tables set back 5 years for males and set back 3 years for females unisexed based on 80 percent males and 20 percent females.

D. After July 1, 2016, the interest and mortality rate assumptions shall be as adopted by resolution of the board. The board shall consult with its actuary with regard to the proper rates to use.

E. For purposes of comparing the benefits of the forms of distribution with the maximum limitation on benefits, the applicable mortality tables described in IRC §417(e)(3)(B) shall be used.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 11:1658-1659 and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the District Attorneys' Retirement System, LR 41:2313 (November 2015), amended LR 43:877 (May 2017).

#### §105. Accumulated Contributions, Rollovers

A. - D.5. ...

E. Payment for Age Discrimination Service Credit

1 - 2. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 11:1588(A), R.S. 11:1617(B), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the District Attorneys' Retirement System, LR 41:2313 (November 2015), amended LR 43:877 (May 2017).

#### §107. Repayment of Withdrawn Accumulated Contributions

A. Withdrawn Accumulated Contributions May be Repaid

1. Repayment Permitted

a. Member contributions that have been refunded to the member upon his termination of employment before qualifying for retirement benefits under the DARS may be repaid to DARS by the member upon his reemployment by a participating employer and his participation in and

contributing to DARS for a minimum of six months, provided such repayment is made prior to any application by the member for retirement.

2. Amount of Repayment

a. Repayment of a refund shall include the amount refunded plus interest thereon. The trustees shall determine the interest rate applicable to each period during which the accumulated contributions have been refunded and ending with the date of repayment. Such interest shall be determined on a consistent basis and shall apply to all members. Installments shall not be permitted. If funds used for repayment originate from multiple sources, all funds due must be received by DARS within 45 days of each other. Service credit shall not be restored until full payment has been received.

3. Sources of Payment

a. The member shall be responsible for certifying and demonstrating the amount of any refund from a source for which taxes have been paid by the member. Amounts received in a rollover, whether a direct rollover or 60-day rollover will be presumed not to have been taxed; however, the trustees or their delegates may offer the member the opportunity to demonstrate that part or all of the rollover is of after-tax funds, subject to any administrative requirements that the trustees regard as reasonable to demonstrate proof of the after-tax status of the funds. DARS will maintain records of after-tax amounts held for the benefit of the member.

4. Distribution of Refund Amounts

a. Any distribution of amounts repaid by the member that includes after-tax payments shall include the allocable portion of the after-tax payment. Determination of the allocable portion of each payment shall be in accordance with federal income tax rules and the policies and procedures of the trustees.

B. Service Credited Upon Repayment

1. Service Credited

a. All creditable service forfeited upon refund shall be restored upon full repayment of the refund plus interest in accordance with Subsection A above. The accrual rate of such service shall be the applicable rate in place at the time the service was initially earned.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 11:1588(A) and R.S. 11:1617(B).

HISTORICAL NOTE: Promulgated by the Board of Trustees of the District Attorneys' Retirement System, LR 43:877 (May 2017).

**Chapter 7. Required Minimum Distributions**

**§701. Required Beginning Date**

A. - B.2.e. ...

C. Applicable Accounts

1. This Subsection shall apply with respect to any account that is part of the system that is considered to be a defined contribution account within the system. This Subsection shall apply to the refund of accumulated contributions as provided in R.S. 11:1635 (hereinafter referred to as "applicable account").

2. - 6.b. ...

D. Deferred Retirement Option Plan (DROP) and Back-Deferred Retirement Option Plan (Back-DROP)

1. Required Beginning Date

a. The DROP account and/or Back-DROP account of a member shall be distributed, or commence to be distributed, on or before the member's required beginning date.

2. Minimum Required Distribution (MRD)

a. Unless a greater amount is elected by the member for a calendar year, the amount to be distributed as the minimum required distribution shall be determined by annuitizing the DROP account and/or back-DROP account of the member over the period equal to the number of years beginning with the first distribution calendar year and continuing for the period equal to the number of whole years of the member's life expectancy measured from the first distribution calendar year as determined under the uniform lifetime table in 26 C.F.R. §1.401(a)(9)-9. The board shall have authority to designate the interest rate for purposes of calculating the periodic payments. Notwithstanding the foregoing, all payments shall be made from the DROP account or back-DROP account of the member, and no amount shall be paid that is not accrued for the member's benefit under such account.

3. Right to Accelerate Payments

a. The member shall have the right to accelerate payments and to receive a distribution of the entire DROP account or back-DROP account in a lump sum.

4. Rollover

a. If a distribution is made that includes the minimum required distribution for a calendar year, then that minimum required distribution may not be rolled over; however, any amount distributed in excess of the minimum required distribution for any calendar year shall be an eligible rollover distribution and may be rolled over into an eligible retirement plan.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 11:1588(A), R.S. 11:1635, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the District Attorneys' Retirement System, LR 41:2316 (November 2015), amended LR 43:878 (May 2017).

**Chapter 9. Funding of Retirement System**

**§901. Employer Contributions**

A. In accordance with R.S. 11:1658, the Board of Trustees directs that the direct employer contribution rate for January 1, 2017 through June 30, 2017 shall be 0 percent.

B. Any excess funds resulting from application of Subsection A of this Section shall be combined with any contribution surplus or offset by any contribution shortfall, and the resulting balance, if greater than zero, shall be accumulated in the funding deposit account pursuant to R.S. 11:1659.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 11:1588(A), R.S. 11:1658-1659, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the District Attorneys' Retirement System, LR 43:878 (May 2017).

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