

POSSIBLE AMENDMENTS TO PROPOSED RULES

Rule I. DETENTION OFFICER MEMBERSHIP IN SHERIFFS' RETIREMENT SYSTEM (SRS). (1) An active PERS member on July 1, 2005 is eligible to become a member of the SRS, and an employee hired by a sheriff after July 1, 2005 must become a member of the SRS, pursuant to Title 19, Ch. 7, part 3, if the member or employee meets the definition of "detention officer" in 19-7-101(2), MCA, which includes:

(a) being employed in a detention center ~~(a detention center does not include a temporary detention center, a detention facility or juvenile detention center);~~

(b) having authority and responsibility for maintaining custody of an inmate for any period of time and who performs tasks related to the operation of a detention center; and

(c) completing, within THE TIME ALLOWED BY A.R.M. 23.14.526 ~~their first year of initial employment,~~ a detention officers basic course as provided by the Montana Law Enforcement Academy or equivalent training in a training school meeting the minimum standards of the board of crime control, as required by A.R.M. 23.14.526, pursuant to 44-4-301, MCA.

(2) An employee hired by a sheriff after July 1, 2005 who meets all the criteria to be a "detention officer" except completion of training must be an SRS member from the first day of employment or, if later, the first day all criteria except completion of training are met.

(3) An SRS member who does not complete timely the training specified in subsection (1)(c), above, will be considered to be a member of PERS ~~from one year after initial employment as a detention officer~~ AFTER THE TIME ALLOWED BY A.R.M. 23.14.526 until training is completed. The member's membership service and service credit, and all contributions will be adjusted as necessary. Otherwise, an employee who becomes a member of the SRS remains a member of the SRS until the member is no longer employed by the sheriff in a detention center.

~~(4) A juvenile detention officer is not a "detention officer" unless the juvenile detention officer meets the definition of a detention officer.~~

AUTH: 19-2-403, MCA

State Administration
and Veteran Affairs
June 24, 2005
Exhibit 12

IMP: 19-7-101, 19-7-301, 19-7-302, MCA

Rule II. DETENTION OFFICER ELECTION TO TRANSFER TO SHERIFFS' RETIREMENT SYSTEM (SRS). (1) An active PERS member who, on July 1, 2005, meets all the criteria to be a "detention officer" may make an election to become a member of SRS.

(2) To be an effective election, the written election form prescribed by the Board, containing all the required information and including all necessary documentation, must be properly signed and must be filed with the Board between July 1, 2005 and April 30, 2006, inclusive.

(3) A written election received by the Board by the 15th day of a calendar month will be effective the first pay period of the following calendar month. A written election received by the Board after the 15th day of a calendar month will be effective the first pay period of the second following calendar month.

(4) A detention officer who becomes a member of the SRS has not terminated from service and is not eligible to receive any benefit from PERS until termination of employment.

AUTH: 19-2-403, MCA

IMP: 19-7-101, 19-7-301, 19-7-302, MCA

Rule III. DETENTION CENTER REPORTS FROM SHERIFFS.

(1) The On the 15th day of each fiscal year and of each calendar year, the sheriff of each county with a detention center must file a quarterly an employer payroll report with the Board. The first sheriffs' employer payroll report will be due 15 days after the effective date of this rule and will contain the requested information as of July 1, 2005.

(2) The payroll report will include information necessary for the Board to determine the appropriate retirement system for all employees of a detention center, as of the first day of EACH FISCAL YEAR the month of filing, including:

(a) each employee's name, social security number, retirement system and date of initial employment in the employee's current position;

(b) whether the employee is a sheriff, as defined in 19-7-101;

(c) whether the employee had any authority and responsibility for maintaining custody of an inmate for any period of time in this or any prior reporting period since July 1, 2005;

(d) whether the employee performs tasks related to the operation of the detention center; and

(e) whether the employee has completed a detention officers' basic course or equivalent training at a training school meeting the minimum standards of the board of crime control or is expected to receive such training within THE TIME ALLOWED BY A.R.M 23.14.526 ~~one year of initial employment.~~

(3) After the initial sheriffs' employer payroll report, on or before the first working day of the FISCAL YEAR month of filing, the board will provide each sheriff a form containing the information from the immediately preceding report, on which the sheriff only need provide new information or corrections for filing with the board.

(4) Payment of the detention center payroll contributions will be considered delinquent pursuant to 19-2-506 until both the required contributions and valid payroll reports are received by the Board.

AUTH: 19-2-403, MCA

IMP: 19-7-101, 19-7-301, 19-7-302, MCA