

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 303, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 10**

**RETIREMENT SYSTEMS, PUBLIC EMPLOYEES  
PUBLIC EMPLOYEES RETIREMENT BOARD**

**RULES AND REGULATIONS FOR  
MODIFICATION OF SCHOOL CREDITABLE SERVICE**

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NEBRASKA ADMINISTRATIVE CODE  
TITLE 303 – PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 10 – MODIFICATION OF SCHOOL CREDITABLE SERVICE

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### TITLE 303 – PUBLIC EMPLOYEES RETIREMENT BOARD

#### CHAPTER 10 – MODIFICATION OF SCHOOL CREDITABLE SERVICE

##### 001 Scope of Rule

This rule covers provisions of the School Employees Retirement Act in Neb. Rev. Stat. § 79-907, requiring the Nebraska Public Employees Retirement Systems ('NPERS') under the direction of the Public Employees Retirement Board ('Board'), to set rules and regulations for a member to make a request for a modification or correction of the creditable service reported on their statement of information, and sent by first class mail at least every two years to each member in the School Employees Retirement System.

##### 002 Creditable Service Statement and Request for Modification

002.01 Every two years, the retirement board shall send to each contributing member of the school employees retirement system by first-class mail, a statement of creditable service, reported salary, and other such information as is determined by the Director of NPERS to be necessary in calculating the member's retirement benefit.

002.02 If the member requests a modification or correction of his or her statement, the member shall make such request on forms created by NPERS. The member may provide additional documentation to the Director supporting such modification or correction and provide clear and convincing evidence that the statement is in error.

##### 003 Determination for Modification

003.01 The Director shall, within sixty (60) days after receipt of the request and documentation supporting the modification or correction, determine whether the member has proven by clear and convincing evidence that the statement shall be modified or corrected, and notify the member of his or her decision.

003.02 The Director shall consider the documentation sent by the member and the records maintained by NPERS. If the Director determines that the member has provided clear and convincing evidence, the Director shall modify or correct the statement. If the Director determines that the member has not provided clear and convincing evidence, the Director shall deny the modification or correction.

##### 004 Failure to Make Timely Request

004.01 If the member does not make a request in subsection 002.01 and provide documentation within ninety (90) days following the mailing of the letter described in subsection 002.02, the member shall be deemed to have waived his or her request for a modification or correction provided in Neb. Rev. Stat. § 79-907, and shall be barred from later receiving an administrative modification or correction of their creditable service pursuant to that section.

004.02 The Board has an ongoing fiduciary duty to modify or correct a member's statement if the Board discovers an error in the information it has on record. A modification or correction shall be made within sixty (60) days after the error is brought to the attention of the Director or the Board.

005 Appealing Director's Determination

If the member wishes to appeal the Director's determination to the Board, the member shall have thirty (30) days from the date of the Director's determination to appeal the matter to the Board, pursuant to Neb. Rev. Stat. § 79-950 and Title 303, Chapter 12 of the Nebraska Administrative Code. Appeals from the Board's decision shall be made pursuant to the Administrative Procedures Act.

ENABLING LEGISLATION:

NEB. REV. STAT. §§ 79-907 and 84-1503.