

due to the applicant. If the member qualifies for any exemption from the provisions of R.S. 11:221(A) through (C), findings of fact supporting the qualification for the exemption shall be included in the certification by the board-designated physician. For purposes of R.S. 11:2223(B), *performance of his official duties* shall have the same meaning as injury sustained in the line of duty for survivor's benefits purposes.

C. When evaluating a mental disorder, the board-designated physician shall physically examine the patient, and the physician's diagnosis shall conform to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), American Psychiatric Association (2013) or any subsequent revision thereof.

D. To be eligible for disability benefits under R.S. 11:2223(E)(2) for total loss of use of limb, a board-designated physician must certify that no effective function remains other than that which would be equally served by an amputation. The board-designated physician must also certify the date of the injury that caused the loss of the total use of the limb.

E. If an applicant fails to appear for a medical examination and the board-designated physician charges a cancellation fee, the applicant shall pay the cancellation fee. If the applicant fails to pay the cancellation fee, said fee, plus interest at the actuarial assumed rate of return calculated from the date of payment by the system to the board-designated physician, shall be deducted from any benefit amount determined to be due to the applicant.

F. If the board-designated physician's final certification decision is submitted when there are more than thirty days until the next board meeting, the executive director may, in his sole discretion, approve the disability retirement or file a written appeal on behalf of the board of trustees with the applicant. The executive director shall apply this procedure in a manner consistent with his fiduciary duty and shall report any approvals or appeals to the board of trustees at the next board meeting.

G. Every disability beneficiary shall complete an annual attending physician statement (AAPS) by May 1 for the first five years following the disability retirement and once in every three years thereafter until the earlier of the date the disability attains age 62 or reaches the equivalent age of regular retirement (which depends on age and actual years of service). After reviewing the AAPS, the executive director may require a disability beneficiary to undergo a medical examination by a board-designated physician. Payments to any disability beneficiary who has not yet attained the equivalent age of regular retirement who refuses to submit to a required medical examination by a medical board physician designated by the board of trustees, shall be discontinued until the beneficiary complies. Failure to comply within one year of the request shall result in revocation of benefits by the board of trustees via written notification sent to the disability beneficiary by the executive director.

H. Beginning on May 1, 2021, the benefits of every disability beneficiary who has not attained age sixty-two or reached the equivalent age of regular retirement who has not been certified by a board-designated physician as exempt under R.S. 11:221(A)(2), 222, or 223 who fails to submit the earnings statement required under R.S. 11:221(C) by May first, shall beginning on June 1, be discontinued, without retroactive reimbursement, until the statement is filed. If the earnings statement is not received by the end of the calendar year, the executive director shall notify the retiree that all his rights in and to his disability pension have been revoked by the board of trustees pursuant to R.S. 11:221(C)(1).

I. Retroactive payments of suspended benefits under R.S. 11:220 and 11:221 must be requested in writing. The disability beneficiary must explain why any paperwork required was not submitted by the due date. All retroactive payments must be approved by the board of trustees. No retroactive payments shall be made to disability beneficiaries whose benefits were revoked.

J. Any disability beneficiary subject to R.S. 11:221(D)(1) who receives a financial award solely as a result of his disability shall be required to provide proof of the gross financial award, along with all legal and court costs associated with the settlement. The system staff shall request the actuary to convert the lump sum financial award, net of any related legal fees and court costs, into a whole life annuity equivalent based upon board-approved interest, mortality, and unisex assumptions. The recipient's disability benefit shall be offset by an amount equal to the difference between the inflation-adjusted final average compensation used to determine the disability benefit and the sum of the maximum monthly benefit, whole life annuity equivalent, and other outside earnings under R.S. 11:221. Disability applicants shall disclose any financial awards or pending claims for financial award on the application for disability retirement or within three days of filing a claim. Disability beneficiaries shall submit information regarding financial awards on the notarized annual earnings statement. Disability beneficiaries' benefits shall be reviewed annually for offset until the earlier of the beneficiaries' date of death or date of conversion to a regular retirement benefit. The monthly benefit of any disability beneficiary who is overpaid due to failure to report outside benefits or awards subject to R.S. 11:221(D) shall cease until fully recouped by the system, including interest at the actuarial assumed rate of return and actuarial fees paid by the system in the calculation or collection of amounts.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1897 (December 2021).

## Chapter 15. Trustee Elections

### §1501. Schedule

A. The executive director, in consultation with the board chair, shall adopt a schedule for the election process to be conducted as the need arises.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1900 (December 2021).

### §1502. Nominations

A.1. A nomination postcard containing information on how to request a nomination packet shall be sent to the member's postal or email address as recorded in the office of the system as of the end of the month preceding the mail out. Members will need to contact the firm conducting the election to request a nomination packet.

2. Upon request, a nomination packet containing a petition for candidacy, an election schedule, and the rules governing elections shall be sent to each member of the system who will be eligible to vote for a candidate in a vacant position.

3. A candidate for a vacant retiree position on the board of trustees must be a regular retiree who retired, as of the date nominations close, from a police department of a participating municipality with the district for which he is a candidate and must be domiciled within the district for which he is a candidate. Once elected, he must remain domiciled within that district in order to continue serving in that position.

4. Once received by the firm conducting the election, the board of trustees shall only accept the name of the candidate nominated by petition of at least ten members of the system (other than the member being nominated) who are active or retired, as applicable, from municipalities within the district representative of the trustee position to be filled and place such candidate on the ballot, provided said candidate meets the requirements for trustee. The printed name of those persons signing the nominating petition must be legible for purposes of verification. Unverifiable signatories shall not count toward the required total. Members signing the petition shall also supply the final four digits of their Social Security number. The person being nominated is solely responsible for verifying that all persons signing as nominators are actually members of the system. Given that not all Louisiana municipal police officers are members of this system, potential nominees are strongly encouraged to do all of the following:

- a. call the system office to verify membership of each nominator;
- b. submit signatures of more than ten nominators; and
- c. email, fax, or mail their completed nomination packet and resume to the firm conducting the election at least two weeks prior to the deadline.

5. The nominee may attach a resume' giving their qualifications and background, which will be furnished to the voting members along with the ballot. This resume' is to be mailed along with the petition for candidacy to the firm conducting the election. The resume' shall be limited to one 8 1/2 by 11 sheet of paper, which may be printed on both

sides. If the resume is not submitted to the firm conducting the election by the deadline or if any information is included on the member's resume' other than qualifications and background, as determined by the board of trustees, the resume' will not be furnished to the voting members.

6. All nomination petitions shall be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

7. Within a reasonable amount of time after the firm conducting the election receives the completed nomination petition, the firm shall notify the potential nominee via telephone and email that his petition was received and forwarded to the system.

8. The firm conducting the election shall forward the submitted petitions and resumes to the system staff as they are received. As soon as possible, the system staff shall ensure that the petitions are valid. If they are not valid, then the system staff shall notify the potential nominees of the deficiencies. Regardless, to be accepted, a valid nomination petition must be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

B. Nominees shall be first be certified by the board of trustees as eligible candidates. If specifically provided for in the election schedule or if the meeting at which the nominees are to be certified is cancelled, then the board chair shall certify eligible nominees.

C. If, after the conclusion of the nomination process, the number of candidates does exceed or is more than the number of open positions for which election is being held, the names of the certified nominees shall be placed on a ballot in alphabetical order. If an incumbent is seeking reelection, their name shall appear first on the ballot.

D. If, after the conclusion of the nomination process, the number of candidates does not exceed or is fewer than the number of open positions for which election is being held the qualified shall be elected and presented to the board or board chair, as applicable, for certification.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1900 (December 2021).

### §1503. Voting in General

A. An election postcard shall be mailed to each eligible member's postal or email address as recorded in the office of the system as of the end of the month preceding the mail out. The system will accept changes of address as corrected and will keep member files updated accordingly. If a member does not receive a postcard, another one may be sent out to him if requested in writing signed by him. If applicable, a change of address form must be completed. The postcard will contain instructions to request a paper ballot packet or to access the online voting from any internet capable device.

B. The system will accept changes of address as corrected and will keep member files updated accordingly. If a member does not receive a postcard, another one may be sent out to him if requested. If applicable, a change of address form must be completed.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1901 (December 2021).

**§1504. Online Voting**

A. The voting website will consist of:

1. secure login page;
2. ballot page that includes the eligible candidates, as certified by the Board of Trustees, placed in alphabetical order. If an incumbent is seeking reelection, their name shall appear first on the ballot page;
3. links to bio/resume' for each candidate that submitted one;
4. vote confirmation page;
5. thank-you page; and
6. a logout button that redirects members to a URL of the organizations choosing.

B. Online Voting will be made available to members on the same day the election postcard is mailed to members, if postal ballots are used, and will remain open until the scheduled date as determined prior to such election as shown in the election schedule.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1901 (December 2021).

**§1505. Mail Voting**

A. If the board of trustees elects to use postal voting, a postage prepaid envelope with the post office box of the firm conducting the election shall be shown as the addressee shall be provided to the member for the purpose of returning the ballot to the firm conducting the election. Only those ballots returned in the pre-addressed envelope will be counted. All ballots shall be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

B. An instruction sheet shall accompany the ballot packet which shall instruct the member to:

1. place a mark in front of the name of the candidate he wishes to vote for;
2. place the ballot in the postage prepaid mailing envelope and seal it; and
3. mail it to arrive at the Post Office Box of the firm conducting the election on or before the date specified in the instruction sheet.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1901 (December 2021).

**§1506. Election Results**

A. Valid returned ballots will be opened and counted/tabulated at the office of the firm conducting the election. All candidates or their representatives may be present and observe the opening and tabulation of the ballots; however, no candidate or their representative may interfere with the opening and tabulation of the ballots. Notification must be provided to the firm conducting the election prior to the election mail date, of any authorized person interested in observing the opening and tabulation. The results will be available immediately after the tabulation of the ballots. After the board chair has accepted the certified ballot count and the executive director has published the official results on the system's website, the executive director shall notify the successful candidate of their election.

B. Ties affecting elected positions shall be decided by a coin toss held by the executive director in the presence of the candidates affected.

C. Appeals or grievances arising out of the election process shall be filed within 10 business days of the certification of the election results and will be heard by the Board of Trustees at the first board meeting held after publication of the election results on the board's website. Any further appeals or grievances will be resolved by the courts.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:1901 (December 2021).

**Chapter 17. Employers**

**§1701. Mandatory Enrollment of Employees Employed by 11:157 Employers**

A. To comply with the mandatory enrollment provisions of R.S. 11:157(A), an employer must enroll each employee in the retirement system on the first day the employee qualifies for membership. The employer shall remit to the retirement system the required employee and employer contributions no later than the fifteenth day of the month following the first day the employee qualifies for membership. If the employee subsequently submits an affidavit under R.S. 11:157(C) before the end of the first calendar month during which the employee qualified for membership in the retirement system, a prorated amount of employer contributions shall be refunded to the employer.

AUTHORITYNOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICALNOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 48:2190 (August 2022)