94-411 MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (MainePERS)

Chapter 204: WAIVER OF PAYMENT REQUIREMENT WHERE CAUSED BY ERROR OR OMISSION

SUMMARY: This Chapter establishes standards for determining whether to grant a waiver under 5 M.R.S. §§ 17054(3), 17103(6) to a member retiree, or benefit recipient who, without the waiver, would be required to make payments to the Maine Public Employees Retirement System ("MainePERS") because of an error or omission.

SECTION 1. CRITERIA

In order to avoid imposing hardship on members, retirees, and benefit recipients while efficiently safeguarding the assets available for the payment of retirement and related benefits, waivers will be granted under 5 M.R.S. §§ 17054(3), 17103(6) in the following:

1. The payment obligation will be waived if the amount to be recovered is no more than $250.

2. Interest will not be charged if the payment obligation is the result of a mistake of or incorrect information provided by an employee of the retirement system or an employer or is the result of a mistake by a member, retiree, or benefit recipient.

   The payment obligation will be delayed, satisfied over time, or waived to the extent that requiring payment would be unreasonable or create financial hardship upon consideration of the personal economic stability of the member, retiree, or benefit recipient.

3. In making this determination, the following factors must be considered:

   A. The total amount of the payment required;

   B. The amount of each installment payment if the payment may be made over time;

   C. The member retiree~~,~~ or benefit recipient's personal and family income, earning potential, and assets; and

   D. The amount required for the member, retiree, or benefit recipient to pay for living necessities.

SECTION 2. PROCEDURE

1. A request for a waiver must be submitted in writing to MainePERS

2. The member,-retiree, or benefit recipient seeking the waiver must fully cooperate with MainePERS' review of the request and promptly provide any relevant information requested by MainePERS.

3. The submission of a waiver request suspends the payment obligation until the Chief Executive Officer or their designee issues a written decision on the waiver request.

4. The Chief Executive Officer or their designee will issue a written decision on the waiver request. If the member or retiree, or benefit recipient seeking the waiver is aggrieved by the decision, they may appeal to the Board of Trustees pursuant to 5 M.R.S. §17451. The waiver request and any appeal of the request decision may be decided in conjunction with the determination of the underlying payment obligation.

STATUTORY AUTHORITY: 5 M.R.S. §17103(4)

EFFECTIVE DATE:
May 8, 2016 – filing 2016-081

AMENDED:
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