

315.4 Additional reporting requirements for elected or appointed officials of a participating employer.

- (1) Standard Work Day Resolution. In addition to the reporting requirements set forth in subpart 315.3 and for the sole purpose of reporting service credit to the retirement system, at each re-organization meeting held on or after January 1, 2009, the governing board of a participating employer of an elected or appointed official shall establish, by resolution in a form prescribed by the Comptroller, a standard work day for each such elective or appointive office, which shall state the number of hours prescribed for the position in a standard work day. For the purpose of determining service credit, in no event shall less than six hours be considered to be a full day of work. Said resolution will list the term expiration and standard work day for each elective or appointive office. Whenever a new elective or appointive office is established by an employer, a resolution setting the standard work day shall be adopted by the governing board and posted in the manner set forth in this regulation. All such resolutions shall be posted on the employer's website for a minimum of thirty days. In the event the employer does not maintain a website that is available to the public, the resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the participating employer for a minimum of thirty days. A certified copy of the resolution and an affidavit of posting shall be filed with the Comptroller within 45 days of adoption. In the event a resolution is not adopted within ninety days of establishment of a position or, for a previously established position, the re-organization meeting, no service credit shall be provided for the position until such time as a resolution is adopted, posted and filed with the Comptroller.

- (2) Record of activities. In the event an employer does not maintain an actual record of time worked on a daily basis for an elective or appointive office, the official holding the office shall record his or her work activities for a period of three consecutive months. In preparing the record, the official may consider factors that require his or her attention outside the normal working hours for the purpose of actually attending to official duties, including responding to an emergency, attending an employer sponsored event or meeting with or responding to members of the public on matters of official business. Such record of activities shall be completed within 150 days of taking the office. The record of activities shall be submitted by the official to the secretary or clerk of the governing board within 180 days of the board's adoption of the standard work day resolution with a certification, in a form prescribed by the Comptroller and signed by such official, that the official has filed the required record of activities with the secretary or clerk. The secretary or clerk shall promptly file the certification with the Comptroller. Each such record of activities shall be retained by the employer for a period of ten years and full and complete copies shall be provided to the Comptroller upon his or her request. A record of activities need not be prepared by an elected or appointed official who is not a member of the Retirement System. The failure of the official to maintain and timely file the record of

activities shall result in the suspension of service crediting and retirement system membership benefits for the elected or appointed official until such time as the record is maintained and a certification is filed with the Comptroller.

- (3) Reporting Resolution; Creditable Time. At the first regular meeting held after submission to the governing board of the official's record of activities, the governing board shall also authorize, by resolution, the maximum total number of days per month based upon the standard work day and the record of activities that will be reported for the elected or appointed official. Said resolution shall be posted on the employer's website for a minimum of thirty days. In the event the employer does not maintain a website that is available to the public, the resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the participating employer for a minimum of thirty days. A certified copy of the resolution and an affidavit of posting shall be filed with the Comptroller within 45 days of the meeting. The failure of the governing board to adopt such resolution shall result in the suspension of service crediting and retirement system membership benefits for the elected or appointed official until such time as the resolution is adopted, posted and filed with the Comptroller.