

Title 27: Personnel

Part 210: PERS, Regulations for Retirement Plans Administered by the Board of Trustees

Chapter 47: Tax-free Rollovers into Plans Administered by the Board of Trustees of the Public Employees' Retirement System

100 Purpose

This regulation sets forth the conditions under which a retirement plan administered by PERS can receive an eligible retirement distribution from another plan.

101 Plans from which an eligible rollover distribution can be received by PERS

1. Where allowed under and subject to the provisions of federal law, plans administered by the Board of Trustees of the Public Employees' Retirement System of Mississippi, (hereafter referred to as PERS) may accept an "eligible rollover distribution" as defined under the Internal Revenue Code of 1986 (Code) in payment of all or a portion of the payment for previously withdrawn contributions and interest or the purchase of optional service credit.
2. For purposes of these rules, "eligible rollover distribution" or "rollover distribution" means all or any portion of a taxable amount that qualifies as an eligible rollover distribution under Section 402(c)(4) of the Code, as amended, and paid to a member or the surviving spouse of the member from:
 - a. Another employer plan qualified under Section 401(a) of the Code, including a qualified plan described in Section 401(k) of the Code;
 - b. A traditional individual retirement account or annuity under Section 408(a) or 408(b) of the Code that is eligible to be rolled over and would otherwise be included in gross income;
 - c. A tax-sheltered annuity qualified under Section 403(b) of the Code;
 - d. A governmental deferred compensation plan under Section 457(b) of the Code; or
 - e. An annuity plan under Section 403(a) of the Code;
 - f. A Simplified Employee Pension Plan (SEP IRA) under Section 408(k) of the Code; and
 - g. A Savings Incentive Match Plan for Employees (SIMPLE IRA) under Section 408(p) of the Code, if there has been participation in the plan for at least two years.

102 Qualifying transfers and/or rollovers must meet the following conditions:

1. Funds may be transferred by the member (or surviving spouse who is a member) only for the purpose of establishing service credit as a member through (i) the repayment of part or all of previously withdrawn contributions and interest, or (ii) purchase of optional service credit as allowed by law. The amount of the contribution accepted by the retirement system shall not exceed the cost of the service to be purchased.

2. The member should contact PERS to obtain a cost schedule for the service to be purchased or reinstated. If the member makes less than full payment for the total service credit, payment must be made in increments of not less than one month of creditable service beginning with the most recent service. All service credit purchased or repaid is subject to verification and correction as deemed necessary by PERS.
3. Rollovers from other plans may take one of the following forms:
 - a. Direct Rollovers:

The plan will accept a direct rollover of an eligible rollover distribution from an eligible retirement plan authorized by federal law including the following:

 - i. A qualified plan described in Section 401(a) of the Code or an annuity plan described in Section 403(a) of the Code, excluding after-tax contributions.
 - ii. An annuity contract described in Section 403(b) of the Code, excluding after-tax contributions.
 - iii. An eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.
 - iv. A traditional individual retirement account or annuity described in Section 408(a) or 408(b) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - v. A SEP IRA described in Section 408(k) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - vi. A SIMPLE IRA described in Section 408(p) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - b. Participant Rollover Contributions:

The plan will accept a participant contribution of an eligible rollover distribution from an eligible retirement plan as authorized by federal law as follows:

 - i. A qualified plan described in Section 401(a) of the Code, including a qualified plan described in Section 401(k) of the Code.
 - ii. An annuity contract described in Section 403(b) of the Code.
 - iii. An eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.
 - iv. A traditional individual retirement account or annuity described in Section 408(a) or 408(b) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - v. A SEP IRA described in Section 408(k) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - vi. A SIMPLE IRA described in Section 408(p) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.
 - c. Trustee-to-Trustee Transfer:

If permitted under and subject to the provisions of federal law, plans administered by PERS may accept a direct trustee-to-trustee transfer of funds from a plan described under 403(b) or 457(b) of the Code in payment of previously withdrawn contributions and interest or the purchase of optional service credit.

4. The amount of the rollover distribution accepted by the retirement system shall not exceed the cost of the service to be purchased or reinstated.
5. A rollover check from an eligible plan must be payable to the Public Employees' Retirement System of Mississippi, or other applicable plan administered by PERS, for the benefit of the member. The member's name and Social Security number should be clearly noted on the check. The check and accompanying documentation should be directed to the attention of Member Account Support. The check must be accompanied by the required documentation and a copy of the cost schedule for the service to be purchased or reinstated. (Note: No wire transfers will be accepted unless authorized by the executive director.)
6. If the distribution from the originating institution is greater than the cost of such service to be purchased or reinstated, the originating institution must generate separate checks, making the one payable to the appropriate retirement plan for only the exact cost of the service credit to be purchased or reinstated. If the distribution from the originating institution is less than the cost of the service credit to be purchased or reinstated, a personal check or cashier's check for the difference must accompany the rollover proceeds.
7. Neither partial payments for less than a month of service nor payments in excess of the cost of service to be purchased or reinstated will be accepted.
8. It is the responsibility of the member to see that all forms are properly completed and submitted to PERS along with the appropriate funds.
9. Upon PERS' review and acceptance of documentation and payment as provided within this regulation, the member will be notified of the applicable funds and service credit posted to the member's account.

(History: Adopted effective July 1, 2000; amended effective March 14, 2002; reformatted August 1, 2007; amended effective December 1, 2012, amended effective July 1, 2017)