

49-11-406 Governor's appointed executives and senior staff -- Appointed legislative employees -- Transfer of value of accrued defined benefit -- Procedures.

- (1) As used in this section:
 - (a) "Defined benefit balance" means the total amount of the contributions made on behalf of a member to a defined benefit system plus refund interest.
 - (b) "Senior staff" means an at-will employee who reports directly to an elected official, executive director, or director and includes a deputy director and other similar, at-will employee positions designated by the governor, the speaker of the House, or the president of the Senate and filed with the Department of Human Resource Management and the Utah State Retirement Office.
- (2) In accordance with this section and subject to federal law, a member who has service credit from a system may elect to be exempt from coverage under a defined benefit system and to have the member's defined benefit balance transferred from the defined benefit system or plan to a defined contribution plan in the member's own name if the member is:
 - (a) the state auditor;
 - (b) the state treasurer;
 - (c) an appointed executive under Subsection 67-22-2(1)(a);
 - (d) an employee in the Governor's Office;
 - (e) senior staff in the Governor's Office of Management and Budget;
 - (f) senior staff in the Governor's Office of Economic Development;
 - (g) senior staff in the Commission on Criminal and Juvenile Justice;
 - (h) a legislative employee appointed under Subsection 36-12-7(3)(a);
 - (i) a legislative employee appointed by the speaker of the House of Representatives, the House of Representatives minority leader, the president of the Senate, or the Senate minority leader; or
 - (j) senior staff of the Utah Science Technology and Research Initiative created under Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.
- (3) An election made under Subsection (2):
 - (a) is final, and no right exists to make any further election;
 - (b) is considered a request to be exempt from coverage under a defined benefits system; and
 - (c) shall be made on forms provided by the office.
- (4) The board shall adopt rules to implement and administer this section.

Amended by Chapter 310, 2013 General Session