



**Administrative Rules Update**  
**(Ark. Code Ann. § 25-15-216)**  
**Date: February 1, 2022**

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Act No.	Summary of Act	Agency Rule	Action Proposed for Agency Rule (New Rule, Amend Rule, or Repeal Rule)	Promulgation Status
190	<ul style="list-style-type: none"> <li>Concerns the look-back period rule that invalidates certain actions and rights unless initiated within the five-year look-back period.</li> <li>Adds an obvious or documented error resulting in the understatement of a member's salary by an employer or the Arkansas Teacher Retirement System as an exception to the five-year look-back period rule.</li> </ul>	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
220	<ul style="list-style-type: none"> <li>Requires the Arkansas Teacher Retirement System to impose an interest penalty equal to the actuarially assumed rate of return on investments if an employer fails to remit moneys that are required by law or rule to the Arkansas Teacher Retirement System.</li> </ul>	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and</li> </ul>



				revisions to proposed rule on February 7, 2022.
221	<ul style="list-style-type: none"> <li>Provides that employer-and-employee accrued contributions attributable to the concurrent service may be refunded to the employer and member.</li> </ul>	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
221	<ul style="list-style-type: none"> <li>Provides that the final average salary used in determining a member’s benefit shall be either that of the Arkansas Teacher Retirement System or a reciprocal system in which the member has at least two (2) years of service credit, whichever provides the highest final average salary at the time of the member’s retirement.</li> </ul>	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
221	<ul style="list-style-type: none"> <li>Provides that the final average salary used in determining a member’s benefit shall be either that of the Arkansas Teacher Retirement System or a reciprocal system in which the member has at least two (2) years of service credit, whichever provides the highest final average salary at the time of the member’s retirement.</li> </ul>	Rule 10 – T-DROP and Return to Service	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>



223	<ul style="list-style-type: none"> <li>• Clarifies deadlines concerning the application process for disability retirement.</li> <li>• Provides that a member who applies for disability retirement may request a second review if the medical committee finds that the member is not qualified to receive disability retirement benefits.</li> </ul>	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> <li>• Public comment period ended January 14, 2022.</li> <li>• Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
279	<ul style="list-style-type: none"> <li>• Clarifies that one (1) of the two (2) active member trustees on the Board of Trustees of the Arkansas Teacher Retirement System who are required to be employed in a position requiring an administrator’s license shall be a superintendent or an educational cooperative director.</li> <li>• Changes “participating employer” to “employer” or “covered employer”.</li> </ul>	Rule 4 – Election of Board of Trustees	Amend Rule	<ul style="list-style-type: none"> <li>• Public comment period ended January 14, 2022.</li> <li>• Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
279	<ul style="list-style-type: none"> <li>• Changes “participating employer” to “employer” or “covered employer”.</li> </ul>	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> <li>• Public comment period ended January 14, 2022.</li> <li>• Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>



279	<ul style="list-style-type: none"> <li>Amends the law to afford both active and inactive members the opportunity to purchase domestic federal service that may be credited as service under the Arkansas Teacher Retirement System.</li> <li>Changes “interest” to “regular interest” where appropriate.</li> </ul>	Rule 8 – Purchases and Refunds	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
279	<ul style="list-style-type: none"> <li>Provides that an annuity may begin earlier than July 1 if the Board of Trustees of the Arkansas Teacher Retirement System adopts by rule or resolution an earlier beginning date for members whose retirement will not result in a reduction of classroom teachers and who meet certain other requirements.</li> <li>Changes “participating employer” to “employer” or “covered employer”.</li> </ul>	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
279	<ul style="list-style-type: none"> <li>Clarifies the law concerning plan interest rates applicable to Teacher Deferred Retirement Option Plan accounts of members.</li> <li>Clarifies that the Board of Trustees of the Arkansas Teacher Retirement System determines the plan interest rate applicable to member accounts by adopting fixed</li> </ul>	Rule 10 – T-DROP and Return to Service	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>



	<p>interest rates and variable interest rates that shall apply in a fiscal year.</p> <ul style="list-style-type: none"> <li>• Clarifies that the Board of Trustees of the Arkansas Teacher Retirement System may modify the fixed interest rate and variable interest rate for subsequent fiscal years.</li> <li>• Repeals the law requiring the balance in a member's Teacher Deferred Retirement Option plan account to be distributed in certain lump-sum and annuitized percentages.</li> </ul>			
279	<ul style="list-style-type: none"> <li>• Clarifies the pro rata formula that is used to calculate a Teacher Deferred Retirement Option Plan participant's residue.</li> </ul>	Rule 11 – Survivors and Domestic Relations Orders	Amend Rule	<ul style="list-style-type: none"> <li>• Public comment period ended January 14, 2022.</li> <li>• Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
290	<ul style="list-style-type: none"> <li>• Provides that “normal retirement age” means at least sixty (60) years of age if the member has a combined total of thirty-eight (38) years or more of credited service in the Arkansas Teacher Retirement System, Teacher Deferred Retirement Option Plan,</li> </ul>	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> <li>• Public comment period ended January 14, 2022.</li> <li>• Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and</li> </ul>



	or reciprocal service with another eligible state retirement system.			revisions to proposed rule on February 7, 2022.
427	<ul style="list-style-type: none"> <li>Clarifies when reciprocal service earned from participation in an alternate retirement plan may be established under the Arkansas Teacher Retirement System.</li> </ul>	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
443	<ul style="list-style-type: none"> <li>Provides that an active member whose status changes from nonteacher to administrator or from nonteacher to teacher status under a contract for at least one hundred eighty-five (185) days shall become a contributory member of the Arkansas Teacher Retirement System.</li> </ul>	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>
691	<ul style="list-style-type: none"> <li>Amends the definition of “employee” to clarify when youth participants in summer work programs are not considered “employees” under the Arkansas Teacher Retirement System.</li> <li>Provides that covered employers who act as a pass-through fiscal agent are not required</li> </ul>	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> <li>Public comment period ended January 14, 2022.</li> <li>Board of Trustees of the Arkansas Teacher Retirement System will consider public comments and revisions to proposed rule on February 7, 2022.</li> </ul>



	to report youth participants who do not meet the definition of "employee".			
711	<ul style="list-style-type: none"> <li>Clarifies the law concerning reciprocal service credit.</li> </ul>	N/A	N/A	<ul style="list-style-type: none"> <li>Request for exclusion from reporting granted December 15, 2021.</li> </ul>