

*Oklahoma Firefighters Pension and Retirement System (“OFPRS”) (315)*

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**Administrative Rules Report | Executive Order 2020-03**

**Comprehensive Review of Administrative Rules as of September 14, 2018 (Effective Date of most up to date Rules for OFPRS)**

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**Method Used to Conduct Review:** The below analysis of the Administrative Rules for OFPRS, as effective September 14, 2018, was compiled by the staff of OFPRS in conjunction with legal counsel assistance. This was compiled through a combination of reading, document search functions, and conversations with staff and counsel. It is, in my opinion, complete and accurate to the best of my knowledge.

**Method of Reporting:** OFPRS generally followed the instructions and report example for Executive Order 2020-03 provided by John Budd, Chief Operating Officer, State of Oklahoma. Thus, OFPRS took a holistic approach to this review process. The below represents an analysis of the *entirety* of the administrative rules for the agency rather than only listing those that fall under the received guidelines of unnecessary, costly, ineffective, duplicative or outdated. While it is observed that *no complete Section* of the rules for OFPRS falls into one of these categories, it is noted below the parts in each Section that partially falls into one of the categories.

***TOTAL NUMBER OF UNNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULATIONS:***

***Complete Section: 0***

***Partially Unnecessary: 0***

***Partially Costly: 0***

***Partially Ineffective: 0***

***Partially Duplicative: 3***

***Partially Outdated: 2***

***Necessary: 11***

**Title 270 OKLAHOMA FIREFIGHTERS PENSION & RETIREMENT SYSTEM**

Chapter 1-Administrative Operations

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
1-1-1	Purpose	July 11, 1997; [Prior to 1991 codification]	No	No	No	N/A	No	Yes	The “Purpose” section is necessary to describe the reason for the set of Rules in Chapter 1 of Title 270 of the Oklahoma Administrative Code (“OAC”) which is required by Title 75 O.S. §§ 302, 305 and 307.
1-1-2	Description of organization	September 11, 2016; [Prior to 1991 codification]	No	No	Partially duplicative	Title 11 O.S. § 49-100.3 and § 49-100.6	No	Yes	The “Description of organization” is required by Title 75 O.S. § 302. Much of this description is also available in our statutes as outlined in the “Location of Duplication” column.
1-1-3	Methods whereby the public may obtain information or make submissions or requests	September 11, 2016; [Prior to 1991 codification]	No	No	Partially duplicative	Title 11 O.S. § 49-100.5 and § 49-122.6	No	Yes	Section 1-1-3 is necessary as it describes the methods by which the public can obtain information about the System. This is required by Title 75 O.S. § 302.  Section 1-1-3(a) clarifies Title 11 O.S. §49-100.5 regarding the current location of the office for the Oklahoma Firefighters Pension and Retirement System. A portion of Section 1-1-3(b) includes an explanation of the confidential treatment of the member’s file which is duplicative of Title 11 O.S. §49-122.6.
1-1-4	Description of forms and instructions <b>[REVOKED]</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1-1-5	Hearing procedures	September 11, 2016; [Prior to 1991 codification]	No	No	No	N/A	No	Yes	Section 1-1-5 is necessary as it describes the nature and requirements for a hearing. This is required by 75 O.S. § 302.

**Title 270 OKLAHOMA FIREFIGHTERS PENSION & RETIREMENT SYSTEM**

Chapter 10-Firefighters Pension and Retirement Plan

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-1	Purpose	May 28, 1996; [Prior to 1991 codification]	No	No	No	N/A	No	Yes	Section 10-1-1 is necessary as it describes the reasons for the Rules contained in Chapter 10 of Title 270 of the OAC as required by Title 75 O.S. § 302.
10-1-2	Medical requirements for fire department candidates <b>[Revoked]</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10-1-3	Standard operating procedure <b>[Amended and Renumbered to 270: 10-1-8]</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10-1-4	Definitions <b>[Revoked]</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-4.1	Medical evaluation	June 26, 2004; [June 26, 2004]	No	No	No	N/A	No	Yes	<p>Section 10-1-4.1 is necessary as it describes the nature and requirements of the System’s procedures governing an individual’s eligibility to become a member of the System. This is required by 11 O.S. § 49-116.B. and 75 O.S. § 302.</p> <p>Section 10-1-4.1(b) sums it up as follows: “The purpose of the minimum medical requirements is to reduce the risk and burden of fire Service occupational morbidity and mortality while improving the safety and effectiveness of firefighters operating to protect civilian life and property. The minimum medical requirements ensure that candidates are medically capable of performing required duties, and reduces the risk of occupational injuries and illnesses, which has direct impacts on the well being of the candidate, members of the System, the System itself and the general civilian population.”</p>
10-1-5	Medical conditions affecting ability to safely perform essential job functions	June 11, 2007; [March 23, 1992 (emergency); May 28, 1996]	No	No	No	N/A	No	Yes	<p>Section 10-1-5 is necessary as it describes the medical conditions impacting a candidate’s eligibility to become a member of the System. This is required by 11 O.S. § 49-116.B.</p>

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-6	Physical performance/agility test	July 11, 1997; [March 23, 1992 (emergency); May 28, 1996]	No	No	No	N/A	No	Yes	<p>Section 10-1-6 is necessary as it describes the System’s standards for the physical performance/agility test. This is required by 11 O.S. § 49-116.A.</p> <p>An agility test is required to help with the overall objective of the medical evaluation, to evaluate the ability of a person, who is a candidate to become a firefighter in Oklahoma, to perform the essential functions of a firefighter as described in 10-1-7.</p>
10-1-7	Description of essential functions of all eligible firefighters	June 26, 2004; [March 23, 1992 (emergency); May 28, 1996]	No	No	No	N/A	No	Yes	<p>Section 10-1-7 is necessary as it defines the phrase “essential functions” as used in 11 O.S. § 49-100.1(6) (the definition of “Member”).</p> <p>This description of essential functions of a firefighter is a key aspect in many decisions, including, but not limited to: employment as a firefighter, disabilities, and other employment related concerns of firefighters.</p>
10-1-8	Standard operating procedure (Generally)	September 14, 2018; [Prior to 1991 codification]	See each section below for separate analysis.	See each section below for separate analysis.	See each section below for separate analysis.	See each section below for separate analysis.	See each section below for separate analysis.	See each section below for separate analysis.	<p>The Rules listed in 10-1-8 are the operations manual for how the Oklahoma Firefighter Pension System is administered. All rules in this section are clarifying parts of statute that are ambiguous enough to warrant interpretation by the System so that there is a standard set of policies and procedures that can be applied. The next few boxes will outline each paragraph that takes a key component of the administration of this Pension System and breaks it down for the purposes of this analysis.</p>

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-8(a)	Benefits	September 14, 2018	No	No	No	N/A	No	Yes	This subsection is necessary as it establishes the policies and rules for the general administration of the System with respect to benefits. This is required by 11 O.S. § 49-100.7.
10-1-8(b)	Clerks and fire chiefs	September 14, 2018	No	No	No	N/A	No	Yes	This rule clarifies the role of clerks and fire chiefs of a participating municipality regarding their responsibility for communication with the System regarding members of the System.
10-1-8(c)	Volunteer firefighters	September 14, 2018	No	No	No	N/A	No	Yes	This rule clarifies two things: 1) Volunteers are considered “employees” of the participating municipality, which is an IRS requirement and 2) there is no provision to combine credited service for retirement when moving from Paid Firefighter status to Volunteer Firefighter status and the requirements for separated time.
10-1-8(d)	State Board	September 14, 2018	No	No	No	N/A	No	Yes	This rule clarifies the timeframe in which a retirement application can be placed on the board agenda for review. The timeframe is necessary for compliance with agenda requirements pursuant to the Open Meetings Act.
10-1-8(e)	Member deaths and beneficiaries	September 14, 2018	No	No	No	N/A	No	Yes	This subsection is necessary as it establishes the policies and rules for the general administration of the System with respect to member deaths and beneficiaries. This is required by 11 O.S. § 49-100.7.  This rule makes clarification on beneficiaries and the method of payment to those beneficiaries.

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-8(f)	Membership	September 14, 2018	No	No	Yes (partly)	OAC 270: 10-1-6 and Title 11 O.S. §49-101.2	Yes (partly unnecessary and outdated)	Yes (partly)	While parts of this are necessary to clarify membership qualifications, others are outdated, such as the requirement to enroll all firefighters, which may need to be updated based upon the passage of subsections B and C of §49-135 of Title 11 of the O.S., and unnecessary, such as the repeat requirements of the need to pass a physical and agility test for paid firefighters.
10-1-8(g)	Credited Service	September 14, 2018	No	No	No	N/A	No	Yes	This section is necessary to clarify a few ambiguous items regarding the granting of credited service as well as define certain periods of war time service for wars not listed specifically in statute.
10-1-8(h)	Disability	September 14, 2018	No	No	No	N/A	No	Yes	This subsection is imperative to the process of review for disability applications for firefighters and is required by 11 O.S. § 49-100.7.
10-1-8(i)	Local Boards	September 14, 2018	No	No	No	N/A	No	Yes	While there are not many local boards left in existence, this rule explains the role of local boards for those that do exist.
10-1-8(j)	Contributions	September 14, 2018	No	No	No	N/A	No	Yes	This section is critical to clarify certain aspects of the required contributions which are listed in Title 11 O.S. §49-122.
10-1-8(k)	Reinstatement of Prior Service	September 14, 2018	No	No	No	N/A	No	Yes	It is necessary for the System to ensure that the proper amount is paid back to accommodate for lost interest and IRS qualification. This sections clearly articulates the rules for repurchase of prior service.

Section	Title	Effective Date of Current Version; [Date Created]	Costly	Ineffective	Duplicative	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-8(l)	Deferred Option Plan (Plan B)	September 14, 2018	No	No	No	N/A	Potentially partially outdated due to tax law changes	Yes	This rule is essential to clarify rules regarding the administration of the deferred option plan which is a major component of the pension plan. Tax law changes have recently been passed which may require adjustments, particularly to the IRS Requirement Minimum Distributions.
10-1-8(m)	Deferred Option Plan under the Back DROP Provision	September 14, 2018	No	No	No	N/A	No	Yes	A continuation of 10-1-8 (l) for the “Back” DROP provision.
10-1-8(n)	Deferred option Plan (Plan B) for a Member of the System Whose First Employment with a Participating Employer of the System Occurs on or after November 1, 2013 <b>[RESERVED]</b>	September 14, 2018	N/A	N/A	N/A	N/A	N/A	Yes	This reservation is for rules to be added later regarding those hired after November 1, 2013. The members under this rule will not be eligible for this benefit until November 1, 2035, or 22 years after the passage of post November 1, 2013 new hires.
10-1-8(o)	Vested Rights	September 14, 2018	No	No	No	N/A	No	Yes	This rule is necessary to enumerate the effective dates for vested rights.
10-1-8(p)	Automatic Rollover	September 14, 2018	No	No	No	N/A	No	Yes	This is in an IRS requirement for automatic rollovers in the event of a mandatory distribution of pension assets to an individual.
10-1-9	Purchase of transferred credited service	September 11, 2016; [March 23, 1992 (emergency); May 28, 1996]	No	No	No	N/A	No	Yes	Section 10-1-10 is necessary as it includes rules not explicitly included in 11 O.S. § 49-117.2 and required by 11 O.S. § 117.3 such as the determination of actuarial cost of purchase.
10-1-10	Direct Rollovers <b>[REVOKED]</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

END OF REPORT