

411.1 Definitions.

The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

1. “*Actuarial equivalent*” means a benefit of equal value, when computed upon the basis of mortality tables adopted by the system, and interest computed at the rate established by the actuary.

2. “*Amount earned*” shall mean the amount of money actually earned by a beneficiary in some definite period of time.

3. “*Average final compensation*” means the average earnable compensation of the member during the three years of service the member earned the member’s highest salary as a police officer or fire fighter, or if the member has had less than three years of service, then the average earnable compensation of the member’s entire period of service.

4. “*Beneficiary*” shall mean any person receiving a retirement allowance or other benefit as provided by this chapter.

5. “*Board of trustees*” means the board created by section 411.36 to direct the establishment and administration of the retirement system.

6. “*Cancer*” means prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin’s lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

7. “*Child*” means only surviving issue of a deceased active or retired member, or a child legally adopted by a deceased member prior to the member’s retirement. “*Child*” includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two years and is a full-time student, or an individual who is disabled at the time under the definitions used in section 202 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.

8. “*City*” or “*cities*” means any city or cities participating in the statewide fire and police retirement system as required by this chapter.

9. “*Earnable compensation*” or “*compensation earnable*” shall mean the annual compensation which a member receives for services rendered as a police officer or fire fighter in the course of employment with a participating city. However, the term “*earnable compensation*” or “*compensation earnable*” shall not include amounts received for overtime compensation, meal or travel expenses, uniform allowances, fringe benefits, severance pay, or any amount received upon termination or retirement in payment for accumulated sick leave or vacation. Contributions made by a member from the member’s earnable compensation to a plan of deferred compensation shall be included in earnable compensation. Other contributions made to a plan of deferred compensation shall not be included except to the extent provided in rules adopted by the board of trustees pursuant to section 411.5, subsection 3.

10. “*Fire fighter*” or “*fire fighters*” shall mean only the members of a fire department who have passed a regular mental and physical civil service examination for fire fighters and who shall have been duly appointed to such position. Such members shall include fire fighters, probationary fire fighters, lieutenants, captains, and other senior officers who have been so employed for the duty of fighting fires.

11. “*Infectious disease*” means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

12. “*Medical board*” shall mean the single medical provider network designated by the system as the medical board as provided for in section 411.5.

13. “*Member*” means a member of the retirement system as defined by section 411.3.

14. “*Member in good standing*” means a member in service who is not subject to removal by the employing city of the member pursuant to section 400.18 or 400.19, or other comparable process, and who is not the subject of an investigation that could lead to such removal. Except as specifically provided pursuant to section 411.9, a person who is restored to active service for purposes of applying for a pension under this chapter is not a member in good standing.

15. “*Membership service*” shall mean service as a police officer or a fire fighter rendered for a city which is credited as service pursuant to section 411.4.

16. “*Pension reserve*” means the present value of all payments to be made on account of any pension, or benefit in lieu of a pension, granted under the provisions of this chapter, upon the basis of mortality tables adopted by the system, and interest computed at the rate established by the actuary.

17. “*Pensions*” means annual payments for life derived from appropriations provided by the participating cities and the state and from contributions of the members which are deposited in the fire and police retirement fund. All pensions shall be paid in equal monthly installments.

18. “*Police officer*” or “*police officers*” shall mean only the members of a police department who have passed a regular mental and physical civil service examination for police officers, and who shall have been duly appointed to such positions. Such members shall include patrol officers, probationary patrol officers, matrons, sergeants, lieutenants, captains, detectives, and other senior officers who are so employed for police duty.

19. “*Retirement allowance*” shall mean the pension, or any benefits in lieu thereof, granted to a member upon retirement.

20. “*Retirement system*” or “*system*” means the statewide fire and police retirement system established by this chapter for the fire fighters and police officers of the cities described in section 411.2, its board of trustees, and its appointed representatives.

21. “*Superintendent of public safety*” shall mean any elected city official who has direct jurisdiction over the fire or police department, or the city manager in cities under the city manager form of government.

22. “*Surviving spouse*” shall mean the surviving spouse of a deceased member. Surviving spouse shall include a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter.

23. “*Vested member*” means a member who has become eligible to receive monthly retirement benefits upon the member’s retirement as the result of either completing at least four years of service or of attaining the age of fifty-five while performing membership service.

[C35, §6326-f1, f6(8,d); C39, §6326.03, 6326.08(8,d); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.1, 411.6(8); 82 Acts, ch 1261, §26, 27]

84 Acts, ch 1285, §22; 90 Acts, ch 1240, §48; 92 Acts, ch 1201, §62; 2000 Acts, ch 1077, §86 – 89, 110, 111; 2001 Acts, ch 176, §17, 18; 2002 Acts, ch 1135, §41; 2006 Acts, ch 1092, §9; 2009 Acts, ch 99, §1; 2010 Acts, ch 1167, §43; 2013 Acts, ch 20, §2, 3

Referred to in §97A.6, 97B.50A, 261.93, 400.11, 411.6, 724.6

[T] Subsection 14 amended

[T] NEW subsection 23