

**97B.42A Optional exclusion from membership.**

1. Commencing January 1, 1999, a person who is newly hired in a position as an employee, as defined in [section 97B.1A, subsection 8](#), paragraph “a”, shall be covered under [this chapter](#) unless the person files an application with appropriate documentation to the system within sixty days of employment in the position to affirmatively elect out of coverage. A decision to elect out of coverage under [this chapter](#) is irrevocable upon approval from the system.

2. If a person elects out of coverage pursuant to [this section](#), the period of time from the date on which the person was newly hired until the date the person’s election out of coverage is effective shall not constitute service for purposes of coverage under [this chapter](#). In addition, a wage adjustment shall be processed for the person based on any contributions collected pursuant to [this chapter](#) during that period of time and shall be credited pursuant to [section 97B.10](#).

3. A person who is employed in a position as an employee as defined in [section 97B.1A, subsection 8](#), paragraph “a”, on January 1, 1999, and who has not elected coverage under [this chapter](#) prior to that date and is not an active member of another retirement system in the state which is maintained in whole or in part by public contributions or payments, shall begin coverage under the retirement system on January 1, 1999, unless the person files an application with appropriate documentation with the system to elect out of coverage on or before January 1, 2000. If a person elects out of coverage, the period of time from January 1, 1999, until the date the person’s election out of coverage is effective shall not constitute service for purposes of coverage under [this chapter](#) and a wage adjustment shall be processed for the person based on any contributions collected pursuant to [this chapter](#) during that period of time and shall be credited pursuant to [section 97B.10](#). A decision to elect out of coverage under [this chapter](#) pursuant to [this section](#) is irrevocable upon approval from the system.

4. A person who becomes a member of the retirement system pursuant to [subsection 3](#), or who is a member of the retirement system, and who has one or more years of covered wages, may purchase credit, pursuant to [section 97B.73](#), Code 2003, for one or more quarters of service prior to January 1, 1999, in which the person was employed in a position as described in [section 97B.1A, subsection 8](#), paragraph “a”, but was not a member of the retirement system.

5. *a.* A person who is employed in a position as an employee as defined in [section 97B.1A, subsection 8](#), paragraph “a”, subparagraph (11), on July 1, 2000, and who has not elected out of coverage under [this chapter](#) prior to that date, shall begin coverage under the retirement system on July 1, 2000, unless, on or before August 31, 2000, the person files an application with appropriate documentation to elect coverage under an alternative pension and annuity retirement system established pursuant to [chapter 412](#). If a person elects coverage under the alternative pension and annuity retirement system, the period of time from July 1, 2000, until the date the person’s election of coverage is effective shall not constitute service for purposes of coverage under [this chapter](#) and a wage adjustment shall be processed for the person based on any contributions collected pursuant to [this chapter](#) during that period of time and shall be credited pursuant to [section 97B.10](#). A decision to elect coverage under an alternative pension and annuity retirement system established pursuant to [chapter 412](#) under [this subsection](#) is irrevocable upon approval from the system.

*b.* A person who becomes a member of the Iowa public employees’ retirement system pursuant to [this subsection](#), and who has one or more years of covered wages, may purchase credit, pursuant to [section 97B.73](#), Code 2003, for one or more quarters of service prior to August 1, 2000, in which the person was employed in a position as described by [section 97B.1A, subsection 8](#), paragraph “a”, subparagraph (11), but was not a member of the retirement system.

94 Acts, ch 1183, §25; 98 Acts, ch 1183, §25; 2000 Acts, ch 1077, §28, 29; 2001 Acts, ch 68, §21, 24; 2003 Acts, ch 145, §286; 2004 Acts, ch 1103, §19, 20; 2008 Acts, ch 1032, §201

Referred to in §97B.1A, 97B.10, 602.1611