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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 2, 2005

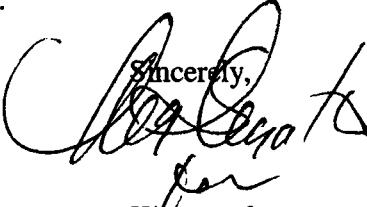
Eric Henry, Executive Director  
State Employees' Retirement Board  
30 North Third Street  
Harrisburg, PA 17108-1147

Re: Regulation #31-4 (IRRC #2491)  
State Employees' Retirement Board  
Membership, Credited Service and Eligibility for Benefits

Dear Mr. Henry:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irc.state.pa.us](http://www.irc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,  
  
Kim Kaufman  
Executive Director

wbg

Enclosure

cc: Honorable Jane M. Earll, Chairwoman, Senate Finance Committee  
Honorable John N. Wozniak, Minority Chairman, Senate Finance Committee  
Honorable Paul I. Clymer, Majority Chairman, House State Government Committee  
Honorable Babette Josephs, Democratic Chairman, House State Government Committee

# **Comments of the Independent Regulatory Review Commission**

**on**

## **State Employees' Retirement Board Regulation #31-4 (IRRC #2491)**

### **Membership, Credited Service and Eligibility for Benefits**

**November 2, 2005**

We submit for your consideration the following comments on the proposed rulemaking published in the September 3, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Employees' Retirement Board (Board) to respond to all comments received from us or any other source.

#### **1. Section 243.8. – Classes of service. – Reasonableness; Clarity.**

The Board is proposing to delete the list of classes of service that have been closed to new members since March 1, 1974, from its regulations. In its Preamble to the regulation, the Board states that since the classes of service proposed to be deleted were closed to new members over 30 years ago “there are few, if any, Commonwealth employees subject to this regulation.”

Board staff indicated that there are still active and inactive members of Class C, Class D-3 and Class E-2 contained in Subsection (a). It is our recommendation that the Board retain all classes of service in its regulations that still have active or inactive members.

Additionally we recommend the retention of Subsection (b) for the same reason mentioned above.

### Facsimile Cover Sheet

**Kristine M. Shomper**  
Administrative Officer



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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To: Sean Sanderson**  
**Agency: State Employees' Retirement Board**  
**Phone: 7-9657**  
**Fax: 3-7300**  
**Date: November 2, 2005**  
**Pages: 3**

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Employees' Retirement Board's regulation #31-4 (IRRC #2491). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Laë P. Smyth* Date: 11-2-05

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