

TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM
REQUIRED REPORTS: WRITTEN REQUEST FOR WAIVER OF ADMINISTRATIVE PENALTY

(See Page 2 for 34 TAC §310.9, Required Reports; Administrative Penalties)

Instructions: This form may be used to submit a request for a waiver of an administrative penalty that is assessed due to late submittal of required reports.

Send the completed form to benefitsteam@tesrs.texas.gov or FAX to 512-936-3480.

Date: _____
Department Name: _____
From Chief: Name: _____
Phone: _____
• OR •
Email: _____
From Local Board Chair: Name: _____
Phone: _____
Email: _____

To: EXECUTIVE DIRECTOR, TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

In accordance with 34 TAC 310.9, I am requesting a waiver of an administrative penalty related to the following required reports which have been or will be submitted late:

- Annual Report of Qualified Service – Calendar Year 2020**
Date report will be submitted (no later than): _____
- Membership Reconciliation Report – February 2021**
Date report will be submitted (no later than): _____
- 602A-2021 – Annual Report of Board Members, Terms, Officers, Authorized Users**
Date report will be submitted (no later than): _____

[In the space below, write an explanation or reason* for the delay in reporting:]

* 34TAC310.9(d) -REASON FOR DELAY IN REPORTING MUST BE BEYOND THE CONTROL OF THE PARTIES RESPONSIBLE FOR PREPARING AND SUBMITTING THE REPORT AND WAS NOT THE RESULT OF NEGLIGENCE, INDIFFERENCE, OR LACK OF DILIGENCE.

Signature of Sender

APPROVAL/DENIAL OF REQUEST FOR WAIVER OF ADMINISTRATIVE PENALTY:

	Approved, contingent upon the submittal of the required report(s) no later than the date(s) entered above by the sender of the request.		<u>Request Denied</u>
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Name: Shirley Hays

Title: TESRS Interim Executive Director

Signature: _____

Date: _____

34 Texas Administrative Code §310.9, Periodic Reports; Administrative Penalties:

- (a) The Executive Director shall require periodic reports of local boards and participating department heads. The Executive Director shall specify the content of such periodic reports to ensure the ability of the state board and the Executive Director to administer the pension system in a manner that uses fund assets in a manner required by statute.
- (b) A report required in accordance with this section is late if it is not received by the Executive Director before the end of the second month following the last day required to be covered in the report.
- (c) An administrative penalty is imposed on each late periodic report required in accordance with this section. The penalty is \$500 for each violation, except that a surcharge of \$100 will be added to the penalty for each month the report remains late.
- (d) The Executive Director may waive an administrative penalty under this section if the Executive Director determines, after a written request by a local board or a participating department head for a waiver, that the delay in reporting was beyond the control of the parties responsible for preparing and submitting the report and was not the result of neglect, indifference, or lack of diligence.
- (e) A local board or participating department head may appeal the Executive Director's denial of a waiver to the state board to be determined at the state board's next scheduled meeting. On appeal to the state board, the state board is subject to the same standard for determination as the Executive Director but may in its discretion accept additional information from the local board or the participating department head.

Source Note: The provisions of this §310.9 adopted to be effective October 2, 2005, 30 TexReg 6063; amended to be effective August 31, 2014, 39 TexReg 6870; amended to be effective March 29, 2018, 43 TexReg 1878; amended to be effective December 31, 2019, 44 TexReg 8335.