

## **Title 210 - NEBRASKA DEPARTMENT OF INSURANCE**

### **Chapter 4 - RETIREMENT PLANS: APPROVAL OF DEPARTMENT; GENERAL REQUIREMENTS**

001. Statutory authority. The following rules governing benefit plans which are or have been established by domestic insurance companies are adopted pursuant to Section Neb.Rev.Stat. §44.101.01 ~~R.S. 1943~~ and ~~Section §§44-213 through 44-213.07~~ ~~R.S. 1943~~ and when found by the Director of Insurance to be applicable, constitute general standards only. The plan or plans of each company will be considered separately and individually and all necessary additional requirements will be prescribed by the Department of Insurance on the basis of the standards hereinafter set forth.

002. General requirements. Each plan shall be fair, equitable, and reasonable and in the best interests of the company and its policyholders considering the size, type, and financial condition of the company involved, the average wage level and character of the eligible members, the personnel turnover rate of the company, and the relative stability of the company's earnings and employment rolls. In order to protect the interests of the policyholders, all plans shall be drafted and administered with the legitimate and conventional aims of such plans in view, some of which are the attraction of new personnel, the retention of experienced personnel, personal security and consequent improved morale reflected in increased efficiency, and in solution of the superannuated employee problem.

003. Filing. Those plans providing for benefits on or after retirement shall be submitted in duplicate to the Department of Insurance for approval. Each such plan shall be accompanied by a certified copy of the resolution of authorization adopted by a two-thirds vote of the members of the Board of Directors present at the meeting. Any detailed information necessary for approval purposes will be prescribed by the Department of Insurance when the plan is filed.

004. Insurance and annuity policies. Should any plan provide for the purchase or issuance of life, sickness, or accident insurance or annuity policies, the forms of such policies shall (1) conform to the statutory provisions applicable thereto and (2) be filed with and approved by the Department of Insurance in accordance with ~~sections~~ Neb.Rev.Stat. §44-710 and §44-348, ~~Reissue Revised Statutes, Nebraska, 1943.~~

005. Discrimination prohibited. Discrimination of any nature in favor of officers, supervisory or highly compensated personnel is illegal and prohibited.

006. Classifications. Classification of employees, officers, and agents for the purposes of membership or for establishing the requirements of membership in any plan shall be reasonable and any provisions which result in arbitrary exclusions or inclusions shall be considered improper.

007. Disability benefits. The earning power of all members may be protected either by a conservative non-funded program or an insured or self-funded arrangement based upon sound underwriting practices, or any combination thereof.

008. Funding. All plans shall contain adequate provisions for sound actuarial funding of all liabilities arising therefrom.