

Alaska Supreme Court Decision

Metcalfe vs State of Alaska

This is a class action brought on behalf of all former members of PERS Tiers I-III and TRS Tiers I-II. The court held that former members of these tiers have a constitutional right to return to PERS/TRS service and buy back into the same tier in which they were previously enrolled.

Prior to 2010, the State offered former employees who cashed out their contributions the ability to reenter the system and buy back their previous status. The statute was repealed at the same time the state closed those tiers, but the State provided notice to all former members, and gave them an additional five (5) years to return to PERS/TRS service and seek reinstatement.

The Alaska Supreme Court held that this reinstatement right is an accrued benefit protected by the diminishment clause of the Alaska Constitution. Practically speaking, this means all former members of PERS Tiers I-III and TRS Tiers I-II have the right to return to PERS/TRS service and seek reinstatement.

The superior court heard oral argument on the remaining issues and on January 25, 2022, directed the State of Alaska [Division of Retirement and Benefits] to notify all affected members within four (4) months of their right to seek reinstatement and the procedures to do so. Notice letters to active members and letters to former members will be mailed by late May 2022. ***Affected members should wait until they receive their notice letter before contacting the Division.***

If you have any questions or do not have access to the Internet, please feel free to contact our office toll-free at [\(800\) 821-2251](tel:8008212251), in Juneau at [\(907\) 465-4460](tel:9074654460), or by email at doa.drb.mscc@alaska.gov.