

ENGROSSED SENATE
BILL NO. 85

By: Cole of the Senate
and
Paulk of the House

An Act relating to labor; amending 40 O.S. 1991,
Section 2-411, which relates to offset of
retirement benefits from unemployment compensation;
requiring no reduction be made for individual's
contribution to social security; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1991, Section 2-411, is
amended to read as follows:

Section 2-411. RETIREMENT PAYMENTS. (1) An individual shall
be disqualified for benefits for any week which begins in a period
with respect to which such individual is receiving a governmental or
other pension, retirement or retired pay, annuity or any other
similar periodic retirement payment which is based on the previous
work of such individual if:

(a) Such pension, retirement or retired pay, annuity or similar
payment is under a plan maintained, or contributed to, by a base
period or chargeable employer; and

(b) In the case of such a payment not made under the Social
Security Act, 42 U.S.C., Section 301 et seq., or the Railroad
Retirement Act of 1974, 45 U.S.C., Section 231 et seq., services

performed for such employer by the individual after the beginning of the base period, or remuneration for such services, affect eligibility for or increase the amount of, such pension, retirement or retired pay, annuity or similar payment.

(2) If the total of such remuneration is less than the benefits which would otherwise be due under the Employment Security Act of 1980, Section 1-101 et seq. of this title, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

(3) If payments referred to in this section are being received by an individual under the federal Social Security Act, the Commission shall take into account the individual's contribution to social security and make no reduction in the weekly benefit amount for such contribution.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 23rd day of February, 1993.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1993.

Speaker of the House of Representatives