

ENGROSSED HOUSE
BILL NO. 2370

By: Jones of the House

and

Wilcoxson of the Senate

(schools - amending 70 O.S., Section 17-116.10 -
post-retirement employment -

effective date)

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 17-116.10,
as last amended by Section 1, Chapter 198, O.S.L. 2003 (70 O.S.
Supp. 2003, Section 17-116.10), is amended to read as follows:

Section 17-116.10. A. Subject to the requirements of Section
6-101.2 of this title and any other applicable requirements of law,
a member may enter into post-retirement employment with a public
school of Oklahoma and still receive monthly retirement benefits
subject to the following limitations:

1. A retired member is not eligible to be employed by the
public schools of Oklahoma, in any capacity, for sixty (60) calendar
days between the retiree's last day of pre-retirement public-
education employment and any post-retirement public-education
employment. For purposes of this section, the term "last day of
pre-retirement employment" shall mean the last day the employee is
required to be physically present on the job to complete the terms
of the employment contract or agreement. Employment under any
conditions during this time or payment at a later time for services
performed during this time period shall cause the forfeiture of all
retirement benefits received during the period;

2. Unless otherwise provided in paragraph 3 or 4 of this subsection, earnings from the public schools may not exceed one-half (1/2) of the member's final average salary used in computing retirement benefits, or the Earnings Limitation for employees allowed by the Social Security Administration, whichever is less. For retired members under the age of sixty-two (62) years, the limit on allowed earnings from the public schools of Oklahoma for employment for the performance of duties ordinarily performed by classified or nonclassified personnel shall be the lesser of Fifteen Thousand Dollars (\$15,000.00) or one-half (1/2) of the member's final average salary used in computing retirement benefits unless the earnings limitation allowed by the Social Security Administration would be greater than Fifteen Thousand Dollars (\$15,000.00). For retired members sixty-two (62) years of age or older the limit on allowed earnings from the public schools of Oklahoma for the performance of duties ordinarily performed by classified or nonclassified personnel shall be the lesser of Thirty Thousand Dollars (\$30,000.00) or one-half (1/2) of the member's final average salary used in computing retirement benefits. For purposes of this paragraph, the following shall apply:

- a. earnings shall mean "regular annual compensation" as defined in paragraph (25) of Section 17-101 of this title, and shall include any payment by a public school for services rendered by a retired member who is employed for any purpose whatsoever. Supplemental retirement payments paid by a former public school employer pursuant to subsection 9 of Section 17-105 of this title or other state law shall not be considered as earnings,
- b. the Earnings Limitation for employees allowed by the Social Security Administration to workers between the age of sixty-two (62) years and sixty-five (65) years

shall apply to retired members below the age of sixty-two (62) years,

- c. the limit on allowed earnings from the public schools shall be automatically adjusted effective the first day of January of each year to reflect the current Earnings Limitation for employees as determined from time to time by the Social Security Administration,
- d. earnings in excess of the maximum limit on allowed earnings from public schools of Oklahoma shall result in a loss of future retirement benefits for the year the post-retirement employment was performed of One Dollar (\$1.00) for each One Dollar (\$1.00) earned over the maximum allowed earnings amount,
- e. for those members age seventy (70) years and over, the earnings in excess of the maximum limit allowed earnings from public schools of Oklahoma shall be one-half (1/2) the member's final average salary used in computing retirement benefits. However, any retired member receiving benefits from the Retirement System who reached age seventy (70) years prior to July 1, 1991, shall not be restricted by the earnings limits pursuant to this subparagraph until January 1, 1994. To qualify for the provisions of this subparagraph, the member must be employed less than one-half (1/2) time compared to other full-time employees in similar positions;

3. Notwithstanding paragraph 2 of this subsection, a retired classified or nonclassified member who has been retired for thirty-six (36) or more months and who is employed by a public school to perform duties ordinarily performed by classified or nonclassified personnel shall be able to receive annualized earnings from the

public school not to exceed Thirty Thousand Dollars (\$30,000.00);
and

4. Notwithstanding paragraph 2 of this subsection, a retired classified member who has been retired for sixty (60) calendar days and who is employed to teach in a public school shall be able to receive annualized earnings from the public school not to exceed the minimum salary and/or fringe benefit amount for a teacher with a bachelor's degree and zero years of experience as set forth in Section 18-114.7 of this title. An employer who hires a retired classified member to teach in a public school shall pay the employer and employee contribution, based upon the applicable employer contribution rate and employee contribution rate applied to the amount of compensation that the retired classified member received as an active employee during the month immediately prior to retirement, to the Teachers' Retirement System of Oklahoma. No service credit shall be allowed with respect to service performed by a retired member pursuant to this paragraph. The employer shall receive credit for the amount of employee contributions paid with respect to compensation earned by the retired classified member and may include such employee contributions as part of the minimum salary amount required to be paid to such employee as provided by Section 18-114.7 of this title; and

5. A member shall be considered to be employed by a school district to perform the duties ordinarily performed by classified or nonclassified personnel if the member is hired by the school district in the member's individual capacity to perform the duties or if the member performs the duties through employment with a proprietorship, partnership, corporation, limited liability company or partnership, or any other business structure that has agreed or contracted to provide the services to the school district.

B. A public school district that employs a retired member shall be required to make contributions to the System for the retired member in an amount as required in Section 17-108.1 of this title.

C. For purposes of this section, post-retirement employment of less than one thousand (1,000) hours per year with the Governor, the State Senate, the House of Representatives or the Legislative Service Bureau shall not be considered as post-retirement employment with a public school of Oklahoma.

D. The Board of Trustees of the Teachers' Retirement System of Oklahoma shall promulgate such rules as are necessary to implement the provisions of this section.

E. A member who has entered into post-retirement employment with a participating employer of the Teachers' Retirement System of Oklahoma must fully comply with all the provisions of the rules promulgated by the Board of Trustees pursuant to this section in order to continue receiving his or her monthly retirement benefit.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 11th day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate