

FIRST REGULAR SESSION

# HOUSE BILL NO. 1085

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAIR.

2342H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to school employee retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the [employing] district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the [employing] school district does not utilize a salary schedule, or if the position in question is not subject to the [employing] district's salary schedule, a retiree employed in accordance with the provisions of this section may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the [employing] school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 highest paid position occupied by the retiree for at least one-fifth of the total hours worked  
19 during the year. Such a person shall not contribute to the retirement system or to the public  
20 education employee retirement system established by sections 169.600 to 169.715 because of  
21 earnings during such period of employment. If such a person is employed in any capacity by such  
22 a district [on a regular, full-time basis,] **in excess of the limitations set forth in this section**, the  
23 person shall not be eligible to receive the person's retirement allowance for any month during  
24 which the person is so employed. **In addition, such person [and] shall contribute to the**  
25 **retirement system, if the person satisfies the retirement system's membership eligibility**  
26 **requirements. In addition to the conditions set forth above, this section shall apply to any**  
27 **person retired and currently receiving a retirement allowance under sections 169.010 to**  
28 **169.141, other than for disability, who is employed by a third party or is performing work**  
29 **as an independent contractor if such person is performing work in a district included in**  
30 **the retirement system as a temporary or long-term substitute teacher or in any other**  
31 **position that would normally require that person to be duly certificated under the laws**  
32 **governing the certification of teachers in Missouri if such person was employed by the**  
33 **district. The retirement system may require the district, the third-party employer, the**  
34 **independent contractor, and the retiree subject to this section to provide documentation**  
35 **showing compliance with this section. If such documentation is not provided, the**  
36 **retirement system may deem the retiree to have exceeded the limitations provided in this**  
37 **section.**

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