

## STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1638

By: Coody (Ann)

AS INTRODUCED

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2011, Section 17-116.10, as last amended by Section 4, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2014, Section 17-116.10), which relates to post-retirement earnings limitations; modifying restrictions related to post-retirement earnings; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-116.10, as last amended by Section 4, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2014, 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

1 days between the retiree's last day of pre-retirement public-  
2 education employment and any post-retirement public-education  
3 employment. For purposes of this section, the term "last day of  
4 pre-retirement employment" shall mean the last day the employee is  
5 required to be physically present on the job to complete the terms  
6 of the employment contract or agreement. Employment under any  
7 conditions during this time, volunteer services for the purpose of  
8 obtaining a paid position at a later date, or payment at a later  
9 time for services performed during this time period shall cause the  
10 forfeiture of all retirement benefits received during the period;

11 2. Unless otherwise provided in paragraph 3 of this subsection,  
12 earnings from the public schools may not exceed ~~one-half (1/2) of~~  
13 ~~the member's final average salary used in computing retirement~~  
14 ~~benefits, or~~ the Earnings Limitation for employees allowed by the  
15 Social Security Administration, ~~whichever is less~~. For retired  
16 members ~~under the age of sixty-two (62) years,~~ the limit on allowed  
17 earnings from the public schools of Oklahoma for employment for the  
18 performance of duties ordinarily performed by classified or  
19 nonclassified personnel shall be ~~the lesser of Fifteen Thousand~~  
20 ~~Dollars (\$15,000.00) or one-half (1/2) of the member's final average~~  
21 ~~salary used in computing retirement benefits~~ Thirty Thousand Dollars  
22 (\$30,000.00) unless the earnings limitation allowed by the Social  
23 Security Administration would be greater than ~~Fifteen Thousand~~  
24 ~~Dollars (\$15,000.00)~~ Thirty Thousand Dollars (\$30,000.00). ~~For~~

1 ~~retired members sixty two (62) years of age or older the limit on~~  
2 ~~allowed earnings from the public schools of Oklahoma for the~~  
3 ~~performance of duties ordinarily performed by classified or~~  
4 ~~nonclassified personnel shall be the lesser of Thirty Thousand~~  
5 ~~Dollars (\$30,000.00) or one-half (1/2) of the member's final average~~  
6 ~~salary used in computing retirement benefits.~~ For purposes of this  
7 paragraph, the following shall apply:

8 a. earnings shall mean "regular annual compensation" as  
9 defined in paragraph (25) of Section 17-101 of this  
10 title, and shall include any payment by a public  
11 school for services rendered by a retired member who  
12 is employed for any purpose whatsoever. Supplemental  
13 retirement payments paid by a former public school  
14 employer pursuant to subsection ~~9~~ (9) of Section 17-  
15 105 of this title or other state law shall not be  
16 considered as earnings,

17 b. ~~the Earnings Limitation for employees allowed by the~~  
18 ~~Social Security Administration to workers between the~~  
19 ~~age of sixty two (62) years and sixty five (65) years~~  
20 ~~shall apply to retired members below the age of sixty-~~  
21 ~~two (62) years,~~

22 c. the limit on allowed earnings from the public schools  
23 shall be automatically adjusted effective the first  
24 day of January of each year to reflect the current

1 Earnings Limitation for employees as determined from  
2 time to time by the Social Security Administration,  
3 ~~d. c.~~ the earnings limit for the calendar year in which a  
4 member retires shall be one-twelfth (1/12) of the  
5 annual limit multiplied by the number of months the  
6 member is eligible to work and receive payments from  
7 the public schools of Oklahoma,  
8 ~~e. d.~~ earnings in excess of the maximum limit on allowed  
9 earnings from public schools of Oklahoma shall result  
10 in a loss of future retirement benefits for the year  
11 the post-retirement employment was performed of One  
12 Dollar (\$1.00) for each One Dollar (\$1.00) earned over  
13 the maximum allowed earnings amount,  
14 ~~f. for those members age seventy (70) years and over, the~~  
15 ~~earnings in excess of the maximum limit allowed~~  
16 ~~earnings from public schools of Oklahoma shall be one-~~  
17 ~~half (1/2) the member's final average salary used in~~  
18 ~~computing retirement benefits. However, any retired~~  
19 ~~member receiving benefits from the Retirement System~~  
20 ~~who reached age seventy (70) years prior to July 1,~~  
21 ~~1991, shall not be restricted by the earnings limits~~  
22 ~~pursuant to this subparagraph until January 1, 1994.~~  
23 ~~To qualify for the provisions of this subparagraph,~~  
24 ~~the member must be employed less than one-half (1/2)~~

1           ~~time compared to other full-time employees in similar~~  
2           ~~positions;~~

3           3. Notwithstanding paragraph 2 of this subsection, a retired  
4 classified or nonclassified member who has been retired for thirty-  
5 six (36) or more months and who is employed by a public school to  
6 perform duties ordinarily performed by classified or nonclassified  
7 personnel shall be able to receive annualized earnings from the  
8 public school with no reduction in retirement benefits regardless of  
9 the amount of annualized earnings; and

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

18          B. A public school district that employs a retired member shall  
19 be required to make contributions to the System for the retired  
20 member in an amount as required in Section 17-108.1 and in paragraph  
21 3 of subsection B of Section 17-116.2 of this title.

22          C. For purposes of this section, post-retirement employment of  
23 less than one thousand (1,000) hours per year with the Governor, the  
24 State Senate, the House of Representatives or the Legislative

1 Service Bureau shall not be considered as post-retirement employment  
2 with a public school of Oklahoma.

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

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

11 SECTION 2. This act shall become effective July 1, 2015.

12 SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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17 55-1-6021 JM 12/24/14

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January 8, 2015

Representative Ann Coody  
Room No. 439

Re: RBH No. 6021

RBH No. 6021 would increase the earnings limitation for a retired OTRS participant and still continue to receive an OTRS retirement benefit to \$30,000.

RBH No. 6021 is a fiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

*Thomas E. Cummins*

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