

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 105

By: Sharp

AS INTRODUCED

An Act relating to Oklahoma teachers retirement; amending 70 O.S. 2011, Section 17-116.10, as amended by Section 4, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2014, Section 17-116.10), which relates to post-retirement employment; allowing for certain employment eligibility and earnings limitations; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-116.10, as 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)~~ thirty (30) calendar days between the retiree's last day of pre-retirement

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

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

1 Oklahoma for the performance of duties ordinarily performed by
2 classified or nonclassified personnel shall be the lesser of Thirty
3 Thousand Dollars (\$30,000.00) or one-half (1/2) of the member's
4 final average salary used in computing retirement benefits. For
5 purposes of this paragraph, the following shall apply:

- 6 a. earnings shall mean "regular annual compensation" as
7 defined in paragraph (25) of Section 17-101 of this
8 title, and shall include any payment by a public
9 school for services rendered by a retired member who
10 is employed for any purpose whatsoever. Supplemental
11 retirement payments paid by a former public school
12 employer pursuant to subsection 9 of Section 17-105 of
13 this title or other state law shall not be considered
14 as earnings,
- 15 b. the Earnings Limitation for employees allowed by the
16 Social Security Administration to workers between the
17 age of sixty-two (62) years and sixty-five (65) years
18 shall apply to retired members below the age of sixty-
19 two (62) years,
- 20 c. the limit on allowed earnings from the public schools
21 shall be automatically adjusted effective the first
22 day of January of each year to reflect the current
23 Earnings Limitation for employees as determined from
24 time to time by the Social Security Administration,

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

1 3. Notwithstanding paragraph 2 of this subsection, a retired
2 classified or nonclassified member who has been retired for ~~thirty-~~
3 ~~six (36)~~ thirty (30) or more ~~months~~ days and who is employed by a
4 public school to perform duties ordinarily performed by classified
5 or nonclassified personnel shall be able to receive annualized
6 earnings from the public school with no reduction in retirement
7 benefits regardless of the amount of annualized earnings; and

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

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

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

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

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

9 SECTION 2 This act shall become effective November 1, 2015.

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