

245 (a) regular employee whose term of employment for a participating employer  
 246 contemplates continued employment during a fiscal or calendar year and whose employment  
 247 normally requires an average of 20 hours per week and who receives benefits normally  
 248 provided by the participating employer;

249 (b) teacher whose term of employment for a participating employer contemplates  
 250 continued employment during a school year and who teaches half time;

251 (c) firefighter service employee whose employment normally requires an average of  
 252 1,040 hours of regularly scheduled firefighter service per year; and

253 (d) public safety service employee whose employment normally requires an average of  
 254 1,040 hours of regularly scheduled public safety service per year.

255 (4) "Phased retirement" means continuing employment on a half-time basis of a retiree  
 256 with the same participating employer ~~§~~→ **immediately** ←~~§~~ after the retiree's retirement date while  
 256a the retiree receives  
 257 a reduced retirement allowance.

258 Section 3. Section **49-11-1202** is enacted to read:

259 **49-11-1202. Phased retirement -- Voluntary participation -- Employer duties.**

260 A participating employer may elect to participate in phased retirement for a retiree who  
 261 has not completed the one-year employment separation requirement under Section [49-11-505](#)  
 262 under the conditions established under this part, if the participating employer:

263 (1) establishes written policies and procedures for phased retirement that shall include  
 264 provisions for:

265 (a) granting and denying a request for phased retirement;

266 (b) needed approvals within the participating employer;

267 (c) time limits or other restrictions;

268 (d) identifying positions that may be included or excluded; and

269 (e) the elements of a written agreement described under Section [49-11-1204](#);

270 (2) enters into an agreement described under Section [49-11-1204](#);

271 (3) submits an application to the office for phased retirement on behalf of the parties of  
 272 the agreement described under Section [49-11-1204](#); and

273 (4) complies with this part.

274 Section 4. Section **49-11-1203** is enacted to read:

275 **49-11-1203. Phased retirement -- Eligibility -- Restrictions -- Amortization rate.**

338 **49-11-1206. Reset of one year separation.**

339 If a retiree is employed under phased retirement under this section, the termination date  
 340 of the phased retirement employment, as confirmed in writing by the participating employer, is  
 341 considered the retiree's retirement date for the purpose of calculating the separation  
 342 requirement under Subsection [49-11-505\(3\)\(a\)](#).

343 Section 8. Section **49-11-1207** is enacted to read:

344 **49-11-1207. Phased retirement -- Adjustments or termination.**

345 (1) The Legislature may make adjustments to or terminate the phased retirement option  
 346 created under this part, including:

347 (a) amending phased retirement eligibility, restrictions, scope, or duration provisions;

348 (b) closing phased retirement to additional retirees; or

349 (c) terminating phased retirement for all participating retirees.

350 (2) A participating employer and retiree enter into a phased retirement agreement  
 351 subject to the adjustments or termination reserved in this section.

352 Section 9. Section **49-11-1208** is enacted to read:

353 **49-11-1208. Rulemaking.**

354 The board may make rules to implement this part.

355 Section 10. Section **63I-1-249** is enacted to read:

356 **63I-1-249. Repeal dates, Title 49.**

357 Title 49, Chapter 11, Part 12, Phased Retirement, is repealed ~~§~~→ [July 1, 2021] January 1,  
 357a 2022 ←~~§~~ .

358 Section 11. **Effective date.**

359 This bill takes effect on ~~§~~→ [July 1, 2016.] January 1, 2017. ←~~§~~

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**