

1 **PHASED RETIREMENT AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel Hemmert**

5 House Sponsor: Jefferson Moss

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah State Retirement and Insurance Benefit Act by amending
10 provisions relating to phased retirement.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends definitions;
- 14 ▶ modifies the application procedures for a phased retirement agreement;
- 15 ▶ modifies provisions regarding the beginning and termination periods for phased
16 retirement employment; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **49-11-1301**, as enacted by Laws of Utah 2016, Chapter 280

25 **49-11-1303**, as enacted by Laws of Utah 2016, Chapter 280

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **49-11-1301** is amended to read:

29 **49-11-1301. Definitions.**

30 As used in this part:

31 (1) "Amortization rate" means the amortization rate, as defined in Section 49-11-102,
32 to be applied to the system that would have covered the retiree if the retiree's part-time position
33 were considered to be an eligible, full-time position within that system.

34 (2) "Full-time" means a:

35 (a) regular full-time employee whose term of employment for a participating employer
36 contemplates continued employment during a fiscal or calendar year and whose employment
37 normally requires an average of 40 hours or more per week and who receives benefits normally
38 provided by the participating employer;

39 (b) teacher whose term of employment for a participating employer contemplates
40 continued employment during a school year and who teaches full time;

41 (c) firefighter service employee whose employment normally requires an average of
42 2,080 hours of regularly scheduled firefighter service per year; and

43 (d) public safety service employee whose employment normally requires an average of
44 2,080 hours of regularly scheduled public safety service per year.

45 (3) "Half-time" means a:

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

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

52 (c) firefighter service employee whose employment normally requires an average of
53 1,040 hours of regularly scheduled firefighter service per year; and

54 (d) public safety service employee whose employment normally requires an average of
55 1,040 hours of regularly scheduled public safety service per year.

56 (4) "Phased retirement" means continuing employment on a half-time basis of a retiree
57 with the same participating employer [~~immediately after~~] following the retiree's retirement date

58 while the retiree receives a reduced retirement allowance.

59 Section 2. Section **49-11-1303** is amended to read:

60 **49-11-1303. Phased retirement -- Eligibility -- Restrictions -- Amortization rate.**

61 (1) A retiree is eligible for employment with only one position for only one
62 participating employer under phased retirement following the retiree's retirement date if:

63 (a) the retiree:

64 (i) is eligible to retire and retires in accordance with this title;

65 (ii) has been employed full time, for not less than four years immediately before the
66 retiree's retirement date;

67 (iii) completes and submits all required retirement forms to the office; and

68 [~~(iv) completes and submits any phased retirement forms required by rules established
69 under Section ~~49-11-1308~~; and]~~

70 (iv) prior to the retiree's retirement date, completes and submits all required phased
71 retirement forms to the office; and

72 (b) the retiree and the participating employer enter into an agreement described under
73 Section ~~49-11-1304~~.

74 (2) A retiree shall begin phased retirement employment after the retiree's retirement
75 date but no later than 120 days after the retiree's retirement date.

76 [~~(2)~~] (3) For the period of the phased retirement:

77 (a) the retiree receives 50% of the retiree's monthly allowance;

78 (b) the participating employer employs the retiree on a half-time basis;

79 (c) a participating employer that employs the retiree shall contribute to the office the
80 amortization rate;

81 (d) the retiree or an alternate payee may not receive an annual cost-of-living adjustment
82 to the retiree's or alternate payee's allowance;

83 (e) any death benefits payable to a surviving spouse or other beneficiary shall be paid
84 based on 100% of the retiree's retirement allowance;

85 (f) the retiree may not receive any employer provided retirement benefits, service credit

86 accruals, or any retirement related contributions from the participating employer; and

87 (g) except as specified under this section, a retiree working under phased retirement
88 shall be treated in the same manner as any other part-time employee working a similar position
89 and number of hours with the participating employer, including:

90 (i) any non-retirement related benefits;

91 (ii) leave benefits;

92 (iii) medical benefits; and

93 (iv) other benefits.

94 (4) The office shall begin paying 100% of the retiree's retirement allowance on the first
95 day of the month following the month in which the office receives written notification and any
96 required supporting documentation that the retiree's phased retirement has been irrevocably
97 terminated.

98 Section 3. **Effective date.**

99 If approved by two-thirds of all the members elected to each house, this bill takes effect
100 upon approval by the governor, or the day following the constitutional time limit of Utah
101 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
102 the date of veto override.