

1 **POSTRETIREMENT EMPLOYMENT**

2 **RESTRICTIONS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David H. Steele**

6 AN ACT RELATING TO RETIREMENT; AMENDING CERTAIN POSTRETIREMENT
7 EMPLOYMENT RESTRICTIONS.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **49-3-410**, as last amended by Chapter 202, Laws of Utah 1996

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

12 Section 1. Section **49-3-410** is amended to read:

13 **49-3-410. Purchase of retirement credit -- Conditions -- Cost.**

14 (1) Any member of this system may receive retirement service credit in accordance with
15 Subsection (2).

16 (2) (a) A member may purchase or a member and an employing unit may jointly purchase
17 a combined maximum total of five years of retirement service credit which is not otherwise
18 purchasable under this chapter.

19 (b) The number of years of retirement service credit purchased may not exceed the number
20 of years required by the member to retire with no actuarial reduction.

21 (c) The purchase of retirement service credit must allow the member to meet the retirement
22 eligibility requirements of this system with no actuarial reduction.

23 (d) The member must retire effective immediately after the purchase of retirement service
24 credit is made.

25 (e) The member shall pay at least 5% of the cost of the purchase.

26 (3) The purchase price for the retirement service credit shall be calculated and paid for as
27 provided in Section 49-1-407.

28 (4) (a) The employing unit may elect to purchase retirement service credit for a member
29 under Subsection (2) while the member is on an unpaid leave of absence.

30 (b) If the member is on an unpaid leave of absence, the employing unit may make
31 installment payments towards the purchase in amounts fixed by the administrator.

32 (c) The member shall retire when the purchase obligations are fulfilled.

33 (5) (a) A member who retires after the employer purchases retirement service credit under
34 this section may not be reemployed by the employing unit from which the member retired.

35 (b) Subsection (5)(a) does not apply to a member if the member does not earn
36 compensation in excess of the exempt earnings permitted by Social Security.

37 (6) Prior to making any purchase of service credit under this section, an employing unit
38 shall adopt a purchase policy that includes nondiscriminatory participation standards for all
39 employees.

Legislative Review Note

as of 2-8-99 6:57 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel