H.B. 260
POST RETIREMENT EMPLOYMENT

Representative **David Clark** proposes the following amendments:

1. *Page 1, Lines 15 through 17:*

15   ▸ requires that a retiree's retirement allowance be cancelled if the retiree is

16 reemployed on **{ any basis or is retained on contract by the same agency within 12**

17 **months of retirement }** on a full-time basis unless a total separation from employment with the same agency has occurred for a period of not less than six consecutive months after the date of retirement ;
 and

2. *Page 1, Line 22:*

22   **{ This bill takes effect on July 1, 2007. }**

3. *Page 6, Lines 176 through 178:*

176   (4) [A] **{ For the first 12 months from the date of retirement, a retiree of an agency who**

177 **is reemployed on }** [a full-time] **{ any basis by the same agency }** [within six months of the date of

178 retirement] **{ or who is retained by contract by the same agency }** Unless a total separation from employment with the same agency has occurred for a period of not less than six consecutive months after the date of retirement, a retiree of an agency who is reemployed, on a full-time basis or on another basis that is equivalent to a full-time basis, by the same agency is subject to the following:

4. *Page 7, Line 187 through Page 8, Line 233:*

187   (e) a reinstated retiree retiring after the two-year period shall be credited with the

188 service credit in the retiree's account at the time of the first retirement and from that time shall

189 be treated as a member of a system, including the accrual of additional service credit, but

190 subject to recalculation of the allowance under Subsection **{ (}** **(9)** **{) }** **{ (7) }** .

191   **{ (}** **(5) A retiree of an agency who is reemployed by the same agency within six months of**

192 **retirement on a less than full-time basis by the same agency is subject to the following:** **{) }**

193   **{ (}** **(a) the retiree may earn, without penalty, compensation from that position which is not**

194 **in excess of the exempt earnings permitted by Social Security;** **{) }**

195   **{ (}** **(b) if a retiree receives compensation in a calendar year in excess of the Social**

196 **Security limitation, 25% of the allowance shall be suspended for the remainder of the**

197 **six-month period;** **{) }**

198   **{ (}** **(c) the effective date of a suspension and reinstatement of an allowance shall be set by**

199   the office; and   {+}

200   {+} (d) any suspension of a retiree's allowance under this Subsection (5) shall be applied

201   on a calendar year basis. {+}

202   {+} (6)   { ~~For six months immediately following~~ }   **After**   retirement, the retiree and
    the participating

203   employer shall: {+}

204   {+} (a) maintain an accurate record of gross earnings in employment; {+}

205   {+} (b) report the gross earnings at least monthly to the office; {+}

206   {+} (c) immediately notify the office in writing of any postretirement earnings under

207   Subsection (4); and {+}

208   {+} (d) immediately notify the office in writing whether postretirement earnings equal or

209   exceed the exempt earnings under Subsection (5). {+}

210   {+} (7) {+}   { ~~(5)~~ }   A retiree of an agency who is reemployed by the same agency after [six]
    { ~~12~~

211   ~~months from~~ }   **a total separation from employment with the same agency for a period of not less than
    six consecutive months after**   the retirement date**:**

212   **(a)** is not subject to any postretirement restrictions under this title**;** and

213   **(b)** may not earn additional service credit.

214   {+} (8) {+}   { ~~(6)~~ }   If a participating employer hires a nonexempt retiree who may not earn

215   additional service credit under this section, the participating employer shall contribute the same

216   percentage of a retiree's salary that the participating employer would have been required to

217   contribute if the retiree were an active member, up to the amount allowed by federal law, to a

218   retiree designated:

219   (a) defined contribution plan administered by the board, if the participating employer

220   participates in the defined contribution plan administered by the board; or

221   (b) defined contribution plan offered by the participating employer if the participating

222   employer does not participate in a defined contribution plan administered by the board.

223   {+} (9) {+}   { ~~(7)~~ }   Notwithstanding any other provision of this section, a retiree who has returned

224   to work, accrued additional service credit, and again retires shall have the retiree's allowance

225   recalculated using:

226   (a) the formula in effect at the date of the retiree's original retirement for all service

227   credit accrued prior to that date; and

228   (b) the formula in effect at the date of the subsequent retirement for all service credit

229   accrued between the first and subsequent retirement dates.

230   {+} (10) {+}   { ~~(8)~~ }   This section does not apply to elected positions.

231   {+} (11) {+}   { ~~(9)~~ }   The board may make rules to implement this section.

232   { ~~Section 3. Effective date.~~

233   ~~This bill takes effect on July 1, 2007.~~ }