

**AFFILIATED EMERGENCY SERVICE WORKER  
POSTRETIREMENT EMPLOYMENT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas V. Sagers**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions for postretirement reemployment.

**Highlighted Provisions:**

This bill:

- ▶ provides that reemployment as an affiliated emergency service worker is not subject to postretirement reemployment provisions under certain circumstances;
- ▶ provides that a member is not required to cease employment as an affiliated emergency service worker of a participating employer to be eligible to retire; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**49-11-505**, as last amended by Laws of Utah 2014, Chapters 15, 175, and 311

**49-12-401**, as last amended by Laws of Utah 2014, Chapter 15

**49-13-401**, as last amended by Laws of Utah 2014, Chapter 15

**49-14-401**, as last amended by Laws of Utah 2014, Chapter 15

**49-15-401**, as last amended by Laws of Utah 2014, Chapter 15

30 49-16-401, as last amended by Laws of Utah 2014, Chapter 15

31 49-22-304, as last amended by Laws of Utah 2014, Chapter 15

32 49-23-303, as last amended by Laws of Utah 2014, Chapter 15

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

35 Section 1. Section 49-11-505 is amended to read:

36 **49-11-505. Reemployment of a retiree -- Restrictions.**

37 (1) (a) For purposes of this section, "retiree":

38 (i) means a person who:

39 (A) retired from a participating employer; and

40 (B) begins reemployment on or after July 1, 2010, with a participating employer;

41 (ii) does not include a person:

42 (A) who was reemployed by a participating employer before July 1, 2010; and

43 (B) whose participating employer that reemployed the person under Subsection

44 (1)(a)(ii)(A) was dissolved, consolidated, merged, or structurally changed in accordance with

45 Section 49-11-621 after July 1, 2010; and

46 (iii) does not include a person who is reemployed as an active senior judge or an active

47 senior justice court judge as described by Utah State Court Rules, appointed to hear cases by

48 the Utah Supreme Court in accordance with Article VIII, Section 4, Utah Constitution.

49 (b) (i) This section does not apply to employment as an elected official if the elected

50 official's position is not full time as certified by the participating employer.

51 (ii) The provisions of this section apply to an elected official whose elected position is

52 full time as certified by the participating employer.

53 (c) (i) This section does not apply to employment as a part-time appointed board

54 member who does not receive any remuneration, stipend, or other benefit for the part-time

55 appointed board member's service.

56 (ii) For purposes of this Subsection (1)(c), remuneration, stipend, or other benefit does

57 not include receipt of per diem and travel expenses up to the amounts established by the

58 Division of Finance in:

59 (A) Section 63A-3-106;

60 (B) Section 63A-3-107; and

61 (C) rules made by the Division of Finance according to Sections 63A-3-106 and

62 63A-3-107.

63 (d) (i) For purposes of this Subsection (1)(d), "affiliated emergency services worker"

64 means a person who is employed by a participating employer and who performs emergency

65 services for another participating employer that is a different agency in which the person:

66 (A) has been trained in techniques and skills required for the service the person

67 provides to the participating employer;

68 (B) continues to receive regular training required for the service;

69 (C) is on the rolls as a trained affiliated emergency services worker of the participating

70 employer; and

71 (D) provides ongoing service for a participating employer, which service may include

72 service as a volunteer firefighter, reserve law enforcement officer, search and rescue personnel,

73 emergency medical technician, ambulance personnel, park ranger, or public utilities worker.

74 (ii) A person who performs work or service but does not meet the requirements of

75 Subsection (1)(d)(i) is not an affiliated emergency services worker for purposes of this

76 Subsection (1)(d).

77 (iii) The office may not cancel the retirement allowance of a retiree who is employed as

78 an affiliated emergency services worker within one year of the retiree's retirement date if the

79 affiliated emergency services worker does not receive any compensation, except for:

80 (A) a nominal fee, stipend, discount, tax credit, voucher, or other fixed sum of money

81 or cash equivalent payment not tied to productivity and paid periodically for services;

82 (B) a length-of-service award;

83 (C) insurance policy premiums paid by the participating employer in the event of death

84 of an affiliated emergency services worker or a line-of-duty accidental death or disability; or

85 (D) reimbursement of expenses incurred in the performance of duties.

86 (iv) For purposes of Subsections (1)(d)(iii)(A) and (B), the total amount of any  
87 discounts, tax credits, vouchers, and payments to a volunteer may not exceed \$500 per month.

88 (v) Beginning January 1, 2016, the board shall adjust the amount under Subsection  
89 (1)(d)(iv) by the annual change in the Consumer Price Index during the previous calendar year  
90 as measured by a United States Bureau of Labor Statistics Consumer Price Index average as  
91 determined by the board.

92 (vi) The office shall cancel the retirement allowance of a retiree for the remainder of  
93 the calendar year if employment as an affiliated emergency services worker with a participating  
94 employer exceeds the limitation under Subsection (1)(d)(iv).

95 (vii) If a retiree is employed as an affiliated emergency services worker under the  
96 provisions of Subsection (1)(d), the termination date of the employment as an affiliated  
97 emergency services worker, as confirmed in writing by the participating employer, is  
98 considered the retiree's retirement date for the purpose of calculating the separation  
99 requirement under Subsection (3)(a).

100 (2) A retiree may not for the same period of reemployment:

- 101 (a) (i) earn additional service credit; or
- 102 (ii) receive any retirement related contribution from a participating employer; and
- 103 (b) receive a retirement allowance.

104 (3) (a) Except as provided under Subsection (3)(b) or (10), the office shall cancel the  
105 retirement allowance of a retiree if the reemployment with a participating employer begins  
106 within one year of the retiree's retirement date.

107 (b) The office may not cancel the retirement allowance of a retiree who is reemployed  
108 with a participating employer within one year of the retiree's retirement date if:

109 (i) the retiree is not reemployed by a participating employer for a period of at least 60  
110 days from the retiree's retirement date;

111 (ii) upon reemployment after the break in service under Subsection (3)(b)(i), the retiree  
112 does not receive any employer provided benefits, including:

113 (A) medical benefits;

- 114 (B) dental benefits;
- 115 (C) other insurance benefits except for workers' compensation as provided under Title
- 116 34A, Chapter 2, Workers' Compensation Act, and withholdings required by federal or state law
- 117 for Social Security, Medicare, and unemployment insurance; or
- 118 (D) paid time off, including sick, annual, or other type of leave; and
- 119 (iii) (A) the retiree does not earn in any calendar year of reemployment an amount in
- 120 excess of the lesser of \$15,000 or one-half of the retiree's final average salary upon which the
- 121 retiree's retirement allowance is based; or
- 122 (B) the retiree is reemployed as a judge as defined under Section [78A-11-102](#).
- 123 (c) Beginning January 1, 2013, the board shall adjust the amounts under Subsection
- 124 (3)(b)(iii)(A) by the annual change in the Consumer Price Index during the previous calendar
- 125 year as measured by a United States Bureau of Labor Statistics Consumer Price Index average
- 126 as determined by the board.
- 127 (d) The office shall cancel the retirement allowance of a retiree for the remainder of the
- 128 calendar year if the reemployment with a participating employer exceeds the limitation under
- 129 Subsection (3)(b)(iii)(A).
- 130 (e) If a retiree is reemployed under the provisions of Subsection (3)(b), the termination
- 131 date of the reemployment, as confirmed in writing by the participating employer, is considered
- 132 the retiree's retirement date for the purpose of calculating the separation requirement under
- 133 Subsection (3)(a).
- 134 (4) If a reemployed retiree has completed the one-year separation from employment
- 135 with a participating employer required under Subsection (3)(a), the retiree may elect to:
- 136 (a) earn additional service credit in accordance with this title and cancel the retiree's
- 137 retirement allowance; or
- 138 (b) continue to receive the retiree's retirement allowance and forfeit any retirement
- 139 related contribution from the participating employer who reemployed the retiree.
- 140 (5) A participating employer who reemploys a retiree shall contribute to the office the
- 141 amortization rate, as defined in Section [49-11-102](#), to be applied to the system that would have

142 covered the retiree, if the reemployed retiree:

143 (a) has completed the one-year separation from employment with a participating  
144 employer required under Subsection (3)(a); and

145 (b) makes an election under Subsection (4)(b) to continue to receive a retirement  
146 allowance while reemployed.

147 (6) (a) A participating employer shall immediately notify the office:

148 (i) if the participating employer reemploys a retiree;

149 (ii) whether the reemployment is subject to Subsection (3)(b) or (4) of this section; and

150 (iii) of any election by the retiree under Subsection (4).

151 (b) A participating employer shall certify to the office whether the position of an  
152 elected official is or is not full time.

153 (c) A participating employer is liable to the office for a payment or failure to make a  
154 payment in violation of this section.

155 (d) If a participating employer fails to notify the office in accordance with this section,  
156 the participating employer is immediately subject to a compliance audit by the office.

157 (7) (a) The office shall immediately cancel the retirement allowance of a retiree in  
158 accordance with Subsection (7)(b) if the office receives notice or learns of:

159 (i) the reemployment of a retiree in violation of Subsection (3); or

160 (ii) the election of a reemployed retiree under Subsection (4)(a).

161 (b) If the retiree is eligible for retirement coverage in the reemployed position, the  
162 office shall cancel the allowance of a retiree subject to Subsection (7)(a), and reinstate the  
163 retiree to active member status on the first day of the month following the date of:

164 (i) reemployment if the retiree is subject to Subsection (3); or

165 (ii) an election by an employee under Subsection (4)(a).

166 (c) If the retiree is not otherwise eligible for retirement coverage in the reemployed  
167 position:

168 (i) the office shall cancel the allowance of a retiree subject to Subsection (7)(a)(i); and

169 (ii) the participating employer shall pay the amortization rate to the office on behalf of

170 the retiree.

171 (8) (a) A retiree subject to Subsection (7)(b) who retires within two years from the date  
172 of reemployment:

173 (i) is not entitled to a recalculated retirement benefit; and

174 (ii) will resume the allowance that was being paid at the time of cancellation.

175 (b) Subject to Subsection (2), a retiree who is reinstated to active membership under  
176 Subsection (7) and who retires two or more years after the date of reinstatement to active  
177 membership shall:

178 (i) resume receiving the allowance that was being paid at the time of cancellation; and

179 (ii) receive an additional allowance based on the formula in effect at the date of the  
180 subsequent retirement for all service credit accrued between the first and subsequent retirement  
181 dates.

182 (9) (a) A retiree subject to this section shall report to the office the status of the  
183 reemployment under Subsection (3) or (4).

184 (b) If the retiree fails to inform the office of an election under Subsection (4), the office  
185 shall withhold one month's benefit for each month the retiree fails to inform the office under  
186 Subsection (9)(a).

187 (10) A retiree shall be considered as having completed the one-year separation from  
188 employment with a participating employer required under Subsection (3)(a), if the retiree:

189 (a) before retiring:

190 (i) was employed with a participating employer as a public safety service employee as  
191 defined in Section [49-14-102](#), [49-15-102](#), or [49-23-102](#);

192 (ii) and during the employment under Subsection (10)(a)(i), suffered a physical injury  
193 resulting from external force or violence while performing the duties of the employment, and  
194 for which injury the retiree would have been approved for total disability in accordance with  
195 the provisions under Title 49, Chapter 21, Public Employees' Long-Term Disability Act, if  
196 years of service are not considered;

197 (iii) had less than 30 years of service credit but had sufficient service credit to retire,

198 with an unreduced allowance making the public safety service employee ineligible for  
199 long-term disability payments under Title 49, Chapter 21, Public Employees' Long-Term  
200 Disability Act, or a substantially similar long-term disability program; and

201 (iv) does not receive any long-term disability benefits from any participating employer;  
202 and

203 (b) is reemployed by a different participating employer.

204 (11) The board may make rules to implement this section.

205 Section 2. Section **49-12-401** is amended to read:

206 **49-12-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

207 (1) A member is qualified to receive an allowance from this system when:

208 (a) except as provided under Subsection (3), the member ceases actual work for every  
209 participating employer that employs the member before the member's retirement date and  
210 provides evidence of the termination;

211 (b) the member has submitted to the office a retirement application form that states the  
212 member's proposed retirement date; and

213 (c) one of the following conditions is met as of the member's retirement date:

214 (i) the member has accrued at least four years of service credit and has attained an age  
215 of 65 years;

216 (ii) the member has accrued at least 10 years of service credit and has attained an age  
217 of 62 years;

218 (iii) the member has accrued at least 20 years of service credit and has attained an age  
219 of 60 years; or

220 (iv) the member has accrued at least 30 years of service credit.

221 (2) (a) The member's retirement date:

222 (i) shall be the 1st or the 16th day of the month, as selected by the member;

223 (ii) shall be on or after the date of termination; and

224 (iii) may not be more than 90 days before or after the date the application is received by  
225 the office.



226 (b) Except as provided under Subsection (3), a member may not be employed by a  
227 participating employer in the system established by this chapter on the retirement date selected  
228 under Subsection (2)(a)(i).

229 (3) (a) A member who is employed by a participating employer and who is also an  
230 elected official is not required to cease service as an elected official to be qualified to receive  
231 an allowance under Subsection (1), unless the member is retiring from service as an elected  
232 official.

233 (b) A member who is employed by a participating employer and who is also a part-time  
234 appointed board member is not required to cease service as a part-time appointed board  
235 member to be qualified to receive an allowance under Subsection (1).

236 (c) A member who is employed by a participating employer, who is also an affiliated  
237 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
238 not required to cease service as an affiliated emergency services worker to be qualified to  
239 receive an allowance under Subsection (1).

240 Section 3. Section **49-13-401** is amended to read:

241 **49-13-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

242 (1) A member is qualified to receive an allowance from this system when:

243 (a) except as provided under Subsection (3), the member ceases actual work for every  
244 participating employer that employs the member before the member's retirement date and  
245 provides evidence of the termination;

246 (b) the member has submitted to the office a retirement application form that states the  
247 member's proposed retirement date; and

248 (c) one of the following conditions is met as of the member's retirement date:

249 (i) the member has accrued at least four years of service credit and has attained an age  
250 of 65 years;

251 (ii) the member has accrued at least 10 years of service credit and has attained an age  
252 of 62 years;

253 (iii) the member has accrued at least 20 years of service credit and has attained an age

254 of 60 years;

255 (iv) the member has accrued at least 30 years of service credit; or

256 (v) the member has accrued at least 25 years of service credit, in which case the  
257 member shall be subject to the reduction under Subsection 49-13-402(2)(b).

258 (2) (a) The member's retirement date:

259 (i) shall be the 1st or the 16th day of the month, as selected by the member;

260 (ii) shall be on or after the date of termination; and

261 (iii) may not be more than 90 days before or after the date the application is received by  
262 the office.

263 (b) Except as provided under Subsection (3), a member may not be employed by a  
264 participating employer in the system established by this chapter on the retirement date selected  
265 under Subsection (2)(a)(i).

266 (3) (a) A member who is employed by a participating employer and who is also an  
267 elected official is not required to cease service as an elected official to be qualified to receive  
268 an allowance under Subsection (1), unless the member is retiring from service as an elected  
269 official.

270 (b) A member who is employed by a participating employer and who is also a part-time  
271 appointed board member is not required to cease service as a part-time appointed board  
272 member to be qualified to receive an allowance under Subsection (1).

273 (c) A member who is employed by a participating employer, who is also an affiliated  
274 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
275 not required to cease service as an affiliated emergency services worker to be qualified to  
276 receive an allowance under Subsection (1).

277 Section 4. Section 49-14-401 is amended to read:

278 **49-14-401. Eligibility for service retirement -- Date of retirement --**

279 **Qualifications.**

280 (1) A member is qualified to receive an allowance from this system when:

281 (a) except as provided under Subsection (3), the member ceases actual work for every

282 participating employer that employs the member before the member's retirement date and  
283 provides evidence of the termination;

284 (b) the member has submitted to the office a retirement application form that states the  
285 member's proposed retirement date; and

286 (c) one of the following conditions is met as of the member's retirement date:

287 (i) the member has accrued at least 20 years of service credit;

288 (ii) the member has accrued at least 10 years of service credit and has attained an age  
289 of 60 years; or

290 (iii) the member has accrued at least four years of service credit and has attained an age  
291 of 65 years.

292 (2) (a) The member's retirement date:

293 (i) shall be the 1st or the 16th day of the month, as selected by the member;

294 (ii) shall be on or after the date of termination; and

295 (iii) may not be more than 90 days before or after the date the application is received by  
296 the office.

297 (b) Except as provided under Subsection (3), a member may not be employed by a  
298 participating employer in the system established by this chapter on the retirement date selected  
299 under Subsection (2)(a)(i).

300 (3) (a) A member who is employed by a participating employer and who is also an  
301 elected official is not required to cease service as an elected official to be qualified to receive  
302 an allowance under Subsection (1), unless the member is retiring from service as an elected  
303 official.

304 (b) A member who is employed by a participating employer and who is also a part-time  
305 appointed board member is not required to cease service as a part-time appointed board  
306 member to be qualified to receive an allowance under Subsection (1).

307 (c) A member who is employed by a participating employer, who is also an affiliated  
308 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
309 not required to cease service as an affiliated emergency services worker to be qualified to

310 receive an allowance under Subsection (1).

311 Section 5. Section **49-15-401** is amended to read:

312 **49-15-401. Eligibility for service retirement -- Date of retirement --**

313 **Qualifications.**

314 (1) A member is qualified to receive an allowance from this system when:

315 (a) except as provided under Subsection (3), the member ceases actual work for every  
316 participating employer that employs the member before the member's retirement date and  
317 provides evidence of the termination;

318 (b) the member has submitted to the office a retirement application form that states the  
319 member's proposed retirement date; and

320 (c) one of the following conditions is met as of the member's retirement date:

321 (i) the member has accrued at least 20 years of service credit;

322 (ii) the member has accrued at least 10 years of service credit and has attained an age  
323 of 60 years; or

324 (iii) the member has accrued at least four years of service and has attained an age of 65  
325 years.

326 (2) (a) The member's retirement date:

327 (i) shall be the 1st or the 16th day of the month, as selected by the member;

328 (ii) shall be on or after the date of termination; and

329 (iii) may not be more than 90 days before or after the date the application is received by  
330 the office.

331 (b) Except as provided under Subsection (3), a member may not be employed by a  
332 participating employer in the system established by this chapter on the retirement date selected  
333 under Subsection (2)(a)(i).

334 (3) (a) A member who is employed by a participating employer and who is also an  
335 elected official is not required to cease service as an elected official to be qualified to receive  
336 an allowance under Subsection (1), unless the member is retiring from service as an elected  
337 official.

338 (b) A member who is employed by a participating employer and who is also a part-time  
339 appointed board member is not required to cease service as a part-time appointed board  
340 member to be qualified to receive an allowance under Subsection (1).

341 (c) A member who is employed by a participating employer, who is also an affiliated  
342 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
343 not required to cease service as an affiliated emergency services worker to be qualified to  
344 receive an allowance under Subsection (1).

345 Section 6. Section 49-16-401 is amended to read:

346 **49-16-401. Eligibility for service retirement -- Date of retirement --**

347 **Qualifications.**

348 (1) A member is qualified to receive an allowance from this system when:

349 (a) except as provided under Subsection (3), the member ceases actual work for every  
350 participating employer that employs the member before the member's retirement date and  
351 provides evidence of the termination;

352 (b) the member has submitted to the office a retirement application form that states the  
353 member's proposed retirement date; and

354 (c) one of the following conditions is met as of the member's retirement date:

355 (i) the member has accrued at least 20 years of service credit;

356 (ii) the member has accrued at least 10 years of service credit and has attained an age  
357 of 60 years; or

358 (iii) the member has accrued at least four years of service credit and has attained an age  
359 of 65 years.

360 (2) (a) The member's retirement date:

361 (i) shall be the 1st or the 16th day of the month, as selected by the firefighter service  
362 employee;

363 (ii) shall be on or after the date of termination; and

364 (iii) may not be more than 90 days before or after the date the application is received by  
365 the office.

366 (b) Except as provided under Subsection (3), a member may not be employed by a  
367 participating employer in the system established by this chapter on the retirement date selected  
368 under Subsection (2)(a)(i).

369 (3) (a) A member who is employed by a participating employer and who is also an  
370 elected official is not required to cease service as an elected official to be qualified to receive  
371 an allowance under Subsection (1), unless the member is retiring from service as an elected  
372 official.

373 (b) A member who is employed by a participating employer and who is also a part-time  
374 appointed board member is not required to cease service as a part-time appointed board  
375 member to be qualified to receive an allowance under Subsection (1).

376 (c) A member who is employed by a participating employer, who is also an affiliated  
377 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
378 not required to cease service as an affiliated emergency services worker to be qualified to  
379 receive an allowance under Subsection (1).

380 Section 7. Section 49-22-304 is amended to read:

381 **49-22-304. Defined benefit eligibility for an allowance -- Date of retirement --**  
382 **Qualifications.**

383 (1) A member is qualified to receive an allowance from this system when:

384 (a) except as provided under Subsection (3), the member ceases actual work for every  
385 participating employer that employs the member before the member's retirement date and  
386 provides evidence of the termination;

387 (b) the member has submitted to the office a retirement application form that states the  
388 member's proposed retirement date; and

389 (c) one of the following conditions is met as of the member's retirement date:

390 (i) the member has accrued at least four years of service credit and has attained an age  
391 of 65 years;

392 (ii) the member has accrued at least 10 years of service credit and has attained an age  
393 of 62 years;

394 (iii) the member has accrued at least 20 years of service credit and has attained an age  
395 of 60 years; or

396 (iv) the member has accrued at least 35 years of service credit.

397 (2) (a) The member's retirement date:

398 (i) shall be the 1st or the 16th day of the month, as selected by the member;

399 (ii) shall be on or after the date of termination; and

400 (iii) may not be more than 90 days before or after the date the application is received by  
401 the office.

402 (b) Except as provided under Subsection (3), a member may not be employed by a  
403 participating employer in the system established by this chapter on the retirement date selected  
404 under Subsection (2)(a)(i).

405 (3) (a) A member who is employed by a participating employer and who is also an  
406 elected official is not required to cease service as an elected official to be qualified to receive  
407 an allowance under Subsection (1), unless the member is retiring from service as an elected  
408 official.

409 (b) A member who is employed by a participating employer and who is also a part-time  
410 appointed board member is not required to cease service as a part-time appointed board  
411 member to be qualified to receive an allowance under Subsection (1).

412 (c) A member who is employed by a participating employer, who is also an affiliated  
413 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is  
414 not required to cease service as an affiliated emergency services worker to be qualified to  
415 receive an allowance under Subsection (1).

416 Section 8. Section **49-23-303** is amended to read:

417 **49-23-303. Defined benefit eligibility for an allowance -- Date of retirement --**  
418 **Qualifications.**

419 (1) A member is qualified to receive an allowance from this system when:

420 (a) except as provided under Subsection (3), the member ceases actual work for every  
421 participating employer that employs the member before the member's retirement date and

422 provides evidence of the termination;

423 (b) the member has submitted to the office a retirement application form that states the  
424 member's proposed retirement date; and

425 (c) one of the following conditions is met as of the member's retirement date:

426 (i) the member has accrued at least four years of service credit and has attained an age  
427 of 65 years;

428 (ii) the member has accrued at least 10 years of service credit and has attained an age  
429 of 62 years;

430 (iii) the member has accrued at least 20 years of service credit and has attained an age  
431 of 60 years; or

432 (iv) the member has accrued at least 25 years of service credit.

433 (2) (a) The member's retirement date:

434 (i) shall be the 1st or the 16th day of the month, as selected by the member;

435 (ii) shall be on or after the date of termination; and

436 (iii) may not be more than 90 days before or after the date the application is received by  
437 the office.

438 (b) Except as provided under Subsection (3), a member may not be employed by a  
439 participating employer in the system established by this chapter on the retirement date selected  
440 under Subsection (2)(a)(i).

441 (3) (a) A member who is employed by a participating employer and who is also an  
442 elected official is not required to cease service as an elected official to be qualified to receive  
443 an allowance under Subsection (1), unless the member is retiring from service as an elected  
444 official.

445 (b) A member who is employed by a participating employer and who is also a part-time  
446 appointed board member is not required to cease service as a part-time appointed board  
447 member to be qualified to receive an allowance under Subsection (1).

448 (c) A member who is employed by a participating employer, who is also an affiliated  
449 emergency services worker as defined in Subsection 49-11-505(1)(d) for a different agency, is



450 not required to cease service as an affiliated emergency services worker to be qualified to  
451 receive an allowance under Subsection (1).