

Senator Todd Weiler proposes the following substitute bill:

**AFFILIATED EMERGENCY SERVICE WORKER
POSTRETIREMENT EMPLOYMENT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: David P. Hinkins

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



- 26 **49-12-401**, as last amended by Laws of Utah 2014, Chapter 15
 - 27 **49-13-401**, as last amended by Laws of Utah 2014, Chapter 15
 - 28 **49-14-401**, as last amended by Laws of Utah 2014, Chapter 15
 - 29 **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)(iii).

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).