

POSTRETIREMENT EMPLOYMENT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: _____

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" does not include work performed on contracts of less than a certain duration;

- ▶ exempts from postretirement employment restrictions, part-time employment with a different agency from which the member retired, if the employee has been continuously employed in the part-time position for a certain period before the member's retirement date;

- ▶ exempts a member in the Public Employees' Contributory Retirement System, the Public Employees' Noncontributory Retirement System, the Public Safety Contributory Retirement System, the Public Safety Noncontributory Retirement System, the Firefighters' Retirement System, the New Public Employees' Tier II Contributory Retirement System, and the New Public Safety and Firefighters Tier II Contributory Retirement System from ceasing all employment with any participating employer if the member is also a part-time employee of a different agency and has been continuously employed in the part-time position for a certain period before the member's retirement date; and



28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **49-11-102**, as last amended by Laws of Utah 2014, Chapter 15

36 **49-11-505**, as last amended by Laws of Utah 2014, Chapters 15, 175, and 311

37 **49-12-401**, as last amended by Laws of Utah 2014, Chapter 15

38 **49-13-401**, as last amended by Laws of Utah 2014, Chapter 15

39 **49-14-401**, as last amended by Laws of Utah 2014, Chapter 15

40 **49-15-401**, as last amended by Laws of Utah 2014, Chapter 15

41 **49-16-401**, as last amended by Laws of Utah 2014, Chapter 15

42 **49-22-304**, as last amended by Laws of Utah 2014, Chapter 15

43 **49-23-303**, as last amended by Laws of Utah 2014, Chapter 15



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

46 Section 1. Section **49-11-102** is amended to read:

47 **49-11-102. Definitions.**

48 As used in this title:

49 (1) (a) "Active member" means a member who:

50 (i) is employed by a participating employer and accruing service credit; or

51 (ii) within the previous 120 days:

52 (A) has been employed by a participating employer; and

53 (B) accrued service credit.

54 (b) "Active member" does not include a retiree.

55 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the
56 basis of mortality tables as recommended by the actuary and adopted by the executive director,
57 including regular interest.

58 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and

59 adopted by the board upon which the funding of system costs and benefits are computed.

60 (4) (a) "Agency" means:

61 (i) a department, division, agency, office, authority, commission, board, institution, or
62 hospital of the state;

63 (ii) a county, municipality, school district, local district, or special service district;

64 (iii) a state college or university; or

65 (iv) any other participating employer.

66 (b) "Agency" does not include an entity listed under Subsection (4)(a)(i) that is a
67 subdivision of another entity listed under Subsection (4)(a).

68 (5) "Allowance" or "retirement allowance" means the pension plus the annuity,
69 including any cost of living or other authorized adjustments to the pension and annuity.

70 (6) "Alternate payee" means a member's former spouse or family member eligible to
71 receive payments under a Domestic Relations Order in compliance with Section 49-11-612.

72 (7) "Amortization rate" means the board certified percent of salary required to amortize
73 the unfunded actuarial accrued liability in accordance with policies established by the board
74 upon the advice of the actuary.

75 (8) "Annuity" means monthly payments derived from member contributions.

76 (9) "Appointive officer" means an employee appointed to a position for a definite and
77 fixed term of office by official and duly recorded action of a participating employer whose
78 appointed position is designated in the participating employer's charter, creation document, or
79 similar document, and:

80 (a) who earns \$500 or more per month, indexed as of January 1, 1990, as provided in
81 Section 49-12-407 for a Tier I appointive officer; and

82 (b) whose appointive position is full-time as certified by the participating employer for
83 a Tier II appointive officer.

84 (10) (a) "At-will employee" means a person who is employed by a participating
85 employer and:

86 (i) who is not entitled to merit or civil service protection and is generally considered
87 exempt from a participating employer's merit or career service personnel systems;

88 (ii) whose on-going employment status is entirely at the discretion of the person's
89 employer; or

90 (iii) who may be terminated without cause by a designated supervisor, manager, or
91 director.

92 (b) "At-will employee" does not include a career employee who has obtained a
93 reasonable expectation of continued employment based on inclusion in a participating
94 employer's merit system, civil service protection system, or career service personnel systems,
95 policies, or plans.

96 (11) "Beneficiary" means any person entitled to receive a payment under this title
97 through a relationship with or designated by a member, participant, covered individual, or
98 alternate payee of a defined contribution plan.

99 (12) "Board" means the Utah State Retirement Board established under Section
100 [49-11-202](#).

101 (13) "Board member" means a person serving on the Utah State Retirement Board as
102 established under Section [49-11-202](#).

103 (14) "Certified contribution rate" means the board certified percent of salary paid on
104 behalf of an active member to the office to maintain the system on a financially and actuarially
105 sound basis.

106 (15) "Contributions" means the total amount paid by the participating employer and the
107 member into a system or to the Utah Governors' and Legislators' Retirement Plan under
108 Chapter 19, Utah Governors' and Legislators' Retirement Act.

109 (16) "Council member" means a person serving on the Membership Council
110 established under Section [49-11-202](#).

111 (17) "Covered individual" means any individual covered under Chapter 20, Public
112 Employees' Benefit and Insurance Program Act.

113 (18) "Current service" means covered service under:

114 (a) Chapter 12, Public Employees' Contributory Retirement Act;

115 (b) Chapter 13, Public Employees' Noncontributory Retirement Act;

116 (c) Chapter 14, Public Safety Contributory Retirement Act;

117 (d) Chapter 15, Public Safety Noncontributory Retirement Act;

118 (e) Chapter 16, Firefighters' Retirement Act;

119 (f) Chapter 17, Judges' Contributory Retirement Act;

120 (g) Chapter 18, Judges' Noncontributory Retirement Act;

- 121 (h) Chapter 19, Utah Governors' and Legislators' Retirement Act;
- 122 (i) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or
- 123 (j) Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.

124 (19) "Defined benefit" or "defined benefit plan" or "defined benefit system" means a
125 system or plan offered under this title to provide a specified allowance to a retiree or a retiree's
126 spouse after retirement that is based on a set formula involving one or more of the following
127 factors:

- 128 (a) years of service;
- 129 (b) final average monthly salary; or
- 130 (c) a retirement multiplier.

131 (20) "Defined contribution" or "defined contribution plan" means any defined
132 contribution plan or deferred compensation plan authorized under the Internal Revenue Code
133 and administered by the board.

134 (21) "Educational institution" means a political subdivision or instrumentality of the
135 state or a combination thereof primarily engaged in educational activities or the administration
136 or servicing of educational activities, including:

- 137 (a) the State Board of Education and its instrumentalities;
- 138 (b) any institution of higher education and its branches;
- 139 (c) any school district and its instrumentalities;
- 140 (d) any vocational and technical school; and
- 141 (e) any entity arising out of a consolidation agreement between entities described under
142 this Subsection (21).

143 (22) "Elected official":

- 144 (a) means a person elected to a state office, county office, municipal office, school
145 board or school district office, local district office, or special service district office;
- 146 (b) includes a person who is appointed to serve an unexpired term of office described
147 under Subsection (22)(a); and
- 148 (c) does not include a judge or justice who is subject to a retention election under
149 Section [20A-12-201](#).

150 (23) (a) "Employer" means any department, educational institution, or political
151 subdivision of the state eligible to participate in a government-sponsored retirement system

152 under federal law.

153 (b) "Employer" may also include an agency financed in whole or in part by public
154 funds.

155 (24) "Exempt employee" means an employee working for a participating employer:

156 (a) who is not eligible for service credit under Section [49-12-203](#), [49-13-203](#),
157 [49-14-203](#), [49-15-203](#), or [49-16-203](#); and

158 (b) for whom a participating employer is not required to pay contributions or
159 nonelective contributions.

160 (25) "Final average monthly salary" means the amount computed by dividing the
161 compensation received during the final average salary period under each system by the number
162 of months in the final average salary period.

163 (26) "Fund" means any fund created under this title for the purpose of paying benefits
164 or costs of administering a system, plan, or program.

165 (27) (a) "Inactive member" means a member who has not been employed by a
166 participating employer for a period of at least 120 days.

167 (b) "Inactive member" does not include retirees.

168 (28) (a) "Initially entering" means hired, appointed, or elected for the first time, in
169 current service as a member with any participating employer.

170 (b) "Initially entering" does not include a person who has any prior service credit on
171 file with the office.

172 (c) "Initially entering" includes an employee of a participating employer, except for an
173 employee that is not eligible under a system or plan under this title, who:

174 (i) does not have any prior service credit on file with the office;

175 (ii) is covered by a retirement plan other than a retirement plan created under this title;

176 and

177 (iii) moves to a position with a participating employer that is covered by this title.

178 (29) "Institution of higher education" means an institution described in Section
179 [53B-1-102](#).

180 (30) (a) "Member" means a person, except a retiree, with contributions on deposit with
181 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, Utah
182 Governors' and Legislators' Retirement Act, or with a terminated system.

183 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)
184 of the Internal Revenue Code, if the employees have contributions on deposit with the office.
185 If leased employees constitute less than 20% of the participating employer's work force that is
186 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,
187 "member" does not include leased employees covered by a plan described in Section 414(n)(5)
188 of the federal Internal Revenue Code.

189 (31) "Member contributions" means the sum of the contributions paid to a system or
190 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a
191 system, and which are made by:

192 (a) the member; and

193 (b) the participating employer on the member's behalf under Section 414(h) of the
194 Internal Revenue Code.

195 (32) "Nonelective contribution" means an amount contributed by a participating
196 employer into a participant's defined contribution account.

197 (33) "Normal cost rate":

198 (a) means the percent of salary that is necessary for a retirement system that is fully
199 funded to maintain its fully funded status; and

200 (b) is determined by the actuary based on the assumed rate of return established by the
201 board.

202 (34) "Office" means the Utah State Retirement Office.

203 (35) "Participant" means an individual with voluntary deferrals or nonelective
204 contributions on deposit with the defined contribution plans administered under this title.

205 (36) "Participating employer" means a participating employer, as defined by Chapter
206 12, Public Employees' Contributory Retirement Act, Chapter 13, Public Employees'
207 Noncontributory Retirement Act, Chapter 14, Public Safety Contributory Retirement Act,
208 Chapter 15, Public Safety Noncontributory Retirement Act, Chapter 16, Firefighters'
209 Retirement Act, Chapter 17, Judges' Contributory Retirement Act, and Chapter 18, Judges'
210 Noncontributory Retirement Act, or an agency financed in whole or in part by public funds
211 which is participating in a system or plan as of January 1, 2002.

212 (37) "Part-time appointed board member" means a person:

213 (a) who is appointed to serve as a member of a board, commission, council, committee,

214 or panel of a participating employer; and

215 (b) whose service as a part-time appointed board member does not qualify as a regular
216 full-time employee as defined under Section 49-12-102, 49-13-102, or 49-22-102.

217 (38) "Pension" means monthly payments derived from participating employer
218 contributions.

219 (39) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by
220 Chapter 19, Utah Governors' and Legislators' Retirement Act, the New Public Employees' Tier
221 II Defined Contribution Plan created by Chapter 22, Part 4, Tier II Defined Contribution Plan,
222 the New Public Safety and Firefighter Tier II Defined Contribution Plan created by Chapter 23,
223 Part 4, Tier II Defined Contribution Plan, or the defined contribution plans created under
224 Section 49-11-801.

225 (40) (a) "Political subdivision" means any local government entity, including cities,
226 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
227 separate and distinct from the state and only if its employees are not by virtue of their
228 relationship to the entity employees of the state.

229 (b) "Political subdivision" includes local districts, special service districts, or
230 authorities created by the Legislature or by local governments, including the office.

231 (c) "Political subdivision" does not include a project entity created under Title 11,
232 Chapter 13, Interlocal Cooperation Act, that was formed prior to July 1, 1987.

233 (41) "Program" means the Public Employees' Insurance Program created under Chapter
234 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'
235 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term
236 Disability Act.

237 (42) "Public funds" means those funds derived, either directly or indirectly, from public
238 taxes or public revenue, dues or contributions paid or donated by the membership of the
239 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,
240 the governmental, educational, and social programs and systems of the state or its political
241 subdivisions.

242 (43) "Qualified defined contribution plan" means a defined contribution plan that
243 meets the requirements of Section 401(k) or Section 403(b) of the Internal Revenue Code.

244 (44) (a) "Reemployed," "reemploy," or "reemployment" means work or service

245 performed for a participating employer after retirement, in exchange for compensation.

246 (b) [~~Reemployment~~] Except as provided in Subsection (44)(c), reemployment includes
247 work or service performed on a contract for a participating employer if the retiree is:

248 (i) listed as the contractor; or

249 (ii) an owner, partner, or principal of the contractor.

250 (c) Reemployment does not include work or service performed on a contract for a
251 period of less than 60 working days in a calendar year.

252 (45) "Refund interest" means the amount accrued on member contributions at a rate
253 adopted by the board.

254 (46) "Retiree" means an individual who has qualified for an allowance under this title.

255 (47) "Retirement" means the status of an individual who has become eligible, applies
256 for, and is entitled to receive an allowance under this title.

257 (48) "Retirement date" means the date selected by the member on which the member's
258 retirement becomes effective with the office.

259 (49) "Retirement related contribution":

260 (a) means any employer payment to any type of retirement plan or program made on
261 behalf of an employee; and

262 (b) does not include Social Security payments or Social Security substitute payments
263 made on behalf of an employee.

264 (50) "Service credit" means:

265 (a) the period during which an employee is employed and compensated by a
266 participating employer and meets the eligibility requirements for membership in a system or the
267 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are
268 paid to the office; and

269 (b) periods of time otherwise purchasable under this title.

270 (51) "System" means the individual retirement systems created by Chapter 12, Public
271 Employees' Contributory Retirement Act, Chapter 13, Public Employees' Noncontributory
272 Retirement Act, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public
273 Safety Noncontributory Retirement Act, Chapter 16, Firefighters' Retirement Act, Chapter 17,
274 Judges' Contributory Retirement Act, Chapter 18, Judges' Noncontributory Retirement Act, and
275 Chapter 19, Utah Governors' and Legislators' Retirement Act, the defined benefit portion of the

276 Tier II Hybrid Retirement System under Chapter 22, Part 3, Tier II Hybrid Retirement System,
277 and the defined benefit portion of the Tier II Hybrid Retirement System under Chapter 23, Part
278 3, Tier II Hybrid Retirement System.

279 (52) "Tier I" means a system or plan under this title for which:

280 (a) an employee is eligible to participate if the employee initially enters regular
281 full-time employment before July 1, 2011; or

282 (b) a governor or legislator who initially enters office before July 1, 2011.

283 (53) (a) "Tier II" means a system or plan under this title provided in lieu of a Tier I
284 system or plan for an employee, governor, legislator, or full-time elected official who does not
285 have Tier I service credit in a system or plan under this title:

286 (i) if the employee initially enters regular full-time employment on or after July 1,
287 2011; or

288 (ii) if the governor, legislator, or full-time elected official initially enters office on or
289 after July 1, 2011.

290 (b) "Tier II" includes:

291 (i) the Tier II hybrid system established under:

292 (A) Chapter 22, Part 3, Tier II Hybrid Retirement System; or

293 (B) Chapter 23, Part 3, Tier II Hybrid Retirement System; and

294 (ii) the Tier II Defined Contribution Plan (Tier II DC Plan) established under:

295 (A) Chapter 22, Part 4, Tier II Defined Contribution Plan; or

296 (B) Chapter 23, Part 4, Tier II Defined Contribution Plan.

297 (54) "Unfunded actuarial accrued liability" or "UAAL":

298 (a) is determined by the system's actuary; and

299 (b) means the excess, if any, of the accrued liability of a retirement system over the
300 actuarial value of its assets.

301 (55) "Voluntary deferrals" means an amount contributed by a participant into that
302 participant's defined contribution account.

303 Section 2. Section **49-11-505** is amended to read:

304 **49-11-505. Reemployment of a retiree -- Restrictions.**

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

306 (i) means a person who:

- 307 (A) retired from a participating employer; and
- 308 (B) begins reemployment on or after July 1, 2010, with a participating employer;
- 309 (ii) does not include a person:
- 310 (A) who was reemployed by a participating employer before July 1, 2010; and
- 311 (B) whose participating employer that reemployed the person under Subsection
- 312 (1)(a)(ii)(A) was dissolved, consolidated, merged, or structurally changed in accordance with
- 313 Section 49-11-621 after July 1, 2010; and
- 314 (iii) does not include a person who is reemployed as an active senior judge or an active
- 315 senior justice court judge as described by Utah State Court Rules, appointed to hear cases by
- 316 the Utah Supreme Court in accordance with Article VIII, Section 4, Utah Constitution.
- 317 (b) (i) This section does not apply to employment as an elected official if the elected
- 318 official's position is not full time as certified by the participating employer.
- 319 (ii) The provisions of this section apply to an elected official whose elected position is
- 320 full time as certified by the participating employer.
- 321 (c) (i) This section does not apply to employment as a part-time appointed board
- 322 member who does not receive any remuneration, stipend, or other benefit for the part-time
- 323 appointed board member's service.
- 324 (ii) For purposes of this Subsection (1)(c), remuneration, stipend, or other benefit does
- 325 not include receipt of per diem and travel expenses up to the amounts established by the
- 326 Division of Finance in:
- 327 (A) Section 63A-3-106;
- 328 (B) Section 63A-3-107; and
- 329 (C) rules made by the Division of Finance according to Sections 63A-3-106 and
- 330 63A-3-107.
- 331 (2) A retiree may not for the same period of reemployment:
- 332 (a) (i) earn additional service credit; or
- 333 (ii) receive any retirement related contribution from a participating employer; and
- 334 (b) receive a retirement allowance.
- 335 (3) (a) Except as provided under Subsection (3)(b) [~~or (10)~~], (10), or (11), the office
- 336 shall cancel the retirement allowance of a retiree if the reemployment with a participating
- 337 employer begins within one year of the retiree's retirement date.

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

340 (i) except under Subsection (11), the retiree is not reemployed by a participating
341 employer for a period of at least 60 days from the retiree's retirement date;

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

344 (A) medical benefits;

345 (B) dental benefits;

346 (C) other insurance benefits except for workers' compensation as provided under Title
347 34A, Chapter 2, Workers' Compensation Act, and withholdings required by federal or state law
348 for Social Security, Medicare, and unemployment insurance; or

349 (D) paid time off, including sick, annual, or other type of leave; and

350 (iii) (A) the retiree does not earn in any calendar year of reemployment an amount in
351 excess of the lesser of \$15,000 or one-half of the retiree's final average salary upon which the
352 retiree's retirement allowance is based; or

353 (B) the retiree is reemployed as a judge as defined under Section [78A-11-102](#).

354 (c) Beginning January 1, 2013, the board shall adjust the amounts under Subsection
355 (3)(b)(iii)(A) by the annual change in the Consumer Price Index during the previous calendar
356 year as measured by a United States Bureau of Labor Statistics Consumer Price Index average
357 as determined by the board.

358 (d) The office shall cancel the retirement allowance of a retiree for the remainder of the
359 calendar year if the reemployment with a participating employer exceeds the limitation under
360 Subsection (3)(b)(iii)(A).

361 (e) If a retiree is reemployed under the provisions of Subsection (3)(b) or (11), the
362 termination date of the reemployment, as confirmed in writing by the participating employer, is
363 considered the retiree's retirement date for the purpose of calculating the separation
364 requirement under Subsection (3)(a).

365 (4) If a reemployed retiree has completed the one-year separation from employment
366 with a participating employer required under Subsection (3)(a), the retiree may elect to:

367 (a) earn additional service credit in accordance with this title and cancel the retiree's
368 retirement allowance; or

369 (b) continue to receive the retiree's retirement allowance and forfeit any retirement
370 related contribution from the participating employer who reemployed the retiree.

371 (5) A participating employer who reemploys a retiree shall contribute to the office the
372 amortization rate, as defined in Section 49-11-102, to be applied to the system that would have
373 covered the retiree, if the reemployed retiree:

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

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

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

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

380 (ii) whether the reemployment is subject to Subsection (3)(b) [~~or (4) of this section~~],

381 (4), or (11); and

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

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

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

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

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

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

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

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

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

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

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

400 (i) the office shall cancel the allowance of a retiree subject to Subsection (7)(a)(i); and
401 (ii) the participating employer shall pay the amortization rate to the office on behalf of
402 the retiree.

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

405 (i) is not entitled to a recalculated retirement benefit; and
406 (ii) will resume the allowance that was being paid at the time of cancellation.

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

410 (i) resume receiving the allowance that was being paid at the time of cancellation; and
411 (ii) receive an additional allowance based on the formula in effect at the date of the
412 subsequent retirement for all service credit accrued between the first and subsequent retirement
413 dates.

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

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

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

421 (a) before retiring:

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

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

429 (iii) had less than 30 years of service credit but had sufficient service credit to retire,
430 with an unreduced allowance making the public safety service employee ineligible for

431 long-term disability payments under Title 49, Chapter 21, Public Employees' Long-Term
432 Disability Act, or a substantially similar long-term disability program; and

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

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

436 (11) A retiree shall be considered as having completed the 60-day separation from
437 employment with a participating employer under Subsection (3)(b)(i) if the:

438 (a) employee has been continuously employed in the part-time position for a period of
439 at least three years before the member's retirement date; and

440 (b) employment is a part-time position with a different agency from which the member
441 retired.

442 ~~[(H)]~~ (12) The board may make rules to implement this section.

443 Section 3. Section **49-12-401** is amended to read:

444 **49-12-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

474 (c) A member who is employed by a participating employer and who is also a part-time
475 employee of a different agency is not required to cease service as a part-time employee of the
476 different agency to be qualified to receive an allowance under Subsection (1), if the member
477 has been continuously employed in the part-time position for a period of at least three years
478 before the member's retirement date.

479 Section 4. Section **49-13-401** is amended to read:

480 **49-13-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

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

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

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

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

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

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

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

493 of 60 years;

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

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

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

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

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

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

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

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

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

512 (c) A member who is employed by a participating employer and who is also a part-time
513 employee of a different agency is not required to cease service as a part-time employee of the
514 different agency to be qualified to receive an allowance under Subsection (1), if the member
515 has been continuously employed in the part-time position for a period of at least three years
516 before the member's retirement date.

517 Section 5. Section 49-14-401 is amended to read:

518 **49-14-401. Eligibility for service retirement -- Date of retirement --**

519 **Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

547 (c) A member who is employed by a participating employer and who is also a part-time
548 employee of a different agency is not required to cease service as a part-time employee of the
549 different agency to be qualified to receive an allowance under Subsection (1), if the member
550 has been continuously employed in the part-time position for a period of at least three years
551 before the member's retirement date.

552 Section 6. Section **49-15-401** is amended to read:

553 **49-15-401. Eligibility for service retirement -- Date of retirement --**

554 **Qualifications.**

- 555 (1) A member is qualified to receive an allowance from this system when:
- 556 (a) except as provided under Subsection (3), the member ceases actual work for every
557 participating employer that employs the member before the member's retirement date and
558 provides evidence of the termination;
- 559 (b) the member has submitted to the office a retirement application form that states the
560 member's proposed retirement date; and
- 561 (c) one of the following conditions is met as of the member's retirement date:
- 562 (i) the member has accrued at least 20 years of service credit;
- 563 (ii) the member has accrued at least 10 years of service credit and has attained an age
564 of 60 years; or
- 565 (iii) the member has accrued at least four years of service and has attained an age of 65
566 years.
- 567 (2) (a) The member's retirement date:
- 568 (i) shall be the 1st or the 16th day of the month, as selected by the member;
- 569 (ii) shall be on or after the date of termination; and
- 570 (iii) may not be more than 90 days before or after the date the application is received by
571 the office.
- 572 (b) Except as provided under Subsection (3), a member may not be employed by a
573 participating employer in the system established by this chapter on the retirement date selected
574 under Subsection (2)(a)(i).
- 575 (3) (a) A member who is employed by a participating employer and who is also an
576 elected official is not required to cease service as an elected official to be qualified to receive
577 an allowance under Subsection (1), unless the member is retiring from service as an elected
578 official.
- 579 (b) A member who is employed by a participating employer and who is also a part-time
580 appointed board member is not required to cease service as a part-time appointed board
581 member to be qualified to receive an allowance under Subsection (1).
- 582 (c) A member who is employed by a participating employer and who is also a part-time
583 employee of a different agency is not required to cease service as a part-time employee of the
584 different agency to be qualified to receive an allowance under Subsection (1), if the member
585 has been continuously employed in the part-time position for a period of at least three years

586 before the member's retirement date.

587 Section 7. Section **49-16-401** is amended to read:

588 **49-16-401. Eligibility for service retirement -- Date of retirement --**

589 **Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

615 (b) A member who is employed by a participating employer and who is also a part-time
616 appointed board member is not required to cease service as a part-time appointed board

617 member to be qualified to receive an allowance under Subsection (1).

618 (c) A member who is employed by a participating employer and who is also a part-time
619 employee of a different agency is not required to cease service as a part-time employee of the
620 different agency to be qualified to receive an allowance under Subsection (1), if the member
621 has been continuously employed in the part-time position for a period of at least three years
622 before the member's retirement date.

623 Section 8. Section **49-22-304** is amended to read:

624 **49-22-304. Defined benefit eligibility for an allowance -- Date of retirement --**

625 **Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

655 (c) A member who is employed by a participating employer and who is also a part-time
656 employee of a different agency is not required to cease service as a part-time employee of the
657 different agency to be qualified to receive an allowance under Subsection (1), if the member
658 has been continuously employed in the part-time position for a period of at least three years
659 before the member's retirement date.

660 Section 9. Section 49-23-303 is amended to read:

661 **49-23-303. Defined benefit eligibility for an allowance -- Date of retirement --**
662 **Qualifications.**

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

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

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

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

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

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

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

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

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

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

679 (ii) shall be on or after the date of termination; and
680 (iii) may not be more than 90 days before or after the date the application is received by
681 the office.

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

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

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

692 (c) A member who is employed by a participating employer and who is also a part-time
693 employee of a different agency is not required to cease service as a part-time employee of the
694 different agency to be qualified to receive an allowance under Subsection (1), if the member
695 has been continuously employed in the part-time position for a period of at least three years
696 before the member's retirement date.

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