

1           **POSTRETIREMENT REEMPLOYMENT RESTRICTIONS ACT**

2                           **AMENDMENTS**

3                                   2018 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Douglas V. Sagers**

6                                   Senate Sponsor: Daniel W. Thatcher

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Postretirement Reemployment Restrictions Act by amending  
11 provisions relating to the reemployment of an affiliated emergency services worker.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ repeals the requirement that for a retiree who is reemployed as an affiliated  
15 emergency services worker, the termination date of the reemployment is considered  
16 the retiree's retirement date for the purpose of calculating the one-year separation  
17 requirement.

18   **Money Appropriated in this Bill:**

19           None

20   **Other Special Clauses:**

21           This bill provides a special effective date.

22   **Utah Code Sections Affected:**

23   AMENDS:

24           **49-11-1205**, as last amended by Laws of Utah 2017, Chapter 141

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

27           Section 1. Section **49-11-1205** is amended to read:

28           **49-11-1205. Postretirement reemployment restriction exceptions.**

29           (1) (a) The office may not cancel the retirement allowance of a retiree who is

30 reemployed with a participating employer within one year of the retiree's retirement date if:

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

33 (ii) upon reemployment after the break in service under Subsection (1)(a)(i), the retiree  
34 does not receive any employer paid benefits, including:

35 (A) retirement service credit or retirement-related contributions;

36 (B) medical benefits;

37 (C) dental benefits;

38 (D) other insurance benefits except for workers' compensation as provided under Title  
39 34A, Chapter 2, Workers' Compensation Act, Title 34A, Chapter 3, Utah Occupational Disease  
40 Act, and withholdings required by federal or state law for social security, Medicare, and  
41 unemployment insurance; or

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

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

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

47 (b) Beginning January 1, 2013, the board shall adjust the amounts under Subsection  
48 (1)(a)(iii) by the annual change in the Consumer Price Index during the previous calendar year  
49 as measured by a United States Bureau of Labor Statistics Consumer Price Index average as  
50 determined by the board.

51 (2) A retiree shall be considered as having completed the one-year separation from  
52 employment with a participating employer required under Section [49-11-1204](#), if the retiree:

53 (a) before retiring:

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

56 (ii) and during the employment under Subsection (2)(a)(i), suffered a physical injury  
57 resulting from external force or violence while performing the duties of the employment, and

58 for which injury the retiree would have been approved for total disability in accordance with  
59 the provisions under Chapter 21, Public Employees' Long-Term Disability Act, if years of  
60 service are not considered;

61 (iii) had less than 30 years of service credit but had sufficient service credit to retire,  
62 with an unreduced allowance making the public safety service employee ineligible for  
63 long-term disability payments under Chapter 21, Public Employees' Long-Term Disability Act,  
64 or a substantially similar long-term disability program; and

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

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

68 (3) (a) The office may not cancel the retirement allowance of a retiree who is employed  
69 as an affiliated emergency services worker within one year of the retiree's retirement date if the  
70 affiliated emergency services worker does not receive any compensation, except for:

71 (i) a nominal fee, stipend, discount, tax credit, voucher, or other fixed sum of money or  
72 cash equivalent payment not tied to productivity and paid periodically for services;

73 (ii) a length-of-service award;

74 (iii) insurance policy premiums paid by the participating employer in the event of death  
75 of an affiliated emergency services worker or a line-of-duty accidental death or disability; or

76 (iv) reimbursement of expenses incurred in the performance of duties.

77 (b) For purposes of Subsections (3)(a)(i) and (ii), the total amount of any discounts, tax  
78 credits, vouchers, and payments to an affiliated emergency services worker may not exceed  
79 \$500 per month.

80 (c) Beginning January 1, 2016, the board shall adjust the amount under Subsection  
81 (3)(b) by the annual change in the Consumer Price Index during the previous calendar year as  
82 measured by a United States Bureau of Labor Statistics Consumer Price Index average as  
83 determined by the board.

84 (4) (a) If a retiree is reemployed under the provisions of Subsection (1) [~~or (3)~~], the  
85 termination date of the reemployment, as confirmed in writing by the participating employer, is

86 considered the retiree's retirement date for the purpose of calculating the separation  
87 requirement under Section [49-11-1204](#).

88 (b) The office shall cancel the retirement allowance of a retiree for the remainder of the  
89 calendar year if the reemployment with a participating employer exceeds the limitation under  
90 Subsection (1)(a)(iii) or (3)(b).

91 Section 2. **Effective date.**

92 This bill takes effect on July 1, 2018.