

S.B. 95

EDUCATOR POSTRETIREMENT REEMPLOYMENT AMENDMENTS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 31, 2018 9:11 AM

Senator **Jani Iwamoto** proposes the following amendments:

1. *Page 1, Lines 19 through 20:*

19 • is reemployed by a different participating employer than the participating
20 employer that employed the retiree at the time of retirement except in limited circumstances ; and

2. *Page 1, Line 22:*

22 certain circumstances;
▶ requires certain member certifications on the retirement application form;

3. *Page 6, Line 152:*

152 educator as defined under Section {~~53A-6-103~~} 53E-6-102 ; and

4. *Page 7, Lines 193 through 195:*

193 (8) Notwithstanding Subsections (4)(a)(i)(B) and (5)(b)(ii), a reemployed retiree that
194 was employed by :

195 (a) the State of Utah at the time of retirement may be reemployed by the state
under Subsection (4) or (5) if the reemployment is with a different agency or office {~~:-~~} ; or
(b) a participating employer located within a county of the fourth, fifth, or sixth class, as classified
under Section 17-50-501, may be reemployed by that participating employer under Subsection (4) or (5)
if before the retiree is reemployed:

(i) the participating employer certifies to the office, under penalty of fraud, the facts and
circumstances of rehire, including any prearrangement for reemployment before the member's
retirement date; and

(ii) the office performs a facts and circumstances review and determines there was a bona fide
termination of employment with that participating employer, including the specific finding that there
was not a prearrangement for reemployment before the member's retirement date.

5. *Page 7, Line 206:*

206 under Section 49-11-1204 or 49-11-1205.

(4) The retirement application form submitted to the office shall contain the retiring member's
certification, under penalty of fraud, of whether there was a prearrangement of reemployment before
the retiree's retirement date with the participating employer.

