

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL 1520

By: Pemberton and Stephens of
the Senate

and

Hays, Hilbert, Davis, and
Moore of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to Teachers' Retirement System of Oklahoma; amending 70 O.S. 2021, Section 17-116.10, as amended by Section 9 of Enrolled House Bill No. 2528 of the 2nd Session of the 59th Oklahoma Legislature, which relates to postretirement employment; providing for increased earnings limitations for certain retired members through certain date; updating statutory language; and removing obsolete language.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 17-116.10, as amended by Section 9 of Enrolled House Bill No. 2528 of the 2nd Session of the 59th Oklahoma Legislature, is amended to read as follows:

Section 17-116.10. A. Subject to the requirements of Section 6-101.2 of this title and any other applicable requirements of law, a member may enter into postretirement employment with a public

1 school of Oklahoma and still receive monthly retirement benefits
2 subject to the following limitations:

3 1. A retired member is not eligible to be employed by the
4 public schools of Oklahoma, in any capacity, for sixty (60) calendar
5 days between the retiree's last day of preretirement public
6 education employment and any postretirement public education
7 employment. For purposes of this section, the term "last day of
8 preretirement employment" shall mean the last day the employee is
9 required to be physically present on the job to complete the terms
10 of the employment contract or agreement or the member's effective
11 retirement date, whichever is later. An employee on paid leave is
12 still considered to be employed for purposes of this section.
13 Employment under any conditions during this time, volunteer services
14 for the purpose of obtaining a paid position at a later date, or
15 payment at a later time for services performed during this time
16 period shall cause the forfeiture of all retirement benefits
17 received during the period;

18 2. For thirty-six (36) months following a member's effective
19 retirement date, the retired member shall be subject to earnings
20 limitations on allowable earnings. Earnings limits are determined
21 annually based on a calendar year. For retired members under ~~the~~
22 ~~age of~~ sixty-two (62) years of age, allowed earnings from the public
23 schools of Oklahoma for employment for the performance of duties
24 ordinarily performed by classified or nonclassified optional

1 personnel shall be limited to one-half (1/2) of the member's final
2 average salary used in computing retirement benefits or the earnings
3 limit allowed by the Social Security Administration for those under
4 Social Security's normal retirement age, whichever is less. For
5 retired members sixty-two (62) years of age or older, allowed
6 earnings from the public schools of Oklahoma for the performance of
7 duties ordinarily performed by classified or nonclassified personnel
8 shall be limited to Thirty Thousand Dollars (\$30,000.00) or one-half
9 (1/2) of the member's final average salary used in computing
10 retirement benefits, whichever is less. Notwithstanding the
11 earnings limits provided in this paragraph, for a period beginning
12 on the effective date of this act and ending December 31, 2027, a
13 retired member who has fulfilled the sixty-day break in employment
14 provided in paragraph 1 of this subsection and who returns or has
15 previously returned to work as an active classroom teacher in common
16 education or career tech school districts shall be subject to annual
17 earnings limitations of Fifty Thousand Dollars (\$50,000.00) on
18 allowable earnings for the member's reemployment period. For
19 purposes of this paragraph, the following shall apply:

20 a. earnings shall mean regular annual compensation as
21 defined in paragraph 23 of Section 17-101 of this
22 title, and shall include any payment by a public
23 school for services rendered by a retired member who
24 is employed for any purpose whatsoever. Supplemental

1 retirement payments paid by a former public school
2 employer pursuant to subsection N of Section 17-105 of
3 this title or other state law shall not be considered
4 as earnings,

5 b. the earnings limit for the calendar year in which a
6 member retires shall be one-twelfth (1/12) of the
7 annual limit multiplied by the number of months the
8 member is eligible to work and receive payments from
9 the public schools of Oklahoma, and

10 c. earnings in excess of the maximum limit on allowed
11 earnings from public schools of Oklahoma shall result
12 in a loss of retirement benefits of One Dollar (\$1.00)
13 for each One Dollar (\$1.00) earned over the maximum
14 allowed earnings amount; and

15 3. ~~Notwithstanding paragraph 2 of this subsection, for a period~~
16 ~~of three (3) years beginning July 1, 2017, members who have retired~~
17 ~~as of July 1, 2017, as active classroom teachers, who have been~~
18 ~~retired and receiving a benefit for at least one (1) year, and who~~
19 ~~have not been employed by any public school during that one-year~~
20 ~~period, shall be eligible to be reemployed as an active classroom~~
21 ~~teacher in common or career tech school districts, with no~~
22 ~~limitations on earnings. For a period of three (3) years beginning~~
23 ~~July 1, 2021, members who have retired as of July 1, 2020, who have~~
24 ~~been retired and receiving a benefit for at least one (1) year, and~~

1 ~~who have not been employed by any public school during that one-year~~
2 ~~period, shall be eligible to be reemployed as an active classroom~~
3 ~~teacher in common or career tech school districts, with no~~
4 ~~limitations on earnings. The one-year period starts with the~~
5 ~~retiree's last day of preretirement public education employment.~~
6 ~~Members returning under this section shall not be subject to any~~
7 ~~earnings limitations following the end of the three-year periods~~
8 ~~described in this paragraph. Members returning under this section~~
9 ~~shall only be employed pursuant to a temporary contract; and~~

10 4. A member shall be considered to be employed by a school
11 district to perform the duties ordinarily performed by classified or
12 nonclassified optional personnel if the member is hired by the
13 school district in the member's individual capacity to perform the
14 duties or if the member performs the duties through employment with
15 a proprietorship, partnership, corporation, limited liability
16 company or partnership, or any other business structure that has
17 agreed or contracted to provide the services to the school district.

18 B. A public school district that employs a retired member shall
19 be required to make contributions to the System for the retired
20 member in an amount as required in Section 17-108.1 and in paragraph
21 3 of subsection B of Section 17-116.2 of this title.

22 C. For purposes of this section, postretirement employment of
23 less than one thousand (1,000) hours per year with the Governor, the
24 ~~Oklahoma State~~ Senate, the ~~Oklahoma~~ House of Representatives or the

1 Legislative Service Bureau shall not be considered as postretirement
2 employment with a public school of Oklahoma.

3 D. The Board of Trustees of the Teachers' Retirement System of
4 Oklahoma shall promulgate such rules as are necessary to implement
5 the provisions of this section.

6 E. A member who has entered into postretirement employment with
7 a participating employer of the Teachers' Retirement System of
8 Oklahoma must fully comply with all the provisions of the rules
9 promulgated by the Board of Trustees pursuant to this section in
10 order to continue receiving the member's monthly retirement benefit.

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