

SECOND REGULAR SESSION

# HOUSE BILL NO. 2216

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROMLEY.

5012H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to teacher and school employee retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 paid position occupied by the retiree for at least one-fifth of the total hours worked during the  
19 year. Such a person shall not contribute to the retirement system or to the public education  
20 employee retirement system established by sections 169.600 to 169.715 because of earnings  
21 during such period of employment. If such a person is employed in any capacity by such an  
22 employer in excess of the limitations set forth in this subsection, the person shall not be  
23 eligible to receive the person's retirement allowance for any month during which the person is  
24 so employed. In addition, such person shall contribute to the retirement system if the person  
25 satisfies the retirement system's membership eligibility requirements. In addition to the  
26 conditions set forth above, this subsection shall apply to any person retired and currently  
27 receiving a retirement allowance under sections 169.010 to 169.141, other than for disability,  
28 who is employed by a third party or is performing work as an independent contractor, if such  
29 person is performing work for an employer included in the retirement system as a temporary  
30 or long-term substitute teacher or in any other position that would normally require that  
31 person to be duly certificated under the laws governing the certification of teachers in  
32 Missouri if such person was employed by the district. The retirement system may require the  
33 employer, the third-party employer, the independent contractor, and the retiree subject to this  
34 subsection to provide documentation showing compliance with this subsection. If such  
35 documentation is not provided, the retirement system may deem the retiree to have exceeded  
36 the limitations provided in this subsection.

37         2. Notwithstanding any other provision of this section, any person retired and  
38 currently receiving a retirement allowance in accordance with sections 169.010 to 169.141,  
39 other than for disability, may be employed by an employer included in the retirement system  
40 created by those sections in a position that does not normally require a person employed in  
41 that position to be duly certificated under the laws governing the certification of teachers in  
42 Missouri, and through such employment may earn up to sixty percent of the ~~[minimum]~~  
43 **average** teacher's salary ~~[as set forth in section 163.172]~~ **for the primary district the**  
44 **person will be employed in after retirement**, without a discontinuance of the person's  
45 retirement allowance **from the retirement system**. Such person shall not contribute to the  
46 retirement system or to the public education employee retirement system established by  
47 sections 169.600 to 169.715 because of earnings during such period of employment, and such  
48 person shall not earn membership service for such employment. The employer's contribution  
49 rate shall be paid by the hiring employer into the public education employee retirement  
50 system established by sections 169.600 to 169.715. If such a person is employed in any  
51 capacity by an employer in excess of the limitations set forth in this subsection, the person  
52 shall not be eligible to receive the person's retirement allowance for any month during which  
53 the person is so employed. In addition, such person shall become a member of and contribute  
54 to any retirement system described in this subsection if the person satisfies the retirement

55 system's membership eligibility requirements. The provisions of this subsection shall not  
56 apply to any person retired and currently receiving a retirement allowance in accordance with  
57 sections 169.010 to 169.141 employed by a public community college.

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