

1 ENGROSSED SENATE  
2 BILL NO. 267

By: Pemberton, Jech, Pederson  
and Stephens of the Senate

3 and

4 Nollan of the House

5  
6  
7 An Act relating to teacher retirement; amending 70  
8 O.S. 2011, Section 17-116.10, as last amended by  
9 Section 2, Chapter 270, O.S.L. 2017 (70 O.S. Supp.  
10 2020, Section 17-116.10), which relates to  
11 postretirement employment; authorizing certain  
12 retired members to return to employment in public  
13 schools during certain time period with no earning  
14 limitations.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-116.10,  
17 as last amended by Section 2, Chapter 270, O.S.L. 2017 (70 O.S.  
18 Supp. 2020, Section 17-116.10), is amended to read as follows:

19 Section 17-116.10. A. Subject to the requirements of Section  
20 6-101.2 of this title and any other applicable requirements of law,  
21 a member may enter into postretirement employment with a public  
22 school of Oklahoma and still receive monthly retirement benefits  
23 subject to the following limitations:

24 1. A retired member is not eligible to be employed by the  
public schools of Oklahoma, in any capacity, for sixty (60) calendar  
days between the retiree's last day of preretirement public

1 education employment and any postretirement public education  
2 employment. For purposes of this section, the term "last day of  
3 preretirement employment" shall mean the last day the employee is  
4 required to be physically present on the job to complete the terms  
5 of the employment contract or agreement. An employee on paid leave  
6 is still considered to be employed for purposes of this section.  
7 Employment under any conditions during this time, volunteer services  
8 for the purpose of obtaining a paid position at a later date, or  
9 payment at a later time for services performed during this time  
10 period shall cause the forfeiture of all retirement benefits  
11 received during the period;

12 2. Unless otherwise provided in paragraph 3 of this subsection,  
13 earnings from the public schools may not exceed one-half (1/2) of  
14 the member's final average salary used in computing retirement  
15 benefits, or the Earnings Limitation for employees allowed by the  
16 Social Security Administration, whichever is less. For retired  
17 members under the age of sixty-two (62) years, the limit on allowed  
18 earnings from the public schools of Oklahoma for employment for the  
19 performance of duties ordinarily performed by classified or  
20 nonclassified personnel shall be the lesser of Fifteen Thousand  
21 Dollars (\$15,000.00) or one-half (1/2) of the member's final average  
22 salary used in computing retirement benefits unless the earnings  
23 limitation allowed by the Social Security Administration would be  
24 greater than Fifteen Thousand Dollars (\$15,000.00). For retired

1 members sixty-two (62) years of age or older the limit on allowed  
2 earnings from the public schools of Oklahoma for the performance of  
3 duties ordinarily performed by classified or nonclassified personnel  
4 shall be the lesser of Thirty Thousand Dollars (\$30,000.00) or one-  
5 half (1/2) of the member's final average salary used in computing  
6 retirement benefits. For purposes of this paragraph, the following  
7 shall apply:

- 8       a. earnings shall mean "regular annual compensation" as  
9       defined in paragraph (25) of Section 17-101 of this  
10       title, and shall include any payment by a public  
11       school for services rendered by a retired member who  
12       is employed for any purpose whatsoever. Supplemental  
13       retirement payments paid by a former public school  
14       employer pursuant to subsection 9 of Section 17-105 of  
15       this title or other state law shall not be considered  
16       as earnings,
- 17       b. the Earnings Limitation for employees allowed by the  
18       Social Security Administration to workers between the  
19       age of sixty-two (62) years and sixty-five (65) years  
20       shall apply to retired members below the age of sixty-  
21       two (62) years,
- 22       c. the limit on allowed earnings from the public schools  
23       shall be automatically adjusted effective the first  
24       day of January of each year to reflect the current

- 1 Earnings Limitation for employees as determined from  
2 time to time by the Social Security Administration,
- 3 d. the earnings limit for the calendar year in which a  
4 member retires shall be one-twelfth (1/12) of the  
5 annual limit multiplied by the number of months the  
6 member is eligible to work and receive payments from  
7 the public schools of Oklahoma,
- 8 e. earnings in excess of the maximum limit on allowed  
9 earnings from public schools of Oklahoma shall result  
10 in a loss of future retirement benefits for the year  
11 the postretirement employment was performed of One  
12 Dollar (\$1.00) for each One Dollar (\$1.00) earned over  
13 the maximum allowed earnings amount,
- 14 f. for those members age seventy (70) years and over, the  
15 earnings in excess of the maximum limit allowed  
16 earnings from public schools of Oklahoma shall be one-  
17 half (1/2) the member's final average salary used in  
18 computing retirement benefits. However, any retired  
19 member receiving benefits from the Retirement System  
20 who reached age seventy (70) years prior to July 1,  
21 1991, shall not be restricted by the earnings limits  
22 pursuant to this subparagraph until January 1, 1994.  
23 To qualify for the provisions of this subparagraph,  
24 the member must be employed less than one-half (1/2)

1           time compared to other full-time employees in similar  
2           positions;

3           3. Notwithstanding paragraph 2 of this subsection, a retired  
4           classified or nonclassified member who has been retired for thirty-  
5           six (36) or more months and who is employed by a public school to  
6           perform duties ordinarily performed by classified or nonclassified  
7           personnel shall be able to receive annualized earnings from the  
8           public school with no reduction in retirement benefits regardless of  
9           the amount of annualized earnings. For a period of three (3) years  
10          beginning July 1, 2017, members who have retired as of July 1, 2017,  
11          as active classroom teachers, who have been retired and receiving a  
12          benefit for at least one (1) year, and who have not been employed by  
13          any public school during that one-year period, shall be eligible to  
14          be reemployed as an active classroom teacher in common or career  
15          tech school districts, with no limitations on earnings. For a  
16          period of three (3) years beginning July 1, 2021, members who have  
17          retired as of July 1, 2020, who have been retired and receiving a  
18          benefit for at least one (1) year, and who have not been employed by  
19          any public school during that one-year period, shall be eligible to  
20          be reemployed as an active classroom teacher in common or career  
21          tech school districts, with no limitations on earnings. The one-  
22          year period starts with the retiree's last day of preretirement  
23          public education employment. Members returning under this section  
24          shall not be subject to any earning limitations following the end of

1 the three-year ~~period~~ periods described in this paragraph. Members  
2 returning under this section shall only be employed pursuant to a  
3 temporary contract; and

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

12 B. A public school district that employs a retired member shall  
13 be required to make contributions to the System for the retired  
14 member in an amount as required in Section 17-108.1 and in paragraph  
15 3 of subsection B of Section 17-116.2 of this title.

16 C. For purposes of this section, postretirement employment of  
17 less than one thousand (1,000) hours per year with the Governor, the  
18 State Senate, the House of Representatives or the Legislative  
19 Service Bureau shall not be considered as postretirement employment  
20 with a public school of Oklahoma.

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

1 E. A member who has entered into postretirement employment with  
2 a participating employer of the Teachers' Retirement System of  
3 Oklahoma must fully comply with all the provisions of the rules  
4 promulgated by the Board of Trustees pursuant to this section in  
5 order to continue receiving his or her monthly retirement benefit.

6 Passed the Senate the 3rd day of March, 2021.

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\_\_\_\_\_  
Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
11 2021.

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Presiding Officer of the House  
of Representatives

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