

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2288

By: Hilbert

6 AS INTRODUCED

7 An Act relating to public retirement systems;
8 amending 70 O.S. 2021, Section 17-116.10, as amended
9 by Section 9, Chapter 300, O.S.L. 2024 (70 O.S. Supp.
10 2024, Section 17-116.10), which relates to
11 postretirement employment; modifying earning
limitations for certain retirees returning to work in
a public school; modifying postretirement earning
limitations for certain time period; and providing an
effective date.

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 17-116.10,
15 as amended by Section 9, Chapter 300, O.S.L. 2024 (70 O.S. Supp.
16 2024, Section 17-116.10), is amended to read as follows:

17 Section 17-116.10. A. Subject to the requirements of Section
18 6-101.2 of this title and any other applicable requirements of law,
19 a member may enter into postretirement employment with a public
20 school of Oklahoma and still receive monthly retirement benefits
21 subject to the following limitations:

22 1. A retired member is not eligible to be employed by the
23 public schools of Oklahoma, in any capacity, for sixty (60) calendar

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

14 2. For thirty-six (36) months following a member's effective
15 retirement date, the retired member shall be subject to earnings
16 limitations on allowable earnings. Earnings limits are determined
17 annually based on a calendar year. For Until July 1, 2028, for
18 retired members ~~under the age of sixty-two (62) years having~~
19 attained the age of fifty-five (55) years but less than fifty-nine
20 and one-half (59 1/2) years, the limit on allowed earnings from the
21 public schools of Oklahoma for employment for the performance of
22 duties ordinarily performed by classified or nonclassified optional
23 personnel shall be limited to the lesser of Thirty Thousand Dollars
24 (\$30,000.00) or one-half (1/2) of the member's final average salary

1 used in computing retirement benefits ~~or unless~~ the earnings ~~limit~~
2 ~~limitation allowed by the Social Security Administration for those~~
3 ~~under Social Security's normal retirement age, whichever is less~~
4 ~~would be greater than Thirty Thousand Dollars (\$30,000.00). For~~
5 Until July 1, 2028, for retired members having attained the age of
6 fifty-nine and one-half (59 1/2) years or older, there shall be no
7 limit on allowed earnings from the public schools of Oklahoma for
8 the performance of duties ordinarily performed by classified or
9 nonclassified personnel. Effective July 1, 2028, for retired
10 members under the age of sixty-two (62) years, the limit on allowed
11 earnings from the public schools of Oklahoma for employment for the
12 performance of duties ordinarily performed by classified or
13 nonclassified personnel shall be the lesser of Fifteen Thousand
14 Dollars (\$15,000.00) or one-half (1/2) of the member's final average
15 salary used in computing retirement benefits unless the earnings
16 limitation allowed by the Social Security Administration would be
17 greater than Fifteen Thousand Dollars (\$15,000.00). Effective July
18 1, 2028, for retired members sixty-two (62) years of age or older,
19 allowed earnings from the public schools of Oklahoma for the
20 performance of duties ordinarily performed by classified or
21 nonclassified personnel shall be limited to Thirty Thousand Dollars
22 (\$30,000.00) or one-half (1/2) of the member's final average salary
23 used in computing retirement benefits, whichever is less. For
24 purposes of this paragraph, the following shall apply:

1 a. earnings shall mean regular annual compensation as
2 defined in paragraph 23 of Section 17-101 of this
3 title, and shall include any payment by a public
4 school for services rendered by a retired member who
5 is employed for any purpose whatsoever. Supplemental
6 retirement payments paid by a former public school
7 employer pursuant to subsection N of Section 17-105 of
8 this title or other state law shall not be considered
9 as earnings,

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

15 c. earnings in excess of the maximum limit on allowed
16 earnings from public schools of Oklahoma shall result
17 in a loss of retirement benefits of One Dollar (\$1.00)
18 for each One Dollar (\$1.00) earned over the maximum
19 allowed earnings amount;

20 3. Notwithstanding paragraph 2 of this subsection, for a period
21 of three (3) years beginning July 1, 2017, members who have retired
22 as of July 1, 2017, as active classroom teachers, who have been
23 retired and receiving a benefit for at least one (1) year, and who
24 have not been employed by any public school during that one-year

1 period, shall be eligible to be reemployed as an active classroom
2 teacher in common or career tech school districts, with no
3 limitations on earnings. For a period of three (3) years beginning
4 July 1, 2021, members who have retired as of July 1, 2020, who have
5 been retired and receiving a benefit for at least one (1) year, and
6 who have not been employed by any public school during that one-year
7 period, shall be eligible to be reemployed as an active classroom
8 teacher in common or career tech school districts, with no
9 limitations on earnings. The one-year period starts with the
10 retiree's last day of preretirement public education employment.
11 Members returning under this section shall not be subject to any
12 earnings limitations following the end of the three-year periods
13 described in this paragraph. Members returning under this section
14 shall only be employed pursuant to a temporary contract; and

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

23 B. A public school district that employs a retired member shall
24 be required to make contributions to the System for the retired

1 member in an amount as required in Section 17-108.1 and in paragraph
2 3 of subsection B of Section 17-116.2 of this title.

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

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

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

16 SECTION 2. This act shall become effective November 1, 2025.
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18 60-1-11638 CMA 01/11/25
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THOMAS E. CUMMINS CONSULTING ACTUARY, INC.
2512 E. 71st Street , Suite D • Tulsa, Oklahoma 74136
(918) 492-9658 • (918) 492- 9659

January 14, 2025

Representative Hilbert
Room 401S

Re: RBH No. 11638

RBH No. 11638 would allow retired teachers to return to work as a teacher with earnings limitations.

If age is between 55 and 59.5 limitation lesser of \$30,000 and 50% of Final Average Earnings

If age is at least 59.5 no limitation until 7/01/2028

After 7/01/2028 if age less than 62 limitation is the lesser \$15,000 and 50% of Final Average Earnings.

RBH No. 11638 is a non fiscal bill as defined by OPLAAA.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA