

SENATE FILE NO. SF0125

Public employees-requirements upon rehiring-2.

Sponsored by: Senate Appropriations Committee

A BILL

for

1 AN ACT relating to public employees; modifying requirements
2 for rehiring members of the Wyoming retirement system;
3 requiring reinstatement as contributing members as
4 specified; making conforming amendments; correcting cross
5 references; specifying applicability; and providing for an
6 effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 9-3-415(a)(intro), (b), (g)(intro),
11 (h), by creating a new subsection (j), by amending and
12 renumbering (j) and (k) as (k) and (m) and by creating a
13 new subsection (n) is amended to read:

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15 **9-3-415. When retirement permitted; service credit.**

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1 (a) Except as provided in this section or under W.S.
2 9-3-431 and 9-3-432, normal retirement benefits under the
3 system are payable to a member who:

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5 (b) Except as provided in this section or under W.S.
6 9-3-431 and 9-3-432, ~~or subsection (k) of this section,~~
7 early retirement benefits are payable to a member who has
8 at least four (4) years of service and is at least fifty
9 (50) but not yet sixty (60) years of age or has at least
10 twenty-five (25) years of service and is not yet fifty (50)
11 years of age. The early retirement benefit amount is equal
12 to the normal retirement benefit amount otherwise payable
13 reduced on an actuarial equivalent basis under rules
14 established by the board.

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16 (g) Subject to ~~subsection~~ subsections (h) and (j) of
17 this section and in accordance with rule and regulation of
18 the board protecting the actuarial integrity of the system
19 and its status as a federally qualified plan, any retired
20 member rehired after a break in service of not less than
21 ~~thirty (30) days~~ one (1) year by a participating employer
22 to fill, ~~a vacant full time~~ in any capacity, any position
23 ~~of a regular contributing employee, in any capacity~~
24 ~~including, but not limited to, as a contract employee or as~~

1 ~~an employee of a third party contractor under an agreement~~
2 ~~with a participating employer,~~ for which contributions to
3 the retirement system would normally be required shall
4 notify the board in writing of his election to:

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6 (h) If prior to July 1, 2013 a retired member is
7 rehired by a participating employer to fill a vacant full-
8 time position of a regular contributing employee in any
9 capacity, ~~including, but not limited to, as a contract~~
10 ~~employee or as an employee of a third party contractor~~
11 ~~under an agreement with a participating employer,~~ and the
12 retiree is rehired following a break in service of not less
13 than thirty (30) days, the employer shall pay into the
14 account an amount equal to both the members' and employer's
15 contributions required by law under the Wyoming retirement
16 system based upon the retiree's salary. Service by the
17 retiree under this subsection shall not increase retirement
18 benefits under the Wyoming retirement system.

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20 (j) If on or after July 1, 2013 a retired member is
21 rehired following a break in service of not less than one
22 (1) year by a participating employer to fill, in any
23 capacity, any position for which contributions to the
24 retirement system would normally be required, and the

1 member does not elect to discontinue receiving retirement
2 benefits and be reinstated as a contributing member, the
3 employer shall pay into the account an amount equal to both
4 the members' and employer's contributions required by law
5 under the Wyoming retirement system based upon the
6 retiree's salary. Service by the retiree under this
7 subsection shall not increase retirement benefits under the
8 Wyoming retirement system.

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10 ~~(j)(k) If any retired member or employer violates~~
11 ~~subsection (h) of this section, The board shall immediately~~
12 ~~cancel the retiree's retirement benefit and shall reinstate~~
13 ~~that member as a contributing member:--~~

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15 (i) If any retired member or employer violates
16 subsection (h) or (j) of this section;

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18 (ii) If prior to July 1, 2013 any retired member
19 is rehired by a participating employer to fill a vacant
20 full-time position of a regular contributing employee in
21 any capacity following a break in service of less than
22 thirty (30) days; or

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1 (iii) If on or after July 1, 2013, any retired
2 member is rehired by a participating employer following a
3 break in service of less than one (1) year, to fill, in any
4 capacity, any position for which contributions to the
5 retirement system would normally be required.

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7 ~~(k)~~ (m) Except as provided in this section, for a
8 general member initially employed after August 31, 2012,
9 early retirement benefits are payable to a general member
10 who has at least four (4) years of service and is at least
11 fifty-five (55) but not yet sixty-five (65) years of age or
12 has at least twenty-five (25) years of service and is not
13 yet fifty-five (55) years of age. The early retirement
14 benefit amount is equal to the normal retirement benefit
15 amount otherwise payable reduced on an actuarial equivalent
16 basis under rules established by the board.

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18 (n) As used in this section, notwithstanding any
19 other provision of this article:

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21 (i) "In any capacity" includes, but is not
22 limited to, a contract employee or an employee of a third
23 party contractor under an agreement with a participating
24 employer;

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(ii) "Any position for which contributions to the retirement system would normally be required" shall not include temporary or part-time employment unless the position is a temporary or part-time position for which contributions to the retirement system are required by this act or rules adopted pursuant to this act.

Section 2. The provisions of this act shall not be applicable to persons retiring in accordance with W.S. 9-3-401 through 9-3-432 prior to the effective date of this act and rehired following a break in service of at least thirty (30) days and less than one (1) year. The provisions of law existing prior to amendment by this act shall continue to apply to such persons.

Section 3. This act is effective July 1, 2013.

(END)