

SENATE FILE NO. SF0095

Early retirement.

Sponsored by: Senator(s) Meier, Driskill, Pappas and
Perkins and Representative(s) Haley, Hunt,
Jennings, Miller, Steinmetz and Zwonitzer

A BILL

for

1 AN ACT relating to retirement; creating an early retirement
2 option for state employees to be administered by the
3 Wyoming retirement board; specifying qualifications of
4 state employees eligible for early retirement; specifying
5 payments and benefits for early retirement; providing for
6 restrictions on filling vacant positions; requiring
7 reports; providing for an appropriation; and providing for
8 an effective date.

9

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

11

12 **Section 1.**

13

14 (a) The Wyoming retirement board shall offer an early
15 retirement option to those state employees who qualify

1 under the criteria provided in section 2 of this act.
2 Qualified state employees may elect to take early
3 retirement beginning April 1, 2017 through June 30, 2017.
4 The early retirement option provided by this act expires
5 July 1, 2017 and any election made on or after that date is
6 ineffective.

7

8 (b) The Wyoming retirement board shall administer
9 this act. Prior to April 1, 2017, the board shall identify
10 and notify eligible state employees of the early retirement
11 option provided by this act. This option shall not affect
12 the authority of the board or the validity of its rules
13 promulgated under W.S. 9-3-415(b) to determine retirement
14 benefit amounts reduced on an actuarial equivalent basis
15 for members who are under sixty (60) years of age.

16

17 (c) Employees electing to take early retirement shall
18 submit a request to the director of the agency for which
19 the employee works. To ensure the continued efficient
20 operation of the agency, the director of the agency may,
21 with the approval of the appropriate authority listed in
22 section 4(a) of this act, grant the early retirement
23 request up to two (2) years after receipt of the request,

1 but in no case shall the director delay granting the
2 request later than June 30, 2019. The director of the
3 agency shall notify the Wyoming retirement board of all
4 requests granted pursuant to this act. The payments and
5 benefits provided under this act shall commence on the date
6 the agency director grants the request.

7
8 **Section 2.**

9
10 (a) Except as otherwise provided in subsection (c) of
11 this section, state employees who qualify under this act
12 are those state employees who meet all of the following:

13
14 (i) Have been continuously employed by the state
15 for at least two (2) years on the effective date of this
16 act;

17
18 (ii) Meet any one (1) of the following regarding
19 age and service with the executive, legislative or judicial
20 branch of government as of June 30, 2017:

21
22 (A) At least fifty-two (52) years of age
23 and at least eighteen (18) years of service;

1

2 (B) At least fifty-three (53) years of age
3 and at least seventeen (17) years of service;

4

5 (C) At least fifty-four (54) years of age
6 and at least sixteen (16) years of service;

7

8 (D) At least fifty-five (55) years of age
9 and at least fifteen (15) years of service.

10

11 (iii) Are otherwise qualified under the Wyoming
12 Retirement Act to take retirement.

13

14 (b) Supreme court justices, all other judges and
15 employees who are direct appointees of any of the five (5)
16 state elected officials are excluded from eligibility for
17 early retirement under this act.

18

19 (c) The age requirements of subsection (a) of this
20 section shall not apply to state employees who have at
21 least twenty-eight (28) years of service with the
22 executive, legislative or judicial branch of government.

23

1 **Section 3.**

2

3 (a) In addition to subsection (b) of this section, a
4 state employee electing to take early retirement under this
5 act shall receive the normal retirement benefits available
6 for the employee under the Wyoming Retirement Act and
7 monthly payments by the state for health insurance coverage
8 for the employee and the employee's dependents until the
9 employee reaches age sixty-five (65). The monthly payments
10 for health insurance coverage authorized by this subsection
11 shall be determined by the department of administration and
12 information employees' and officials' group insurance
13 program and be in an amount not to exceed one thousand
14 three hundred twenty-three dollars (\$1,323.00) for family
15 coverage and an amount not to exceed eight hundred forty-
16 one dollars (\$841.00) for single coverage.

17

18 (b) A state employee electing to take early
19 retirement under this act shall receive the following:

20

21 (i) For employees who are age fifty-two (52)
22 through age sixty (60) on the date the request submitted
23 under section 1 of this act is granted, a monthly payment

1 equal to twenty percent (20%) of the employee's monthly
2 salary at the date of retirement, exclusive of longevity
3 pay, paid until the employee reaches age sixty-two (62);
4

5 (ii) For employees who are age sixty-one (61) or
6 older on the date the request submitted under section 1 of
7 this act is granted, a bonus equal to three (3) months of
8 the employee's current salary, exclusive of longevity pay,
9 in a lump sum.
10

11 (c) If an employee who is receiving monthly payments
12 for health insurance coverage under subsection (a) of this
13 section and payments under paragraph (b)(i) of this section
14 dies before the age of sixty-two (62), the payments shall
15 be discontinued in the month following the month during
16 which the employee's death occurred. If an employee who is
17 receiving monthly payments for health insurance coverage
18 under subsection (a) of this section becomes eligible
19 because of new employment for any other health care plan
20 with comparable coverage and benefits as determined by the
21 department of administration and information employees' and
22 officials' group insurance program, the employee shall:
23

1 (i) No longer be eligible for payments for
2 health insurance coverage under subsection (a) of this
3 section in the month following the month in which the
4 employee became eligible for coverage under the new plan;

5
6 (ii) Notify the department of administration and
7 information employees' and officials' group insurance
8 program which shall notify the agency from which the
9 employee retired to discontinue payments for health
10 insurance coverage in the month following the month in
11 which the employee became eligible for coverage under the
12 new plan;

13
14 (iii) Repay the agency from which the employee
15 retired any payments for health insurance coverage made
16 after the month in which the employee became eligible for
17 coverage under the new plan and prior to the employee
18 providing the notice required by paragraph (ii) of this
19 subsection, together with interest of ten percent (10%) per
20 annum from the date of the payments.

21
22 **Section 4.**
23

1 (a) Except as provided in subsection (c) of this
2 section, no vacancy in any position created by a state
3 employee electing to take early retirement under this act
4 shall be filled without the approval of:

5
6 (i) For the University of Wyoming, the board of
7 trustees for the university;

8
9 (ii) For the remainder of the executive branch,
10 the governor;

11
12 (iii) For the legislative branch, the management
13 council;

14
15 (iv) For the judiciary, the chief justice of
16 Wyoming.

17
18 (b) An early retiree under this act shall cease to be
19 eligible for further payments and benefits under this act
20 in the month following the month in which the retiree:

21
22 (i) Is employed as a full-time employee by the
23 executive, legislative or judicial branch;

1

2 (ii) Is employed under any contract of
3 employment by the executive, legislative or judicial
4 branch; or

5

6 (iii) Provides services to the executive,
7 legislative or judicial branch where the retiree:

8

9 (A) Is an independent contractor or a
10 contract employee under a contract; or

11

12 (B) Is an owner, partner, officer or
13 stockholder of the entity which has contracted with the
14 executive, legislative or judicial branch to provide the
15 services.

16

17 (c) No authority listed in subsection (a) of this
18 section shall approve filling any vacancy in a position
19 created by an election under this act if:

20

21 (i) For an agency with less than thirty-five
22 (35) authorized positions, it would result in fewer than

1 ten percent (10%) of the total positions vacated under this
2 act within the agency remaining unfilled;

3
4 (ii) For an agency with thirty-five (35) or more
5 authorized positions, it would result in fewer than fifty
6 percent (50%) of the total positions vacated under this act
7 within the agency remaining unfilled; or

8
9 (iii) The annual salary that would be paid for
10 the position is greater than eighty percent (80%) of the
11 annual salary paid to the retiree effective immediately
12 prior to his early retirement under this act.

13
14 (d) Each authority listed in subsection (a) of this
15 section shall prepare a report not later than August 1 of
16 each year that summarizes the cost savings which have
17 accrued for the previous fiscal year as a result of the
18 early retirement option provided by this act. The governor
19 shall specify the format for the reports and distribute the
20 reports annually to the legislature prior to the convening
21 of the session.

22

1 **Section 5.** The amount of money necessary to meet the
2 bonus payments under this act is appropriated and shall be
3 expended from the fund and account from which an electing
4 employee's salary was paid prior to the election. The
5 amount of money necessary to meet the twenty percent (20%)
6 retirement salary and payments for health insurance
7 coverage under this act shall be paid from any personal
8 service funds available in the employing agency's biennial
9 budget.

10

11 **Section 6.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16 (END)