

SECOND REGULAR SESSION

SENATE BILL NO. 1045

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time February 27, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6590S.011

AN ACT

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

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Section A. Section 169.560, RSMo, is repealed and one new section
2 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
2 allowance pursuant to sections 169.010 to 169.141, other than for disability, may
3 be employed in any capacity [in a district] **for an employer** included in the
4 retirement system created by those sections on either a part-time or
5 temporary-substitute basis not to exceed a total of five hundred fifty hours in any
6 one school year, and through such employment may earn up to fifty percent of the
7 annual compensation payable under the [district's] **employer's** salary schedule
8 for the position or positions filled by the retiree, given such person's level of
9 experience and education, without a discontinuance of the person's retirement
10 allowance. If the [school district] **employer** does not utilize a salary schedule,
11 or if the position in question is not subject to the [district's] **employer's** salary
12 schedule, a retiree employed in accordance with the provisions of this [section]
13 **subsection** may earn up to fifty percent of the annual compensation paid to the
14 person or persons who last held such position or positions. If the position or
15 positions did not previously exist, the compensation limit shall be determined in
16 accordance with rules duly adopted by the board of trustees of the retirement
17 system; provided that, it shall not exceed fifty percent of the annual compensation
18 payable for the position [in the school district] **by the employer** that is most
19 comparable to the position filled by the retiree. In any case where a retiree fills

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

45 **2. Notwithstanding any other provision of this section, any**
46 **person retired and currently receiving a retirement allowance in**
47 **accordance with sections 169.010 to 169.141, other than for disability,**
48 **may be employed by an employer included in the retirement system**
49 **created by those sections in a position that does not normally require**
50 **a person employed in that position to be duly certificated under the**
51 **laws governing the certification of teachers in Missouri, and through**
52 **such employment may earn up to fifty percent of the minimum**
53 **teacher's salary as set forth in section 163.172, without a**
54 **discontinuance of the person's retirement allowance. Such person shall**
55 **not contribute to the retirement system or to the public education**

56 employee retirement system established by sections 169.600 to 169.715
57 because of earnings during such period of employment, and such
58 person shall not earn membership service for such employment. The
59 employer's contribution rate shall be paid by the hiring employer into
60 the public education employee retirement system established by
61 sections 169.600 to 169.715. If such a person is employed in any
62 capacity by an employer in excess of the limitations set forth in this
63 subsection, the person shall not be eligible to receive the person's
64 retirement allowance for any month during which the person is so
65 employed. In addition, such person shall become a member of and
66 contribute to any retirement system described in this subsection if the
67 person satisfies the retirement system's membership eligibility
68 requirements.

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Bill

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