

## **SB 428 (Limited exception to post-retirement employment)**

Here is a brief summary of SB 428 that loosens the post-retirement income restriction for some retirees for a three year period. The law takes effect July 1, 2017.

**SB 428 (Sen. Smalley; Rep. Henke) Limited exception to post-retirement employment for retired classroom teachers who retired prior to July 1, 2017 and who have been retired for at least one year; and TRS cleanup** – The State Department of Education sponsored a bill as an effort to try and recruit TRS retirees back to the classroom. The exception to the general limitations on post-retirement employment will last three (3) years from July 1, 2017 through June 30, 2020. It will only be available to members who retired as “active classroom teachers” as of July 1, 2017 and who have not been employed by any public school in any capacity for at least one year. These retired teachers may be hired as active classroom teachers without any limitation on earnings. These returning retirees must be hired on temporary contracts.

To be eligible here are the requirements:

1. The member must have retired as an “active classroom teacher.” That is defined in TRS statutes as follows:

"Active classroom teacher" means a person employed by a school district to teach students specifically identified classes for specifically identified subjects during the course of a semester, and who holds a valid certificate or license issued by and in accordance with the rules and regulations of the State Board of Education.

**\*A member who retired as a superintendent or in other non-teaching positions, is not eligible. There might be administrators whose contract required them to teach also. Members must have met the definition above in their last year of teaching before retirement.**

2. Retirees must be hired as “active classroom teachers” when they return to work.

3. Retirees must have been retired for at least one year. In addition they cannot have been employed by any Oklahoma public school in any capacity for a period of one year. The one year period starts with the retiree's last day of preretirement public education employment .employment.

4. Retirees must have a retirement date of no later than July 1, 2017 to ever get the benefit of this exception in SB 428.

### **FAQs**

1. I'm retiring on August 1, 2017. Can I be rehired by a public school in one year with no salary restriction under the new law?

**No. Only members who retired on or before July 1, 2017 may ever take advantage of the exceptions in SB 428.**

2. I retired April 1, 2017. Can I be rehired by a public school starting August or September 2017 with no salary restriction under the new law?

**No. Only members who have not been employed by any Oklahoma public school for at least one year may take advantage of the exceptions in SB 428. You could return on April 1, 2018 and come under the exceptions of SB 428.**

3. I taught in the Oklahoma public schools for 30 years. The last 2 years before I retired, I was an elementary school principal with no teaching duties. Can I be rehired by a public school in one year with no salary restriction under the new law?

**No. Only those who retired as an “active classroom teacher” may ever take advantage of the exceptions in SB 428.**

4. I retired on June 1, 2016 as a 5<sup>th</sup> grade elementary school teacher. I worked part-time at an elementary school during the 2016-17 school year. Can I work during the 2017-2018 school year without a limitation on my salary?

**No. You retired on or before July 1, 2017, but you must also not be employed for a full year after you retired before being eligible to work without a salary limitation under SB 428. You would have to wait another year from your last day of part-time work in order to work with no salary limitation.**

5. I retired on June 1, 2015 as an 11th grade science teacher. I was off work until August 1, 2016, when I returned to work part-time as a substitute teacher. Can I work during the 2017-2018 school year without a limitation on my salary?

**Yes. The one-year work limitation begins on your last day of pre-retirement employment. That one-year period expired May 30, 2016 making you eligible to return to work as a classroom teacher without salary limitations.**