



## IV. Contributions

### 1. Employer Responsibility

- a. It is the responsibility of employers to submit all required contributions both on behalf of their employees and as fees for their participation in the system.

#### Governance

#### [70 O.S. § 17-120 – Deposit of Contributions](#)

The employer of each member shall submit all required school reports and all employer and employee contributions of each member due the Retirement System for payroll periods ending during the calendar month within ten (10) days of the last day of each calendar month. Any required school reports and employer and employee contribution amounts not submitted to the Retirement System after thirty (30) days from the end of the payroll month shall be subject to a monthly late charge of one and one-half percent (1 1/2%) of the unpaid balance to be paid by the employer to the Retirement System compounding monthly for each month payment is not received. The Board may waive late fees for good cause shown.

### 2. Rates

Fiscal/ Employment Year	Employee	Regular Federal and Other External Sources Match	Summer School Federal and Other External Sources Match*	Employer		Post Retirement Statutory Fee		Higher Education Surcharge
				K-12 Schools, Career Tech, 2- Year Colleges & State Agencies (EESIP eligible)	Comprehensive & Regional 4- Year Colleges & Universities (non EESIP)	K-12 Schools, Career Tech, 2- Year Colleges & State Agencies (EESIP eligible)	Comprehensive & Regional 4- Year Colleges & Universities (non EESIP)	
2024	7.00%	8.40%	4.2%	9.50%	8.55%	16.50%	15.55%	0.00%
2023	7.00%	8.00%	4.0%	9.50%	8.55%	16.50%	15.55%	0.00%
2022	7.00%	7.90%	3.95%	9.50%	8.55%	16.50%	15.55%	0.00%
2021	7.00%	7.70%		9.50%	8.55%	16.50%	15.55%	0.00%
2020	7.00%	7.70%		9.50%	8.55%	16.50%	15.55%	0.00%
2019	7.00%	7.70%		9.50%	8.55%	16.50%	15.55%	2.50%
2018	7.00%	7.80%		9.50%	8.55%	16.50%	15.55%	2.50%
2017	7.00%	7.70%		9.50%	8.55%	16.50%	15.55%	2.50%

\*Beginning August 26,2021

### 3. Contributions Required on All Eligible Compensation

- a. Contributions must be paid on the total compensation (Regular Annual Compensation) of participating members. The member will not receive service credit for a year of employment until the balance of contributions, including contributions required by the employer, is received by TRS.



## **Governance**

### **715:10-13-2. Contributions required on all compensation**

Contributions shall be made on total compensation of each member. Total compensation means salary and benefits from all sources including federally-subsidized programs under the direct administration of a public school and salaries earned by an employee for extra duties. This includes pay to a teacher who also drives a school bus, members of TRS who are working part-time for another school, and members employed on a regular basis who are employed by the same or different school in a summer school or night school program. All public schools shall treat the employee contributions as being picked-up under the provisions of Section 414(h)(2) of the Internal Revenue Code. Individuals who join the Teachers' Retirement System during the school year and who have been employed prior to becoming a member must make retroactive contributions from the beginning of that school year. The membership date of such a member is the date the first payment is received, not the beginning of the school year. The member shall not receive credit for a year of service until the balance of contributions, including any contributions required by the employer, is received by TRS.

#### **4. Independent Contractor or Consultant**

- a. All work which is or has been performed by an employee of the school on which contributions are or have been paid is subject to TRS contributions
- b. All participating members of TRS planning to work for a participating TRS employer as an independent contractor or any other business entity, regardless of form, must submit a copy of the contract to TRS for approval. If approved, the work performed will be exempt from TRS contributions. Employers can run a report in the Employer Portal to determine if a contractor is an active member of TRS (see Section VII, topic 6 (Tabs), paragraph f (Reports), #iv (Report Types), #3 (Member Details by Tax Number)).
- c. Employers must remit contributions on all work performed by contractors or consultants without prior TRS approval.

#### **5. Officiating**

- a. Employers may submit a TRS approved contract with the official in lieu of contributions.
- b. TRS shall receive either a copy of the contract or contributions paid.



**Governance**

**70 O.S. § 6-101.2 – Contract for Consultant Services**

A. No local board of education or administration of a school district or State Board of Education shall enter into a contract for consultant services with any person who has retired as an administrator with any school district for two (2) years after the retirement date of such administrator. Nothing in this section shall prohibit a board of education from employing as a substitute teacher, a person who has retired as an administrator or teacher with a school district within two (2) years after the retirement date of the person.

B. In order for a local board of education, administration of a school district or the State Board of Education to enter into a contract with a person for consultant services as authorized by subsection A of this section, the contract shall contain:

1. A specific list of duties to be performed by the person or by any business entity, regardless of form, from which the person who actually performs the services is authorized to derive any economic benefit, whether direct or indirect;
2. A stated purpose for the contract and the specifically identified need for the services to be performed;
3. An estimate of the duration of the contract, including anticipated periods during which the contract may be renewed;
4. A requirement that the person or business entity performing the consultant service provide the office space, supplies, personnel and other items of expense required in order to perform the contract;
5. A requirement that the person or business entity performing the consultant service provide a written description of services performed under the contract no less than one time each quarter of the year during which the contract is in effect; and
6. A specific identification of all persons who are authorized to perform obligations imposed pursuant to the contract upon behalf of the person or business entity providing consultant services.

C. No local board of education, administration of a school district or State Board of Education may enter into a contract with a natural person who will be employed for any period of time during which there is in force and effect a contract for consultant services to be performed by that person or by a business entity, regardless of form, from which the person employed is authorized to derive any economic benefit, whether direct or indirect. Nothing in this section shall prohibit a local board of education of a school district from contracting to pay for the attendance of school district employees at classes or workshops conducted by a company that employs one or more of the school district employees to conduct the classes or workshops.



## **6. Employment Services**

- a. All TRS rules and statutes must be followed when an employer enlists the aid of an employment service.
- b. Contributions must be paid on all eligible compensation even if the employee has been hired through an employment service.
- c. Postretirement contributions must be paid on work performed by all retirees even if the retiree has been hired through an employment service.
- d. Employers may submit copies of contracts to TRS for approval to waive contributions.
- e. TRS shall have an approved contract on file or must receive contributions.

## **7. Summary of Contribution Types**

- a. Employee (member) contributions: contributions required to be paid by the employee. In some cases, the contribution is paid in part or in full by the employer. This amount is what makes up a member's account throughout their membership. This is also commonly referred to as the "Before-Tax" or "Employee Paid" contributions. All TRS members are required to contribute 7% of their regular annual compensation.
- b. Employer Statutory Contributions: contributions required to be paid by employers.
- c. Matching (Federal) Fee: fee paid on all compensation paid by federal funds and/or other external sources such as grants. The matching fee must be paid for all members, both active and retired.
- d. Postretirement Statutory Fee: Contributions paid on all work performed by employees who are retirees of TRS.

## **8. Member (Employee) Contributions**

- a. Paid to TRS on a pre-tax basis
- b. May be paid by the member or by the employer in part or in full
- c. 7% of the employee's regular annual compensation
- d. Regular Annual Compensation
  - i. Salary plus eligible fringe benefits
  - ii. The amount on which contributions are remitted

### **Governance**

#### **[715:10-13-6. Employee contributions paid by the employer](#)**

Any school may, for and on behalf of any Teachers' Retirement System member, pay all or any portion of the membership contribution required by statutes.



## **Governance**

### **715:10-13-1. Regular annual compensation requirements**

Each member of the Teachers' Retirement System is required to make contributions to the Retirement Fund. Monthly contributions are a set percent of "regular annual compensation." Regular annual compensation is defined as wages plus fringe benefits, excluding the flexible benefit allowance provided by Section 26-105 of Title 70 of the Oklahoma Statutes, and shall include all normal periodic payments as provided in subsection D of Section 17-116.2 of Title 70 of the Oklahoma Statutes. Wages and fringe benefits for retirement purposes are defined as normal periodic payment for service the right to which accrues on a regular basis in proportion to the service performed. Such periodic payments shall include staff development or other periodic payments to qualifying members. Fringe benefits shall include employer-paid group health and disability insurance, group term life insurance, annuities and pension contributions and IRS Code Section 125 cafeteria benefits provided on a periodic basis to all qualified members of the employer, which qualify as fringe benefits under the United States Internal Revenue Code. A qualified member is any eligible employee who is currently contributing to the System. Excluded from regular annual compensation are: employer contributions to a deferred compensation plan that is not provided to all qualified members of the employer, expense reimbursement payments; office, vehicle, housing or other maintenance allowances; the flexible benefit allowance provided pursuant to Section 26-105 of Title 70 of the Oklahoma Statutes; payment for unused vacation and sick leave; any payment made for reason of termination or retirement; maintenance or other nonmonetary compensation; payment received as an independent contractor or consultant; any benefit payments not made pursuant to a valid employment agreement; stipends that are not given across the board to all employees; payment received for obtaining national board certification; and compensation received from the Teacher Shortage Employment Incentive Program. Contributions can only be remitted on actual wages and fringe benefits. No individual can contribute on unearned or non-existent compensation. Under no circumstances can members pay retirement contributions on more than they actually earn.

**See also 70 O.S. § 17-101 (25) - Definitions.**

- e. Eligible Compensation
  - i. Contracted salary which accrues on a regular (monthly) basis
  - ii. Staff development
  - iii. Employer paid TRS member contributions
  - iv. Amounts that would otherwise qualify as salary but are paid per salary reduction agreement to a tax-sheltered annuity and other pension plans. This amount must be taken out of the member's contracted monthly salary rather than an amount paid in a lump sum in addition to the member's contracted monthly salary



- v. Group health, disability and life insurance (excluding the Flexible Benefit Act and cash paid in lieu of the flexible benefit)
  - vi. Bonuses, stipends, etc., paid to all employees of the school
  - vii. Payments made for participating in an event such as a workshop or seminar including events held at a different school
  - viii. Adjunct worked as secondary employment (in addition to other qualifying employment)
  - ix. Payment earned as a contractor or consultant which meets 70 O.S. 17-101(25)(d)7 and is not approved for waiver of contribution by TRS (contributions must be paid unless TRS approves the contract)
- f. Ineligible Compensation
- i. Expense reimbursement payments
  - ii. Office, vehicle, housing or other maintenance allowances
  - iii. Flexible benefit allowance and/or cash received in lieu of the flexible benefit allowance
  - iv. Payments for unused leave of any kind including sick leave, vacation, and personal days
  - v. Payment made for termination or retirement including a contract buy-out
  - vi. Payment earned as a contractor or consultant which meets 70 O.S. § 17-101(25)(d)7 and is approved by TRS as ineligible (contributions must be paid unless TRS approves the contract)
  - vii. Payments made outside a valid employment agreement
  - viii. Non-periodic performance bonus
  - ix. OUHSC or OSU-CHS professional practice plan
  - x. Teacher Shortage Employment Incentive Program
  - xi. Adjunct with no other simultaneous TRS eligible employment
  - xii. Bonuses or stipends that are not given across the board to all employees
  - xiii. Payments made to a tax-sheltered annuity or other pension plan which is not part of the member's contracted monthly salary
  - xiv. Payment received for obtaining national board certification
  - xv. One-time retention incentive pay
  - xvi. Partial compensation while on temporary total disability or worker's compensation
  - xvii. Differential pay made pursuant to the Heart Act and/or USERRA during a period of military absence unless and until the member returns from military absence and properly elects to purchase the period of military leave by making employee contributions. Employers must then remit the employer contributions. (OAC 715:10-5-36)



**Governance**

**715:10-13-12. Contracts bought up by employer**

Teachers' Retirement System will not accept contributions on contract buyouts or grant creditable service, unless approved by the Board of Trustees resolution before the fact or when so ordered by a court of competent jurisdiction. Any payments for accumulated annual leave in excess of sixty (60) days or reimbursement for unused sick leave in excess of the daily amount paid to the teaching staff shall be considered a contract buy out.

- g. Independent Contractor or Consultant (See Governance Box on pg. 3 of this Section)
  - i. To be exempt from contributions, both active and postretirement, a copy of the contract for services rendered must be submitted to TRS for approval.
  - ii. If the contract is approved, no contributions will be paid.
  - iii. If the contract is not approved, all contributions for both active and retired members must be remitted to TRS.
  
- h. Calculating Member Contributions
  - i. See Section 5 Calculating Contributions
  
- i. State Credit Offset
  - i. Summary
    - 1. State statutes provide that a person employed by any school district or by a technology center who (a) holds a valid certificate issued by the State Department of Education or the State Board of Career and Technology Education and (b) is employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, superintendent, counselor, librarian or certified or registered nurse shall have a specific amount credited against the employee's contribution to the Teachers' Retirement System. Funds have been appropriated to the State Board of Education and the State Board of Vocational and Technical Education to pay the State's share of each eligible employee retirement contribution.
    - 2. State credit is an offset of member contributions. The amount of the offset cannot exceed the amount of the member contribution.





3. The amount of the offset is based on teaching experience as verified by the State Department of Education and/or the Oklahoma Department of Career and Technology Education. It is not based on TRS retirement service credit.
4. No more than 5 years of experience may be counted for military service credit and/or out-of-state service credit.
5. State credit is to be divided by the number of pay periods in the employee's contract and the monthly credit to be added to the employee's compensation. Payment begins with the first full month of employment.
6. If the employee starts employment late or terminates employment early, the employee will receive a percentage of state credit matching the percentage of the year worked.
7. If the member works full-time for less than the entire year, the state credit is reduced proportionately based on the employee's full-time employment during the relevant contract period.
8. Calculate the eligible member's retirement contribution in the regular manner and subtract the monthly credit to be paid by the state. School districts must adjust their payroll procedures to include the monthly credit and adjust remittance reports to TRs to reflect the amount paid by the school and the credit taken as a result of the state payment.
9. If a school pays the employee's retirement contribution in addition to other compensation, the school must reduce the appropriate amount from the employee's monthly retirement contribution and add that amount to the employee's gross pay. The amount paid by the state to the employee's retirement account cannot be treated as regular annual compensation or count as compensation toward meeting the minimum salary schedule of the state or the local school district's pay plan.
10. If the school deducts the employee's retirement contribution from the employee's gross salary, the school must decrease the amount of the retirement contribution deduction by the appropriate amount, which will cause an amount equal to the state credit to be added to the employee's gross pay.
11. Taxable income will increase by any amount added to an employee's wages. The tax status of compensation in any form other than wages will depend upon IRS regulations.



12. The employer statutory contribution will still be calculated on each employee's regular annual compensation.
  13. Federal matching for those employees whose salary is paid in whole or in part by federal funds will continue to be calculated in the usual manner.
  14. The amount paid by the state to employee accounts is not wages for federal or state income taxes or wages for purposes of FICA taxes (IRS issued a favorable ruling that the amount paid by the state is not subject to FICA taxes).
  15. The state credit does not require an increase in total compensation paid by the employer. The employer pays less to TRS because the state pays part of the employee's contribution.
- ii. Calculating State Credit
    1. See Section 5 Calculating Contributions.
  - iii. Two or More Employers in the Same Employment Year
    1. If an employee works both full time at one employer and part time at a different employer, only the full-time employer may claim state credit.
    2. Warnings will appear on monthly reports when more than 1 employer is or has been reporting state credit.
  - iv. Monthly Amounts Based on 12 Payments per Year

<b>Years of Exp</b>	<b>Annual Amount</b>	<b>Monthly (1/12)</b>	<b>Years of Exp</b>	<b>Annual Amount</b>	<b>Monthly (1/12)</b>
0	\$60.15	\$5.01	13	\$680.48	\$56.71
1	\$103.41	\$8.62	14	\$735.47	\$61.29
2	\$145.65	\$12.14	15	\$791.53	\$65.96
3	\$188.15	\$15.68	16	\$848.65	\$70.72
4	\$233.33	\$19.44	17	\$906.83	\$75.57
5	\$278.76	\$23.23	18	\$966.07	\$80.51
6	\$325.26	\$27.11	19	\$1,026.38	\$85.53
7	\$372.82	\$31.07	20	\$1,087.75	\$90.65
8	\$421.44	\$35.12	21	\$1,150.18	\$95.85
9	\$471.12	\$39.26	22	\$1,213.68	\$101.14
10	\$521.87	\$43.49	23	\$1,278.23	\$106.52
11	\$573.67	\$47.81	24	\$1,343.85	\$111.99
12	\$626.54	\$52.21	25	\$1,410.53	\$117.54



**Governance: [70 O.S. § 17-108.2 – Contributions Credit](#)**

A. Beginning July 1, 2019, and for each plan year thereafter, a person employed by any school district or employed by a technology center school district, who holds a valid certificate issued by the State Department of Education or the State Board of Career and Technology Education, and is employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, superintendent, counselor, librarian or certified or registered nurse shall have credited against the employee contribution amount, an annual amount based upon qualifying years of service as follows:

- (1) 0 years of service = \$60.15
- (2) 1 year of service = \$103.41
- (3) 2 years of service = \$145.65
- (4) 3 years of service = \$188.15
- (5) 4 years of service = \$233.33
- (6) 5 years of service = \$278.76
- (7) 6 years of service = \$325.26
- (8) 7 years of service = \$372.82
- (9) 8 years of service = \$421.44
- (10) 9 years of service = \$471.12
- (11) 10 years of service = \$521.87
- (12) 11 years of service = \$573.67
- (13) 12 years of service = \$626.54
- (14) 13 years of service = \$680.48
- (15) 14 years of service = \$735.47
- (16) 15 years of service = \$791.53
- (17) 16 years of service = \$848.65
- (18) 17 years of service = \$906.83
- (19) 18 years of service = \$966.07
- (20) 19 years of service = \$1,026.38
- (21) 20 years of service = \$1,087.75
- (22) 21 years of service = \$1,150.18
- (23) 22 years of service = \$1,213.68
- (24) 23 years of service = \$1,278.23
- (25) 24 years of service = \$1,343.85
- (26) 25 or more years of service = \$1,410.53

**[715:10-13-3. Employee contribution rates](#)**

(c) A person employed by any school district or technology center school district who holds a valid certificate issued by the State Department of Education or the State Board of Career and Technology Education and is employed on a full-time basis as a teacher, principal, supervisor, administrator, superintendent, counselor, librarian, or certified or registered nurse shall have a specific amount credited against the employee's contribution amount to TRS. The State of Oklahoma shall pay an annual amount as set forth in 70 O.S. §17-108.2 for each fiscal (or plan) year. (d) Each school district or technology center school district shall adjust each eligible employee's monthly contribution to TRS in accordance with statutory provisions, and shall cause the annual amount paid by the State of Oklahoma as provided in the preceding paragraph to be deducted from the monthly remittance to each eligible employee's retirement account and a like amount added to the net pay of the eligible employee. (1) If the school district pays the retirement contribution in addition to the employee's total compensation, the employer must reduce the employee's annual retirement contribution which the school pays to TRS by the appropriate amount and add that amount to each eligible employee's net pay. (2) If the school district deducts the retirement contribution from each employee's total compensation, whether as a salary reduction to pay the retirement contribution as a fringe benefit or as a deduction on an after-tax basis, the employer must adjust the employee's annual retirement deduction in accordance with the amount to be paid by the State. The adjustment in the retirement deduction will result in an increase to the eligible employee's net pay. (3) The State contribution to each eligible employee's retirement account is determined by the total experience of each employee as verified by the State Department of Education or the Oklahoma Department of Career and Technology Education. (4) The State contribution must be calculated and paid in equal monthly installments as determined by the eligible employee's contract, i.e. ten months, eleven months or twelve months. Eligible employees who work full-time for less than a full contract year shall have the prescribed State contribution prorated proportionately based on the employee's full-time employment during the relevant contract period. **Please note that TRS is in the process of promulgating rule changes to this section to reflect that "gross" pay, rather than "net" pay should be adjusted in relation to the state offset credit.**



### **9. Employer Statutory Contributions**

- a. All employers except for 4-year regional and comprehensive universities are required by law to contribute 9.5% of the regular annual compensation of each contributing employee. 4-year regional and comprehensive universities are required to contribute 8.55% of the regular annual compensation of each contributing employee.
- b. Employer contributions are in addition to the contribution required by the member, and in addition to any matching monies required when federal funds or private grants are used to pay a member's salary.
- c. Employer contributions must be remitted monthly along with the member's contributions.
- d. Employer contributions will not be deposited into the member's account and will not affect a member's regular annual compensation.

### **10. Matching Funds: Federal and Other External Sources**

- a. Employers of TRS members whose compensation is paid from federal funds or any externally sponsored agreements (such as private grants or payments from funds provided through a booster club and processed through payroll) are required to match the contributions of these members on all compensation or that portion of compensation paid from these funds ("Matching Contributions").
- b. These Matching Contributions are paid in addition to the employer and employee contributions and are to be made at the same time and in the same manner as the member and employer contributions.
- c. Matching Contributions must be paid for both active and retired members of TRS.
- d. The Matching Contribution rate is set on an annual basis by the TRS Board of Trustees for the following employment year.
- e. After August 26, 2021, Summer School Programs have a grant matching rate that is no more than ½ of the regular school rate. The summer

#### **Governance**

##### **[Section 17-108.1 A 1. – Contributions of Employer or Members of Teachers' Retirement System](#)**

l. beginning July 1, 2010, through June 30, 2011, and for each fiscal year thereafter, nine and five-tenths percent (9.5%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

##### **[Section 17-108.1 A 2. – Contributions of Employer or Members of Teachers' Retirement System](#)**

e. Beginning July 1, 2010, through June 30, 2011, and for each fiscal year thereafter, a participating employer that employs an employee of a comprehensive university or a regional institution offering a four-year degree program as designated or authorized by the Oklahoma State Regents for Higher Education shall make contributions to the System with respect to such employees at the rate of eight and fifty-five hundredths percent (8.55%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.



school program rate applies to the Fiscal Year in which the summer school program takes place. Example: A summer school program taking place in June 2023 has a 4.00% matching rate. A program taking place in July 2023 is in Fiscal Year 2024, so the 4.20% rate applies.

Fiscal Year	Regular Grant Matching Rate	Summer School Grant Rate
2024	8.4%	4.20%
2023	8.0%	4.00%
2022	7.9%	3.95%

**Governance: [715:10-13-7. Matching funds](#)**

Employers of TRS members whose compensation is paid from federal funds or externally sponsored agreements such as grants, contracts, and cooperative agreements shall match the contributions of these members on all, or that portion of, compensation paid from these funds. Matching funds shall be paid in addition to employer and employee contributions and shall be transmitted at the same time and in the same manner as the members' contributions. Matching contributions shall be required on all salaries funded from revenues other than funds generated from local taxes or revenues originating from the State of Oklahoma. No later than April 1, each year, the TRS Board of Trustees shall set two contribution rates to be paid by employers.

(1) Traditional Matching Rate: The first rate shall be applied to all services paid by federal funds or externally sponsored grants or agreements performed by members except those services that are included in the definition of "Summer School Program," as defined in subsection 2 below. This contribution rate shall be determined using cost principles established by federal regulations and shall be consistent with generally accepted accounting principles.

(2) Summer School Matching Rate: The second rate shall be applied to service performed by members during a Summer School Program. "Summer school program" is defined as a program offering academic enrichment for students from Pre-K through 12th grades during the summer term after the close of the school year. Members shall only be considered as providing service to a summer school program if such service is provided pursuant to a separate summer school contract between the member and the participating employer. The term "Summer School Program" does not include services performed at a participating employer offering an extended school year pursuant to 70 O.S. § 1-109.1 or services performed pursuant to a twelve-month contract with the employer. The contribution rate shall be determined using cost principles established by federal regulations and shall be consistent with generally accepted accounting principles. The Summer School Matching Rate may take into consideration whether, or to what extent, such service is likely to add to members' service credit or final average salary; however, this rate shall not exceed one-half (1/2) of the Traditional Matching Rate.



## **Governance**

### **70 O.S. § 17-108 – Contributions and Funds**

A. Each local school district, or state college or university, or State Board of Education or State Board of Career and Technology Education, or other state agencies whose employees are members of the Teachers' Retirement System shall match on a pro rata basis, in accordance with subsection B of this section the contributions of members whose salaries are paid by federal funds or externally sponsored agreements such as grants, contracts and cooperative agreements. These funds shall be remitted at the same time as the regular contributions of members are remitted to the Teachers' Retirement System of Oklahoma and deposited in the Retirement Benefit Fund.

B. On an annual basis, the Board of Trustees shall set two contribution rates to be paid by contributing employers as provided in subsection A of this section. Both contribution rates shall be determined using cost principles established by federal regulations and shall be consistent with policies, regulations and procedures that apply uniformly to both federally assisted and other activities, and be accorded consistent treatment through application of generally accepted accounting principles. The Board shall approve the contribution rates for each fiscal year ending June 30, no later than April 1 of the previous fiscal year. The first rate shall be applied to service performed during the regular school year of the participating employer. The second rate shall be applied to service performed by members during a summer school program of the participating employer. For the purposes of this subsection, "summer school program" is defined as a program offering academic enrichment for students from Pre-K through 12th grades during the summer term after the close of the school year. Members shall only be considered as providing service to a summer school program if such service is provided pursuant to a separate summer school contract between the member and the participating employer. The term "summer school program" does not include services performed at a participating employer offering an extended school year pursuant to [Section 1-109.1](#) of this title, or services performed by staff pursuant to a twelve-month contract with the employer. The method applied to setting the second contribution rate may take into consideration whether, or to what extent, such service is likely to add to members' service credit or final average salary; provided, however, the second rate shall not exceed one-half (1/2) of the first rate established in this subsection. The actuary retained by the Board may recommend such rates using assumptions that apply to the group of those members whose service is subject to the second contribution rate.



## 11. Postretirement Statutory Fee

- a. Contributions are due on all post retirement employment.
- b. Duties originally performed by any employee even if the retiree acts as or is employed through a proprietorship, partnership, corporation, limited liability company, employment agency, or any other business structure.
- c. The fee is to be paid on fringe benefits, including insurance, paid by the employer.
- d. The Flexible Benefit Act insurance or cash paid in lieu of the benefit is not subject to the fee.
- e. Postretirement fee exemptions
  - i. Payment made to a retiree with a warrant directly from an organization such as Band Boosters or Touchdown Club, rather than with an employer warrant.
  - ii. Insurance paid by the flexible benefit allowance provided pursuant to Section 26-105 or cash in lieu.
  - iii. Employment as a consultant or contractor through a contract that has been approved by TRS.
  - iv. Officials with a TRS approved contract on file with TRS.
- f. Postretirement Fee Rate
  - i. The rate for retiree contributions is equal to the combined employer and employee rates for active employees:
    1. EESIP Eligible Employer (K-12 Schools, Career Techs, 2-Year Colleges and State Agencies): currently 7.00% + 9.50% for a total of 16.50%,
    2. Non EESIP Employers (Comprehensive and Regional 4-Year Colleges and Universities): currently 7.00% + 8.55% for a total of 15.55%.
  - ii. If funding for the retiree's salary is provided by external sources the Matching Fee must also be paid.
- g. Postretirement fees must still be paid on retirees hired through an employment agency or any other business structure.

**Governance: [70 O.S. § 17-116.10 – Post-Retirement Employment Retirement Benefits – Limitations](#)**

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

B. A public school district that employs a retired member shall be required to make contributions to the System for the retired member in an amount as required in [Section 17-108.1](#) and in paragraph 3 of subsection B of [Section 17-116.2](#) of this title.



## **12. Temporary Total Disability and Workers' Compensation**

- a. Remittance of Contributions
  - i. Reduced contributions (i.e. 30%) cannot be paid.
  - ii. Unreduced contributions based on 100% of the compensation the employee would have received had the employee not been injured may be paid in one of three ways:
    - 1. Through monthly remittance reports during the employee's absence.
    - 2. Caught up through monthly remittance reports after the employee's return during the same employment year. All contributions must be caught up before the close of the employment year.
    - 3. Through a billing process after the employee's return in a subsequent employment year.
- b. Service Credit
  - i. Members will not receive service credit for the period of absence unless contributions are paid in full on 100% of the compensation the member would have received had the member not been injured.
  - ii. The Employment Year End Report must reflect only the days on which 100% contributions were paid.
  - iii. If a billing is paid at a later date, the member's service credit will be adjusted at that time.
  - iv. No fractional service credit can be awarded for the period of absence.
- c. Billing
  - i. TRS must be notified within 4 months of the member's return to work. Notice must be in writing from the member or through completion of a [Verification of Oklahoma Service for Purchase](#) form from the employer.
  - ii. Billings will indicate both the member and employer shares of the amount due.
  - iii. Balances due may be paid without interest within 60 days of the billing.
  - iv. Interest will accrue if balances are not paid after 60 days.
  - v. Balance must be paid in full 90 days prior to the effective date of the member's official retirement date.
  - vi. The member's service credit will be adjusted after both member and employer balances due are paid in full.





## **Governance**

### **715:10-13-13. Contributions while receiving payments from Workers' Compensation**

Any member who is an active contributing member and receives temporary total disability benefits during the period of absence from a public school due to a work-related injury or illness and qualifies for payment pursuant to the Workers' Compensation Act shall receive credit for said period of absence, if contributions were not remitted on the member's regular annual compensation while the member is receiving temporary total or partial disability benefits, subject to the following requirements:

(1) the member was employed by the public school immediately prior to and during the period of absence,

(2) the member must notify the System in writing not later than four (4) months after the member's return to his or her job duties with the public school, or termination of the temporary total disability benefits, whichever is earlier, of the member's desire to receive service credit for the period of absence,

(3) the public school employer must certify to the System in writing the dates during which temporary total disability benefit payments were paid to the member, and

(4) the member and the public school employer shall each pay the respective contributions required for the period of absence without interest within sixty (60) days of billing by the System, or with interest at a rate consistent with the actuarial assumed earnings rate adopted by the Board of Trustees (currently 8% per annum), compounded annually if paid after said sixty (60) days. Employee and employer contributions will be based on the member's regular annual compensation the member would have earned had the injury or illness not occurred.

(5) All balances due must be paid in full at least 30 days prior to termination of employment or ninety (90) days prior to the effective date of a member's official retirement date.

## **13. Family Leave**

### **a. Purchase of Family Leave without Pay**

- i. After exhausting all other applicable leave (sick leave, maternity leave, and extended leave ("substitute deduct" leave)), members who are full-time teachers may purchase service credit for family leave without pay when they have been granted approval by their employer's board of education to take such leave and meet other conditions pursuant to OKLA. STAT. tit. 70, § 6-104.1.
- ii. The purchase of family leave is limited to 90 school days.
- iii. The teacher must notify TRS within 30 days of returning to service that they wish to purchase family leave and must pay the actuarial cost of the period of absence. Applicable service credit will not be awarded until such payment is received. The teacher



shall have up to twelve (12) months from the date he or she returns to service to remit payment.

- iv. Service credit for family leave cannot be purchased unless the teacher can document the leave as being used to care for the teacher's child during the child's first year of life.

### **Governance**

#### **70 O.S. § 6-104.1. Sick and Extended Leave – Leave Without Pay**

After exhausting sick leave and extended leave pursuant to Sections 6-104 and 6-104.5 of this title and maternity leave pursuant to Section 1 of this act, a full-time teacher who, with the proper approval of the district board of education, takes not more than ninety (90) school days of leave without pay to care for the teacher's child during the first year of the child's life, shall receive full credit for the days on leave without pay as though the teacher had been on leave with pay for purposes of computing experience for the minimum teacher salary schedule. A teacher on leave without pay pursuant to this section who pays the actuarial cost, as determined by the Board of Trustees of the Teachers' Retirement System of Oklahoma, shall have the period during which such leave without pay is taken, counted toward retirement service credit as though the teacher had been on leave with pay. The teacher shall notify his or her employer and the System in writing within thirty (30) days from the date he or she returns to service that he or she will pay such actuarial cost. The teacher shall have up to twelve (12) months from the date he or she returns to service to pay such actuarial cost.

### **14. Sabbatical**

- a. Contributions paid for sabbatical leave performed after July 1, 1990
  - i. Member must receive at least one-half pay.
  - ii. Member must be on "official sabbatical" granted by the governing board of the employing school or institution.
  - iii. Member must notify TRS in writing of his or her intent to make contributions. Notification must include verification of "official sabbatical" status from employer.
  - iv. Contributions must be made within the same employment year and at a rate commensurate with the salary earned as a regular full-time employee in the last preceding year.
  - v. Fractional (half-time) service credit cannot be awarded.
  - vi. The Employment Year End Report must reflect only days on which full time contributions were paid. Also, the "Sabbatical" box must be checked.
  - vii. Contributions from sabbatical leave performed after July 1, 1990 cannot be "caught up" or purchased at a later date.



## 15. Monthly Reporting of Contributions

- a. Pay Periods of Contributions
  - i. Monthly contributions must represent pay period in which work is performed.
  - ii. Contributions do not represent the month employees receive their pay.
  - iii. For example, if teachers report to work in August, their first submission of contributions for the employment year will be in September but designated as the August reporting month.
- b. Contribution Due Date
  - i. Monthly contribution reports and payment for contributions are due within 10 days of the last day of each calendar month for work performed during that pay period. For example, contributions for work performed in the month of September are due by the 10<sup>th</sup> day of October.
- c. Contribution Late Fee
  - i. Monthly contribution reports and payment for contributions submitted more than 30 days after the end of the payroll month shall be subject to a monthly late charge of 1 ½ percent compounding monthly.
  - ii. Employers who accrue a late fee should contact the Employer Helpdesk at 405-522-3130 for assistance.
  - iii. Employers may request a waiver of late fees from the TRS Board of Trustees via the TRS Executive Director.
  - iv. Waiver requests must be on employer letterhead and signed by the Superintendent or CFO. These may be emailed to the Employer Help Desk at [helpdesk@trs.ok.gov](mailto:helpdesk@trs.ok.gov).

### **Governance**

#### **70 O.S. § 17-120 – Deposit of Contributions**

The employer of each member shall submit all required school reports and all employer and employee contributions of each member due the Retirement System for payroll periods ending during the calendar month within ten (10) days of the last day of each calendar month. Any required school reports and employer and employee contribution amounts not submitted to the Retirement System after thirty (30) days from the end of the payroll month shall be subject to a monthly late charge of one and one-half percent (1 1/2%) of the unpaid balance to be paid by the employer to the Retirement System compounding monthly for each month payment is not received. The Board may waive late fees for good cause shown.



**Governance**

**70 O.S. § 17-108.1 – Contributions of Employer of Members of Teachers' Retirement System**

E. All participating employers shall provide a complete record of the total compensation paid to each employee, including any person who is a retired member of the System, whether or not employer and employee contributions are made with respect to such compensation. The employer shall provide the report required by this subsection on a monthly basis on a form or using such method as the Teachers' Retirement System of Oklahoma may require and shall provide a comprehensive annual report showing the correct compensation, service credit and contributions for the prior fiscal year. Each participating employer shall provide reasonable access to its payroll records, records of contribution payments to the System and all other records relevant to the participation of its employees in the System, to the System, its employees or authorized agents. A participating employer shall cooperate with auditors retained by the System to audit its financial statements or otherwise audit the financial operations of the System.

**16. Due Dates and Late Fee Assessment Chart**

Contributions for the month of	Due by	Late fee assessed on Day 31
January	February 10th	March 3rd (or 2nd if leap year)
February	March 10th	March 31st
March	April 10th	May 1st
April	May 10th	May 31st
May	June 10th	July 1st
June	July 10th	July 31st
July	August 10th	August 31st
August	September 10th	October 1st
September	October 10th	October 31st
October	November 10th	December 1st
November	December 10th	December 31st
December	January 10th	January 31st

**17. Record of compensation**

- a. Employers shall provide a complete record of compensation paid to each employee with corresponding contributions on each monthly report submitted through the Employer Portal.
- b. The record shall contain all employees eligible to participate in TRS, including any optional employees who have newly opted out of participation during that month.



- c. The record shall contain all retirees who are employed by the school who have not received an approval from TRS to waive postretirement contributions.
- d. Employers shall allow reasonable access to its payroll records, records of contribution, payments to TRS and all other records relevant to the participation of its employees in TRS upon request of TRS.

**18. IRS limit**

- a. Membership date before 7-1-1996: No limit
- b. Membership date on or after 7-1-1996: Member must comply with earnings limit set by IRS.
- c. Limits based on plan (or employment) year, not calendar year.