



### III. Membership

#### 1. Employer Responsibility

- a. It is the responsibility of employers to identify employees who are required by statute to become members of TRS as well as to determine the eligibility of all other employees and enroll them accordingly.

#### 2. Classified (Mandatory) TRS Membership

- a. All classified personnel are to become members of TRS as a condition of their employment, regardless of the number of hours worked or the age of the employee.
- b. The term "classified" is not to be confused with "certified."

#### **Governance**

##### **70 O.S. § 17-103 Membership of Retirement System**

- (1) All classified personnel shall become members of the retirement system as a condition of their employment;

##### **70 O.S. § 17-101 – Definitions**

(3) "Classified personnel" shall mean any teacher, principal, superintendent, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds. An employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education, shall be considered classified personnel under the meaning of this act, at the discretion of the Board of Trustees of the Teachers' Retirement System. The term "teacher" shall also include instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided, that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in the Oklahoma Teachers' Retirement System. The Department of Corrections shall contribute the employer's share to the Oklahoma Teachers' Retirement System.

- c. The following employees are considered to be "classified personnel" by TRS and are required to be members with the exception of employees of Comprehensive Universities subject to the Alternate Retirement Plan:
  - i. Any teacher, principal, superintendent, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds.



- ii. Any employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education (at the discretion of the Board of Trustees of the Teachers' Retirement System).
- iii. The term "teacher" also includes instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in TRS. The Department of Corrections shall contribute the employer's share to TRS.

### **3. Non-Classified (optional) TRS Membership**

- a. Non-classified personnel who are regularly employed for twenty (20) hours or more per week are eligible for membership in TRS and must make an election to participate or not participate in TRS.
  - i. Eligible non-classified personnel hired after July 1, 2021, must make an election within 30 days of their initial date of hire.
  - ii. Eligible non-classified personnel employed on July 1, 2021, must make an election on or before July 31, 2021.
  - iii. Failure to make an election within the required timeframe will result in the employee being deemed to participate in TRS.
  - iv. The employee's election to participate is binding and shall follow the employee throughout non-classified employment with any TRS employer.
  - v. A non-classified employee who elects not to participate in TRS but is subsequently employed as a classified employee will be a mandatory member of TRS for the duration of their classified employment.
  - vi. Eligible non-classified employees must make their election using a form provided by TRS. This election form is available online at <https://oklahoma.gov/content/dam/ok/en/trs/documents/forms/TRS%20Election%20Form.pdf>.
- b. Non-classified optional personnel include teacher's aides, cooks, janitors, non-supervisory maintenance personnel, bus drivers, non-certified or non-registered nurses, non-certified librarians, clerical employees, and adjunct teachers (as authorized by the State Department of Education (SDE) and described in 70 O.S. §6-122.3). The term "adjunct teacher" as used in this paragraph only applies to adjunct teachers employed pursuant to the applicable SDE rules and not to adjuncts employed under other circumstances, for instance,



- those employed at a Career Technology School District or Higher Education employer.
- c. The function of the employee must be primarily devoted to public education.
  - d. The salary of the employee must be paid wholly or in part from public funds.
  - e. Employee must work 20 hours or more per week.
  - f. Employee must be in a non-supervisory position.
  - g. Retirees of TRS are not required to be active members of TRS but may choose to suspend their monthly retirement benefit and return to active contributing status. If the retiree does not suspend their retirement benefit, postretirement contributions must be paid by the employer. See section on "Postretirement Employment" for more information.

**715:10-1-4. Optional TRS membership**

The following employees are eligible to be members of the Teachers' Retirement System at their option:

(1) "Non-classified optional personnel" regularly employed by the public, state-supported educational institutions in Oklahoma for twenty (20) hours or more per week at a rate of compensation comparable to other persons employed in similar positions and receive payment for service by a school or state warrant, recorded on a warrant register with

standard payroll deductions, and receive benefits generally provided to regular employees provided,

(A) A non-classified optional employee shall have thirty (30) days from the date of hire or initial eligibility to join the System, whichever is later, to make a one-time written irrevocable election to opt out of the System on a form provided by TRS. If an eligible employee fails to make an election within the thirty-day period, the eligible employee shall be deemed to participate in the System.

(B) A non-classified optional employee who opts out of participation in the System shall be ineligible for future participation in the System; provided, however, that if the employee is hired for a classified position, he or she shall become a member of the System but shall not be eligible for prior service credit for service performed while employed in a non-classified position during which time the employee opted out of participation in the System. (2) Any member absent from the teaching service who is eligible to continue membership under special provisions of 70 O.S. 17-116.2, provided that such employee continues to be employed by a governmental agency.

(3) A visiting professor from another state or nation.

(4) Classified and Non-Classified members employed after retirement in a non-classified position, provided that they have suspended their retirement benefit (See OAC 715:10-17-13).



## **Governance**

### **70 O.S. § 17-101 – Definitions**

(4) "Nonclassified optional personnel" shall include persons hired as adjunct teachers pursuant to subsection G of Section 6-122.3 of this title, cooks, janitors, maintenance personnel not in a supervisory capacity, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of the public schools, state colleges, universities or any state department, board, board of regents or board of trustees, the functions of which are primarily devoted to public education and whose salaries are paid wholly or in part from public funds.

### **70 O.S. § 17-103 – Membership of Retirement System**

B. For the period from August 2, 1969, to the effective date of this act [July 1, 2021], all full-time nonclassified optional personnel regularly employed for more than one (1) year may join the Teachers' Retirement System of Oklahoma subject to the rules and regulations adopted pursuant to the Teachers' Retirement System. On or after the effective date of this act [July 1, 2021], all nonclassified optional personnel regularly employed for twenty (20) hours or more per week may join the System upon hiring, subject to the provisions of subsection C of this section and the rules and regulations adopted by the System pursuant to this act.

C. 1. A nonclassified optional employee shall have thirty (30) days from the initial date of hire to make a one-time irrevocable written election to opt out of participation in the System. If an eligible employee fails to make an election within the thirty-day period, the eligible employee shall be deemed to participate in the System.

2. If an eligible employee elects to opt out of participation in the System, the employee shall not make any required employee contributions to the System and his or her employer shall not make any required employer contributions to the System.

3. If an eligible nonclassified optional employee elects to participate in the System, the employee shall make employee contributions to the System pursuant to Section 17-116.2 of this title and the employer shall make employer contributions to the System pursuant to Section 17-108.1 of this title. Nothing in this paragraph shall be construed to prohibit the employer from making the contribution of the employee to the System on behalf of the employee.

4. A nonclassified optional employee who opts out of participation in the System shall be ineligible for future participation in the System; provided, however, that if the employee is hired for a classified position, he or she shall become a member of the System pursuant to subsection A of this section but shall not be eligible for prior service credit for service performed while employed in a nonclassified position during which the employee opted out of participation in the System.

5. Any nonclassified optional employee employed on the effective date of this act [July 1, 2021] shall make an irrevocable written election to participate in or opt out of the System pursuant to paragraph 1 of this subsection. If the employee fails to make an election within thirty (30) days from the effective date of this act, the employee shall be deemed to participate in the System, subject to the provisions of paragraph 3 of this subsection.



## **Governance**

### **715:10-1-5. Ineligible for TRS membership**

The following employees are ineligible to be members of the Teachers' Retirement System. (Note: Ineligible employment cannot be combined with eligible employment.)

(1) A non-classified employee working less than 20 hours per week.

(2) A substitute, irregular, seasonal, graduate assistant, fellowship recipient, adjunct supplemental or temporary employee. (Note: Certain substitute and adjunct employment may qualify for service credit. See OAC 715:10-5-2 and OAC 715:10-5-34).

(3) Persons employed as a consultant or persons contracting with a public school to transport students, to provide food service, or to provide any other services, who are not "regular" employees of the school. (NOTE: School bus drivers or food service personnel who are regular employees of the school are eligible for membership, subject to the requirements of OAC 715:10-1-2, 10-1-4, 10-1-5.)

(4) An employee whose primary function at a school or institution is that of a student. If both the following conditions apply, a person employed in an Oklahoma public school, college or university shall be considered to be a student employee.

(A) The employment is conditional upon the employee's being enrolled as a student at the same institution; and

(B) The employee has no other employment during the same payroll period which is eligible for membership in TRS.

(5) Any persons whose employment compensation comes from federal or other funds and is not administered by an Oklahoma public education employer. (Note: If the employee is not paid by the school on a state warrant, the employee is not considered to be an employee of the school or the State of Oklahoma. Regular employees whose salaries are paid in part or in whole by federal or other funds are eligible for membership if they were hired by the school and paid by the school.)

(6) Any person employed by the public schools of Oklahoma after July 1, 1991, who is covered by another federal, state, county or local public retirement plan which will provide benefits on the employment service covered by the Teachers' Retirement System.

(7) Employees of employers that are not governmental employers within the definition of Internal Revenue Code Section 414 and 70 O.S. 17-116.2J.

(8) Any person employed by the University of Oklahoma or Oklahoma State University or the entities of either comprehensive university who elects to participate in an alternative retirement plan provided by the comprehensive university as provided by the Alternate Retirement Plan for Comprehensive Universities Act.

#### **4. Ineligible for TRS Membership**

- a. Non-retired employees working in the following positions are ineligible for TRS membership:
  - i. Non-classified employees working less than 20 hours per week,
  - ii. Substitute, irregular, seasonal, graduate assistant, fellowship recipient, adjunct supplemental (other than adjunct teachers as

authorized by the State Department of Education and described in 70 O.S. § 6-122.3, who may be eligible for TRS membership as nonclassified personnel) or temporary employees,

- iii. Consultants or contractors as approved by TRS,
  - iv. Student employees,
  - v. Employees whose compensation comes from federal or other funds and is not administered by an Oklahoma public education employer (not paid by the employer on a state warrant),
  - vi. Employees hired after July 1, 1991, who are covered by another federal, state, county or local public retirement plan,
  - vii. Employees of non-governmental employers,
  - viii. Employees of the University of Oklahoma, Health Sciences Center or Oklahoma State University who elected to participate in the alternate retirement plan.
- b. Retirees who are working in the above-listed positions must have postretirement contributions remitted to TRS on work performed. See “Postretirement Employment” for more information.

## **5. Enrolling in TRS**

- a. Electronic enrollment through monthly submission reports
  - i. New employees are automatically enrolled with their first monthly submission of contributions. Subsequent submissions will update the employee’s information if any changes are made.
  - ii. The personal information to be submitted is:
    - 1. Tax number and tax number type,
    - 2. First Name, Middle Name, Last Name and Suffix. Middle Name and Suffix may be blank if non-applicable,
    - 3. Birth Date: Format is YYYY-MM-DD,
    - 4. Gender, and
    - 5. Address1, Address2, City, State, Zip Code. Address 2 may be blank if non-applicable.
  - iii. See section on Monthly Reports for more information.
- b. Beneficiary Forms
  - i. TRS must have a current beneficiary designation for every member, both active and retired.
  - ii. Active (non-retired) members use TRS FORM 2A  
<https://oklahoma.gov/content/dam/ok/en/trs/documents/forms/Form2A-Designation-of-Beneficiary-Not-Retired.pdf>
  - iii. Retired members use TRS FORM 2R  
<https://oklahoma.gov/content/dam/ok/en/trs/documents/forms/Form2R-Designation-of-Beneficiary-Retired.pdf>
  - iv. TRS must receive the beneficiary form before it is valid.



- c. Forms may be mailed to PO Box 53524 Oklahoma City OK 73152 or faxed to 405-522-2521.
- d. For security reasons, please do not email forms.

## **6. Personal Information Changes**

- a. Active (non-retired) members:
  - i. Employers should use the monthly contribution report to document any changes in a member's personal information.
  - ii. Active members can also make changes (other than address changes) through the member portal, at <https://myotrs.trs.ok.gov/>.
- b. Retired members
  - i. Retired members may use TRS FORM 1R to report changes in their personal information.  
<https://oklahoma.gov/content/dam/ok/en/trs/documents/forms/Form1R-Personal-Data-Form-Fillable.pdf>
  - ii. Forms may be mailed to PO Box 53524 Oklahoma City OK 73152 or faxed to 405-522-2521.
  - iii. For security reasons, please do not email forms.
- c. Changes may also be made through the member portal, at <https://myotrs.trs.ok.gov/>