

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS**

RULEMAKING ACTION:

Amended Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Membership Provisions
- 715:10-1-4. Optional TRS membership [AMENDED]
- Subchapter 5. Establishing Other Service Credits
- 715:10-5-9. Re-establishing withdrawn service [AMENDED]
- 715:10-5-38. Credit for service as an optional employee prior to July 1, 2021 [NEW]
- Subchapter 11. Withdrawal from Membership and Refund of Deposits
- 715:10-11-2. Withdrawal of optional membership while still employed [REVOKED]
- 715:10-11-4. Refunds of contributions [AMENDED]
- Subchapter 13. Contributions for Membership Service
- 715:10-13-3. Employee contribution rates [AMENDED]
- 715:10-13-7. Matching Funds [AMENDED]
- 715:10-13-8. Procedure for making contribution deductions [AMENDED]
- Subchapter 17. Post-Retirement Employment
- 715:10-17-15. Salary limitations for certain returning classroom teachers [AMENDED]

SUMMARY:

715: 10-1-4 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715: 10-5-9 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021. These amendments remove the one-year waiting period for optional personnel to join the System and remove the ability for optional personnel to opt in and out of the System without terminating employment.

715:10-5-38 is being added to address the purchase of optional service to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715:10-11-2 is being revoked to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715:10-11-4 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715:10-13-3 is being amended to reflect amendments to 70 O.S. Section 17-108.2 enacted by Senate Bill 772 in the 2019 legislative session.

715:10-13-7 is being amended to comply with amendments to 70 O.S. Section 17-108 enacted by House Bill 2293 in the 2021 legislative session and effective August 25, 2021.

715:10-13-8 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715:10-17-15 is being amended to comply with amendments to 70 O.S. Section 17-116.10 enacted by Senate Bill 267 in the 2021 legislative session and effective July 1, 2021. These amendments allow certain retired persons to return to public education employment without being subject to earnings limitations.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from December 15, 2021, through January 14, 2022, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on January 18, 2022, at the offices of the Teachers' Retirement System, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, until 5:00 p.m. on January 10, 2022.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma 73116, and also will be available on the TRS website (www.oklahoma.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.oklahoma.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, beginning December 16, 2021, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

**Teachers' Retirement System of Oklahoma
301 Northwest 63rd Street, Suite 500
Oklahoma City, OK 73116
405.521.2387**

RULE IMPACT STATEMENT

A. BRIEF DESCRIPTION OF PURPOSE OF PROPOSED EMERGENCY RULES:

These rules are proposed to comply with the statutory responsibility of the Board of Trustees in establishing rules and regulations for the administration of the System and the transaction of its business (70 O.S. § 17-101 et seq.). These rules are necessary to comply with amendments and new enactments to Title 70 of the Oklahoma Statutes passed in the 2019 and 2021 legislative sessions.

TITLE 715. TEACHERS' RETIREMENT SYSTEM

CHAPTER 10. GENERAL OPERATIONS

SUBCHAPTER 1. MEMBERSHIP PROVISIONS

715: 10-1-4 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

SUBCHAPTER 5. ESTABLISHING OTHER SERVICE CREDITS

715: 10-5-9 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021. These amendments remove the one-year waiting period for optional personnel to join the System and remove the ability for optional personnel to opt in and out of the System without terminating employment.

715:10-5-38 is being added to address the purchase of optional service to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

SUBCHAPTER 11. WITHDRAWAL FROM MEMBERSHIP AND REFUND OF DEPOSITS

715:10-11-2 is being revoked to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

715:10-11-4 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-3 is being amended to reflect amendments to 70 O.S. Section 17-108.2 enacted by Senate Bill 772 in the 2019 legislative session.

715:10-13-7 is being amended to comply with amendments to 70 O.S. Section 17-108 enacted by House Bill 2293 in the 2021 legislative session and effective August 25, 2021.

715:10-13-8 is being amended to comply with amendments to 70 O.S. Section 17-103 enacted by Senate Bill 683 in the 2021 legislative session and effective July 1, 2021.

SUBCHAPTER 17. POST-RETIREMENT EMPLOYMENT

715:10-17-15 is being amended to comply with amendments to 70 O.S. Section 17-116.10 enacted by Senate Bill 267 in the 2021 legislative session and effective July 1, 2021. These amendments allow certain retired persons to return to public education employment without being subject to earnings limitations.

B. CLASS OF PERSON(S) AFFECTED (CLASS BEARING COST OF RULES):

The classes of person(s) affected by the proposed rules are employers and membership of the Teachers' Retirement System of Oklahoma.

C. CLASS OF PERSON(S) BENEFITTED BY PROPOSED RULES:

The class of person(s) benefitted by the proposed rules is the membership of the Teachers' Retirement System of Oklahoma.

D. DESCRIPTION OF ECONOMIC IMPACT UPON AFFECTED CLASS OF PERSONS OR POLITICAL SUBDIVISIONS:

The proposed rules will provide a more efficient administration of the System, resulting in a positive economic impact upon affected classes of persons or political subdivisions. The proposed rules will not have an adverse effect on small business.

E. COST TO AGENCY, EFFECT ON STATE, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES:

None.

F. ECONOMIC IMPACT THAT IMPLEMENTATION OF THE RULES WILL HAVE ON POLITICAL SUBDIVISIONS AND WHETHER THE IMPLEMENTATION WILL REQUIRE THE SUBDIVISION'S COOPERATION IN IMPLEMENTING OR ENFORCING THE RULE:

None. The proposed rules will not have an adverse effect on small business.

G. LESS COSTLY OR INTRUSIVE METHODS:

None.

H. DATE IMPACT STATEMENT PREPARED:

November 17, 2021

CHAPTER 10. GENERAL OPERATIONS

SUBCHAPTER 1. MEMBERSHIP PROVISIONS

715:10-1-4. Optional TRS membership

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

- (1) "Non-classified optional personnel" ~~employees~~ 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. (See OAC 715:10-17-13).
- ~~(5) Full-time, non-classified optional personnel who previously have opted out of TRS under OAC 715:10-11-2 may revoke their election and return to TRS participation. Providing, however, that such member is not eligible to redeposit the account withdrawn under OAC 715:10-11-2 or purchase credit for service performed after termination of membership and reinstatement of membership.~~

SUBCHAPTER 5. ESTABLISHING OTHER SERVICE CREDITS

715:10-5-9. Re-establishing withdrawn service

After ~~returning to employment in the public schools of Oklahoma~~ re-establishing participation in TRS, a member may redeposit a withdrawn account to re-establish service previously withdrawn from the system. For purposes of this section the following shall apply:

- (1) A "classified" and "non-classified" member (except as noted in paragraph 2 of this section) who has returned to public education employment and has established one full year (twelve calendar months) of creditable Oklahoma service, is eligible to redeposit withdrawn contributions. A redeposit of withdrawn contributions must include all applicable interest, which shall be computed at a simple interest rate of ten percent (10%) per annum from the date of the withdrawal to the date repayment is made.

(2) Non-classified members who voluntarily withdrew from membership in TRS, ~~between July 1, 1984 and June 30, 1990,~~ without terminating employment in the public schools of Oklahoma, are not eligible to redeposit or purchase past service for any period of employment between the date of the membership period covered by the withdrawn account and the date of return to membership in TRS.

(3) Non-classified members who voluntarily ~~ease~~ceased monthly contributions to TRS while continuing to be employed in an eligible position shall be considered to have withdrawn from membership.

(4) Requests for redeposits should be made to TRS in writing. The request must include the name in which the service was rendered, the TRS Member ID number or Social Security number, and the number of years withdrawn.

(5) Documentation of this service is on file with TRS and will be verified by the staff. Service that cannot be verified must be purchased under the rule for establishing service prior to membership.

(6) Repayments of withdrawn accounts may be made by active contributing members of TRS in a single lump sum, which includes the withdrawn contributions and all applicable interest, or in installment payments. Such installment payments may be paid in 12-month increments, but shall be completed within 60 months. The member shall be responsible for maintaining the payment schedule. Payments are due on the first day of each month. A monthly installment not paid within sixty (60) days of the due date will result in immediate termination of the installment payment schedule. The member will be given the option of paying the remaining balance within six (6) months. If the balance is not paid in full in the remaining six (6) month period, the redeposit will be canceled. Installment payments shall include interest based upon actuarial assumptions adopted by the TRS Board of Trustees. Such installment payments shall be completed before the member's effective retirement date. No proration is allowed for partial payments. If payments terminate prior to completion of the installment agreement, the amount paid by the member shall be refunded without interest.

(7) Redepositing of withdrawn accounts must be completed, and payment made to TRS, ninety (90) days prior to the effective date of a member's official retirement date.

(8) No person may make a redeposit to a member's account after the death of the member.

715:10-5-38. Credit for service as an optional employee prior to July 1, 2021 [NEW]

Members may obtain service credit for qualified employment in public educational institutions in the State of Oklahoma for work performed prior to July 1, 2021, as an optional, non-classified employee under certain circumstances.

(1) The member shall not be eligible to purchase withdrawn service as described in OAC 715:10-5-9(2) or service for which the member had ceased monthly contributions on at any prior date as described in OAC 715:10-5-9(3).

(2) The member is not receiving and is not eligible to receive retirement credit or benefits from the service in any other public retirement system of this state, the United States government, or any other state or territory of the United States.

(3) The purchase price for eligible non-classified optional service credit shall be based upon actuarial costs as defined in OAC 715:10-5-4. All payments for such service credit must be made while the member is an active contributing member or within sixty (60) days after the end of the member's employment in the public schools in Oklahoma. No person may purchase service credit for such employment after the member's death.

(4) The payments for such service credit may be made in one lump sum or in equal monthly installments for up to sixty (60) months, as provided in OAC 715:10-5-4 and may be made as a picked-up service credit purchase in compliance with OAC 715:10-5-35.

(5) The purchase of service must be completed, and payment made to TRS, no later than ninety (90) days prior to the effective date of a member's official retirement date.

SUBCHAPTER 11. WITHDRAWAL FROM MEMBERSHIP AND REFUND OF DEPOSITS

715:10-11-2. Withdrawal of optional membership while still employed [REVOKED]

~~A non-classified optional member may voluntarily terminate TRS membership while continuing employment in the public schools of Oklahoma, if:~~

~~(1) Proper application is made to TRS. Withdrawal may be made no earlier than two (2) months after date of application and no earlier than the receipt by TRS of the final deposit to the member's account.~~

~~(2) The financial officer of the employing school certifies the member's election to stop contributions and the date the member's last contributions will be remitted to TRS.~~

~~(3) Any member who withdraws under the conditions listed here may rejoin the Teachers' Retirement System, under the provision of OAC 715:10-1-4(8). A member who terminates membership under this section cannot redeposit contributions withdrawn under this section at a later date, even if the individual returns to membership in TRS. The member will also forfeit any right to purchase service performed from the date of termination of membership under this section and prior to the re-entry date, and will forfeit any unused sick leave accumulated from the date of termination of membership under this section and prior to the re-entry date.~~

~~(4) A member's contributions cannot be terminated, by either the member or the employer, without termination of TRS membership. Any member who ceases contributions while still employed in an optional position shall be deemed to have become an ineligible member of TRS, and will have forfeited all rights to retirement benefits provided by TRS for the service prior to the date the member ceased contributions.~~

~~(5) An employer may prevent its employees from withdrawing, under this rule, if the employer has a negotiated labor agreement, or formalized IRS plan, prohibiting such terminations and withdrawals.~~

~~(6) After-tax contributions can be refunded to an optional member prior to separation from service. Pre-tax contributions cannot be refunded until the member terminates employment or turns 62. Following termination of employment, TRS should be contacted for the proper form to be completed for return of pre-tax contributions. Upon completion of the verification form by the school and the mandatory four-month waiting period, payment of the balance of the account will be made at the same time as regular withdrawals.~~

715:10-11-4. Refunds of contributions

(a) Refunds for overpayment of employer annual contributions, ineligible service purchases, and membership service contributions of less than six (6) months shall be made upon request by the employing school if the payment of contributions was made based on mistake of fact or law.

(1) Refunds to members who are terminating accounts will not be made until the final contributions of the withdrawing member is received and posted to his account. The required application must be completed and on file. The amount to be returned to the employer is the excess of the amount contributed or paid over the amount that would have been contributed or paid had no mistake been made.

(2) No interest shall be paid on refunds for this purpose.

~~(3) Contributions reported by the employer as "pre-tax" contributions will be refunded to the employer.~~

~~(b) Refunds of excess employee contributions shall be distributed to the member as soon as practical through a lump sum payment for all past overpayments with appropriate interest under OAC 715:10-11-1. The distribution shall be reported on IRS Form 1099-R for the year of the distribution.~~

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-3. Employee contribution rates

(a) Beginning with the 1996-97 school year, the maximum compensation level for all members, other than those members employed by a comprehensive university on or before June 30, 1995, shall be the member's regular annual compensation. This includes any employee of a comprehensive university who transfers to another school or university after June 30, 1996, or who terminates paid employment status with a comprehensive university and returns to employment at a later date.

(b) Beginning with the 1996-97 school year, the maximum compensation level for those employees of a "comprehensive university", defined in statutes as the University of Oklahoma and all of its constituent agencies, including the University of Oklahoma Health Sciences Center, the University of Oklahoma Law Center and the Geological Survey, and Oklahoma State University and all of its constituent agencies, including the Oklahoma State Agricultural Experiment Station, the Oklahoma State University Agricultural Extension Division, the Oklahoma State University College of Veterinary Medicine, the Oklahoma State University Center for Health Sciences, the Technical Branch at Oklahoma City the Technical Branch at Okmulgee and Oklahoma State University-Tulsa, who were employed on or before June 30, 1995, shall contribute the following:

(1) for members who, prior to June 30, 1995, elected to contribute on a maximum compensation level not to exceed \$25,000:

- (A) \$32,500 for service between July 1, 1996 and June 30, 1997,
- (B) \$37,500 for service between July 1, 1997 and June 30, 1998,
- (C) \$42,500 for service between July 1, 1998 and June 30, 2000,
- (D) \$47,500 for service between July 1, 2000, and June 30, 2001,
- (E) \$52,500 for service between July 1, 2001, and June 30, 2002,
- (F) \$57,500.00 for service between July 1, 2002, and June 30, 2003,
- (G) \$62,500.00 for service between July 1, 2003, and June 30, 2004,
- (H) \$67,500.00 for service between July 1, 2004, and June 30, 2005,
- (I) \$72,500.00 for service between July 1, 2005, and June 30, 2006,
- (J) \$77,500.00 for service between July 1, 2006, and June 30, 2007, and
- (K) the full amount of regular annual compensation for service authorized and performed after June 30, 2007, and

(2) for members who, prior to June 30, 1995, elected to contribute on a maximum compensation level in excess of \$25,000, or who did not make an election prior to June 30, 1995, because their annual salary was less than \$25,000:

- (A) \$49,000 for service between July 1, 1996 and June 30, 1997,
- (B) \$54,000 for service between July 1, 1997 and June 30, 1998,
- (C) \$59,000 for service between July 1, 1998 and June 30, 2000,
- (D) \$64,000 for service between July 1, 2000, and June 30, 2001,

- (E) \$69,000 for service between July 1, 2001, and June 30, 2002,
- (F) \$74,000 for service between July 1, 2002, but not later than June 30, 2003,
- (G) \$79,000 for service between July 1, 2003, and June 30, 2004,
- (H) \$84,000 for service between July 1, 2004, and June 30, 2005,
- (I) \$89,000 for service between July 1, 2005, and June 30, 2006,
- (J) \$94,000 for service between July 1, 2006, and June 30, 2007, and
- (K) the full amount of regular annual compensation for service authorized and performed after June 30, 2007.

(c) A ~~teacherperson~~ 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~~ qualifies for a minimum salary pursuant to the State's minimum salary schedule 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 ~~less than a full contract year, whether~~ full-time for less than a full contract year ~~or part-time for the full contract year,~~ shall have the prescribed State contribution prorated ~~in accordance with the eligible employee's full-time equivalent rate of employment~~ proportionately based on the employee's full-time employment during the relevant contract period.

715:10-13-7. Matching Funds

~~Statutes require employers~~ Employers of ~~Teachers' Retirement System~~ TRS members whose compensation is paid from federal funds or externally sponsored agreements such as grants, contracts, and cooperative agreements shall to match the contributions of these members on all compensation, or that portion of, compensation paid from these funds. ~~Federal matching~~ 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. ~~Effective July 1, 2001,~~

~~employers shall match on a pro rata basis the contributions of members whose salaries are paid by federal funds or externally sponsored agreements such as grants, contracts and cooperative agreements.~~ 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, ~~2001, and each April 1 thereafter~~ year, the TRS Board of Trustees ~~of the Teachers' Retirement System~~ shall set ~~the 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.

715:10-13-8. Procedure for making contribution deductions

The Teachers' Retirement System contribution deduction shall start with the payment for the first month of a "classified" employee's contract, or the first month of membership for an optional "non-classified" member. This contribution shall be based on the total compensation for the month, but shall not apply to the compensation of a substitute teacher or any employee working on a less than one-half time basis. 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 of first payment 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, are received by TRS. Interest compounded annually at ten percent (10%) per annum shall be levied against the balance due until paid.

(1) The total deductions in any one school year shall not exceed the maximum limit prescribed by statutes as defined in OAC 715:10-13-3.

(2) In determining the amount of the contribution for a member in any payroll period, the employer shall consider the total compensation earned from all sources. The contribution shall be calculated on the gross compensation before any deductions, such as tax-sheltered annuity, income taxes, Social Security, etc. Deductions shall be made at the statutory contribution rate on each month's compensation until the maximum annual compensation level is reached. Total monthly compensation shall be reported in the monthly salary

column of the remittance report. Monthly compensation includes gross wages and fringe benefits paid or provided by the remitting agency.

(3) Monthly contributions for employees of a comprehensive university, whose maximum compensation level is less than the member's regular annual compensation, may be remitted in twelve equal payments to the member's account during the school year. It shall be the responsibility of the employer to ~~insure~~ensure any required adjustment in contributions is made if a member terminates employment or the member's salary changes during the school year.

(4) ~~Required Contributions~~contributions must~~shall~~ be remitted monthly. ~~as long as the individual is employed in a position for which membership is a condition of employment. No member, including non-classified optional employees, may terminate contributions and retain membership in Teachers' Retirement System, except as expressly provided elsewhere in the statutes or TRS rules.~~

(5) As of July 1, 1979, members who signed a waiver to contribute on a maximum annual salary of \$7,800 are required by law to contribute on their total compensation not to exceed any current maximum contribution level.

(6) The Department of Corrections shall contribute the employer's share to the Teachers' Retirement System. The contribution shall be the same dollar amount required of the member.

SUBCHAPTER 17. POST-RETIREMENT EMPLOYMENT

715:10-17-15. Salary limitations for certain returning classroom teachers

~~Legislation enacted during the 2017 legislative session allows members who retired on or before July 1, 2017 to return to employment as a classroom teacher for a public school or career technology district with no earnings limitations in certain circumstances. Members seeking to return to employment as a classroom teacher under this provision must meet all of the following requirements:~~

~~(1) The member must have been employed as an active classroom teacher as is defined in 70 O.S. § 17-101(27) for at least one full school year immediately prior to their date of retirement. Members employed as superintendents, administrators, or in other non-classroom teacher positions during the school year immediately preceding retirement are ineligible;~~

~~(2) The member can only be employed as an active classroom teacher as defined in 70 O.S. § 17-101(27) when they return to employment;~~

~~(3) The member must have been retired and drawing a TRS retirement benefit and not be employed by any public school or career technology district in any capacity for the twelve (12) consecutive months immediately following the last day of employment prior to their retirement date; and~~

~~(4) Prior to the member's return to employment the member must provide to TRS on forms prescribed by TRS, documentation establishing their eligibility under this provision. This documentation must be accepted by and approved by TRS prior to the member commencing employment under this provision.~~

Legislation enacted during the 2021 legislative session allows members who retired on or before July 1, 2020 to return to employment as an active classroom teacher for a public school or career technology district with no earnings limitations in certain circumstances. Members seeking

to return to employment as an active classroom teacher under this provision must meet all the following requirements:

(1) The member must have been retired as of July 1, 2020;

(2) The member must have been retired and drawing a TRS retirement benefit and not be employed by any public school or career technology district in any capacity for a period of twelve (12) consecutive months immediately following the last day of employment prior to their retirement date;

(3) The member can only be employed as an active classroom teacher as defined in 70 O.S. § 17-101(27) when they return to employment; and

(4) Within sixty (60) days of the member's return to employment, the member's employer must provide to TRS, on a form prescribed by TRS, documentation establishing the member's eligibility under this provision.