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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 2nd Session, 2020

Bill Number	<u>SB111/aSEC</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.216216.1</u>	Committee Referrals	<u>SEC/SFC;HLVMC</u>
Short Title	<u>Changes to Educational Retirement</u>		
Analyst	<u>Simon</u>	Original Date	<u>2/2/2020</u>
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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of SEC Amendment

Senate Education Committee Amendment to Senate Bill 111 (SB111/aSEC) would require that an employee of an Educational Retirement Board (ERB)-covered employer that is retired from the Public Employees Retirement Association (PERA) and has not suspended their retirement benefit is not required to make a contribution to the educational retirement fund.

Synopsis of Original Bill

Senate Bill 111 (SB111) would make several changes to the Educational Retirement Act that address policies governing the ability of retired Educational Retirement Board (ERB) members to return to work. The bill would allow retired members of ERB to return to employment after 90 days without suspending their pension if the retired member earns less than \$15 thousand per year and there was no agreement prior to retirement to return to work. The bill would eliminate a requirement that beginning July 1, 2020 employees who return to work at 0.25 FTE or less make nonrefundable contributions to the educational retirement fund. Finally, the bill would exempt substitutes employed on a day-to-day basis from coverage under the Educational Retirement Act.

FISCAL IMPACT

SB111/aSEC would require the educational retirement fund to forgo anticipated revenue increases that are scheduled to begin in FY21. In addition, SB111/aSEC would eliminate a current requirement that a PERA retiree contribute to the educational retirement fund. ERB projects the total amount of lost revenue at \$8.1 million per year; however, this includes \$2.6 million in contributions for PERA retirees, which analysis from ERB indicates is refundable to the employee upon termination of employment with an ERB-covered employer.

Contributions for Employees working 0.25 FTE or Less. Under Laws 2019, Chapter 258 (HB360), beginning July 1, 2020, retired members of ERB who return to employment at 0.25 FTE

or less will begin making contributions to the educational retirement fund. Analysis from ERB notes that employees working more than 0.25 FTE are required to make contributions if they join the return to work plan and that prior to HB360 employees working less than 0.25 FTE were treated differently than other return to work employees. HB360 extended the contribution requirement so that all members working during retirement make contributions. Employees earning \$24 thousand or less will contribute 7.9 percent of salary and employees earning more than \$24 thousand will contribute 10.7 percent of salary. Employers will contribute 14.15 percent of the salary of these employees. SB111/aSEC would repeal this requirement and ERB would continue to not collect employer and employee contributions for members working less than 0.25 FTE.

ERB indicates SB111/aSEC would result in forgone revenue of \$4.1 million related to revenue from nonrefundable contributions from employees working at less than 0.25 FTE. Employer contributions would count for about \$2.3 million of this total, which employers will be required to begin paying in FY21. House Appropriations and Finance Committee Substitute for House Bills 2 and 3 does not include increased appropriations to cover the costs of the newly required contributions. If no appropriation is made to the state equalization guarantee to higher education institutions, the additional contributions will come from school districts', charter schools', and institutions' operating budgets. It is unclear if the new contribution requirement will cause retired ERB members to stop working for ERB-covered employers. Additional contributions to ERB assumes educational employers will be able to find employees to fill these positions if the current retirees leave these positions. ERB will not collect additional contributions in FY21 for employees who choose to leave these positions if employers are unable to fill these vacancies.

Contributions from Substitute Employees. SB111/aSEC would repeal a section of HB360, scheduled to become effective July 1, 2020, that requires a substitute teacher who works at a level greater than 0.25 FTE to become a member of ERB. In place of that requirement, SB111/aSEC would enact a section of law that mirrors current ERB rules that exempt employees engaged on a day-to-day basis to replace another employee from coverage under the Educational Retirement Act. The current ERB rule provides that an employee engaged to fill a vacant position, including a position vacated by an extended leave of absence, shall not be considered a substitute. SB111/aSEC provides additional clarity that is not in the current ERB rule by replacing the phrase “extended leave of absence” with “a leave of absence of at least ninety days.” Because the provision that requires substitute teachers to join ERB is not yet effective, substitutes employed on a day-to-day basis are currently exempt from coverage and ERB does not collect employer or employee premiums for these employees

ERB expects to receive additional revenue from the addition of short-term substitutes of \$1.4 million, although this provision will also increase future liabilities for the fund.

Contributions from PERA Employers. SB111/aSEC would exempt PERA retirees that have not suspended their retirement benefit from making contributions to the educational retirement fund. This requirement was effective July 1, 2019, for employees other than certified police officers hired prior to July 1, 2019. Previous law exempted all PERA retirees that had not suspended their retirement benefit. Analysis from ERB states it will receive \$2.6 million in contributions from PERA retirees; however this analysis notes these contributions are refundable to the employee upon termination of employment with an ERB-covered employer. PERA retirees that do not suspend their retirement benefit are ineligible to earn service credit from their employment, making it likely PERA retirees will request refunds from ERB. SB111/aSEC would continue to require employer contributions based on salaries of PERA retirees.

SUBSTANTIVE ISSUES

Return-to-Work Policies. SB111/aSEC would make changes to the Educational Retirement Act to restore some return-to-work policies that were altered by Laws 2019, Chapter 258 (House Bill 360). That bill required ERB’s board of trustees to repeal an administrative rule, known as the “return-to-work exception.” The return-to-work exception allowed retired ERB members to return to work for an ERB-covered employer without suspending their retirement benefit or being required to make nonrefundable contributions to the educational retirement fund if the member earned less than \$15 thousand per year or worked 0.25 FTE or less. Although the amended Educational Retirement Act continues to allow those employed at a level of 0.25 FTE or less to return to employment without suspending their retirement benefit, beginning July 1, 2020, those employees and their employers will be required to make nonrefundable contributions to the educational retirement fund. SB111/aSEC would remove the requirement to make nonrefundable employee and employer contributions for those employed at 0.25 FTE or less and create a new return-to-work policy for employees earning less than \$15 thousand that is slightly modified to account for requirements of the Internal Revenue Service. Under the former return-to-work exception, employees earning less than \$15 thousand did not need to observe a layout period prior to returning to work. SB111/aSEC would require that an employee returning to work and earning less than \$15 thousand observe a layout period of 90 days. SB111/aSEC would further require that the employee and employer not enter into any agreement for rehire.

Analysis from ERB states the Internal Revenue Service does not allow members of qualified pension plans to take “in-service distributions” from the retirement plan. Before drawing from the plan, a retiree must terminate employment and the employer and employee must reasonably anticipate that no further services will be performed after retirement.

ERB notes the following:

“Because it is difficult to confirm the intent of the employee and the employer, governmental retirement plans such as [ERB] typically require that retirees complete a layout period before they may return to employment and continue to receive benefits. [ERB] requires that retirees who want to return to work at greater than 0.25 FTE and continue to receive their benefit must first complete a 12 consecutive month layout period. A layout period of 12 months makes it less likely that the termination and rehire was not genuine.”

ERB notes concern with the 90-day break-in-service requirement in light of the IRS requirements for a bona fide termination of employment, noting the serious tax consequences associated if the plan is disqualified.

However, the IRS does not establish a minimum layout period. A recent white paper from the National Association of State Retirement Administrators (NASRA) and the Center for State and Local Government Excellences (CSLGE) notes different states have a wide variety of policies around the break-in-service requirement. The report states the following:

“All retired public employees who seek to return to the same employer from which they retired, or who work for another public employer that participates in the same retirement system from which they retired, are required to observe a “break in service” between their retirement and their return to work. This is a requirement set forth in IRS regulations and further specified in state laws and retirement system policies. These regulations, laws, and policies define the period of time that must lapse between the employee’s date of

retirement and their hiring date. IRS rules do not specify a length of time that represents a break in service; guidance provided by the IRS states only that there must be a bona fide break in service with no arrangement for re-employment.”

Because the IRS does not specify a length of time that represents a break in service, different retirement plans have selected different time periods and some retirement plans merely require a break in service without specifying a timeframe. A review of plan policies included in the NASRA and CSLGE report shows 33 of 83 retirement plans surveyed have a break in service requirement of two months or less, while nine plans require a break without specifying what length is required. A further 21 plans require a break of between two months and six months. Only 20 plans require a break of six months or more.

Public Pension Plans' Required Length of Break-in-Service Period

Required Length of Break-in-Service Period	Number of Systems
A break in service of unspecified length is required	9
Less than 2 months	33
2 or more months but less than 6 months	21
6 or more months but less than 1 year	11
1 Year or More	9

Source: Balancing Objectives in Public Employee Post-Retirement Employment Policies, p. 12

ERB analysis states a national office representative of the Internal Revenue Service offered the informal opinion that a 90-day layout period was unlikely to represent a bona fide termination of employment, particularly for a teacher, for whom it may coincide with a summer or quarterly break. However, it appears a number of public pension plans, including plans that serve public school or university employees, have layout periods that are less than 90 days, raising questions about this informal opinion. The **Attachment: Public Retirement System Postretirement Employment Policies on Break-in-Service Requirements from the National Association of State Retirement Administrators** provides a summary of these policies. Some of these policies are set in state law, while others are adopted by retirement plans through rule or policy.

ERB notes the IRS allows an employee to reduce service to a specified percentage of service as specified by the retirement plan to indicate a *bona fide* termination. This level is currently 0.25 FTE for ERB. A salary cap may not be substituted for a percentage of service.

PERA Retiree Contributions. Analysis from ERB notes ERB retirees are required to make nonrefundable contributions to the educational retirement fund and states that repealing the requirement that PERA retirees contribute places ERB retirees and PERA retirees on unequal footing; however, ERB’s analysis notes that current law allows PERA retirees to receive a refund, while ERB retirees are required to make nonrefundable contributions. Additionally, ERB retirees that go to work for a PERA-covered employer are excluded from PERA membership and not required to make contributions.

While current law requires PERA retirees that have not suspended their retirement benefit to make contributions to the educational retirement fund, nothing in state law states these contributions are nonrefundable. Administrative rules proposed by ERB regarding contributions from PERA retirees had designated these contributions as nonrefundable. However, public comment noted that when HB360 added the requirement that PERA retirees make contributions to ERB the statute was not amended to specify that these contributions were nonrefundable.

At the rule hearing, ERB staff offered the following opinion that not including the word nonrefundable was an error and there is a reasonable argument that it was the intent of the Legislature to make these contributions nonrefundable because the purpose of HB360 was to improve the sustainability of the educational retirement fund. However, on the advice of staff, the

ERB’s board of trustees declined to adopt the rule designating PERA retiree contributions as nonrefundable because the plain language of the statute did not appear to give the board authority to collect nonrefundable contributions.

Because of the error in HB360 collecting refundable contributions from PERA retirees will serve little purpose. Because PERA retirees are not eligible to earn service credit, they receive no benefit from leaving their contributions in the educational retirement fund. As a result, retirees may be more likely to request refunds from ERB — assuming the retiree is aware that they are eligible to collect a refund for those contributions.

OTHER SIGNIFICANT ISSUES

HB360 from the 2019 session made changes to the Educational Retirement Act to improve the long term sustainability of the pension plan offered to public school, college, university, and other educational employees. These changes included the addition of a tiered multiplier for calculating retirement benefits, anti-pension spiking provisions that limits the impact of sudden and significant pay increases shortly before retirement, and new contribution requirements for retirees from the PERA. The bill also increased employer contributions to the educational retirement fund from 13.9 percent to 14.15 percent and raised the minimum age for a regular, unreduced retirement to age 58 for members hired after July 1, 2019.

Some educational stakeholders have noted the difficulty of recruiting high-quality substitute teachers to cover the classroom responsibilities of teachers who are absent from school. School districts have noted that, when possible, schools prefer to cover the classroom of a teacher absent for the day with a qualified teacher, including retired personnel. Media reports and public comment from an ERB’s October rule hearing indicate that changes to the return-to-work policies had the effect of preventing some of these retired members from providing services as a substitute teacher, exacerbating the current shortage of those willing to serve as a substitute. Provisions of statute scheduled to come into effect this July may cause additional retired members to leave the public school employers and additional contribution requirements may make it more difficult for employers to recruit short term substitutes.

RELATED BILLS

Relates to House Bill 46, Changes to Educational Retirement Fund, which would provide for a distribution of gross receipts tax from the tax admiration suspense fund to the educational retirement fund.

Conflicts with House Bill 226, Retired Teachers as Substitutes, which would allow a retired ERB member to return to work as a substitute teacher without suspending his or her retirement benefit.

Conflicts with House Bill 260, Retired Teachers as Substitutes, which would allow a retired ERB member to return to work as a substitute teacher without suspending his or her retirement benefit. HB260 would require employers to make contributions to the educational retirement fund. The bill would sunset June 30, 2025.

SOURCES OF INFORMATION

- LESC Files
- Educational Retirement Board (ERB)
- Legislative Finance Committee (LFC)

Public Retirement System Postretirement Employment Policies on Break-in-Service Requirements from the National Association of State Retirement Administrators

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
1 Alabama	Retirement Systems of Alabama	Yes	Statute requires separation from service but does not specify the time period	Statute
2 Alaska	Alaska Department of Retirement Services	Yes	Retirees age 62 or older must serve a 60 day waiting period before rehire with the same employer in any capacity. Retirees younger than 62 must serve a six-month break. No prearrangement for reemployment can be entered into before retirement.	IRS rules on pre-arrangement and advice from tax counsel based on private letter rulings for other plans.
3 Arizona	Arizona State Retirement System	No - provided the employee terminates employment and meets other criteria for returning; Yes - if retired and position meets membership criteria	365 days	A.R.S. § 38-766.01
4 Arizona	Arizona Public Safety Personnel Retirement System	Yes	One year, or 60 days depending on circumstance	IRS requirement / Statute
5 Arkansas	Arkansas Public Employees Retirement System	Yes	30 days if retired before 7/1/09; 180 days if retired on or after 7/1/09; 1 year if retired from elected office	Arkansas Code § 24-4-520
6 Arkansas	Arkansas Teacher Retirement System	Yes	Varies by age and service: If under age 65 and less than 38 years of service, 6 months; if under age 65 and 38 or more years of service, 1 month; if age 65 or older, no separation period is required	Arkansas Code § 24-7-502
7 California	California Public Employees' Retirement System	Yes	180 days, unless qualified under one of several qualified exemptions; 60 days if the member has attained normal retirement age and there is no verbal or written agreement to return to work	Statute
8 California	California State Teachers' Retirement System	Yes	180 calendar days	Statute

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
California	University of California Retirement System	Yes	At least 30 days - preferably 90 days	IRS / Board of Regents policy
Colorado	Colorado Public Employees' Retirement Association	Yes	Retirees are prohibited from returning to work during the effective month of retirement	Statute
Colorado	Colorado Fire & Police Pension Association	No required time period between retirement date and date of reemployment beyond IRS rules and regulations on separation from service.	None specified	N/A
Connecticut	Connecticut Teachers' Retirement Board	Yes	Six months, if retired before reaching the definition of normal retirement in the CTRB statute, or before turning age 62	Plan policy
Connecticut	Connecticut State Employees' Retirement System	Yes		
Delaware	Delaware Public Employees Retirement System	Yes	Retirees who are younger than age 65 at retirement must have a six month break from employment before working for any organization that participates in the pension plan from which he/she retired.	Delaware Code, DPERS rules and regulations
District of Columbia	District of Columbia Retirement Board	Yes	An unspecified period of separation is required	
Florida	Florida Retirement System	Yes, the member must meet the definition of termination which is 6 calendar months.	After the 6 calendar months, the member may return to employment; however, benefits are suspended during calendar months 7 through 12. After month 12, the reemployed retiree will not be required to repay any distributions, and they may continue receiving their benefit.	Statute
Georgia	Georgia Teachers Retirement System	Yes	At least 1 month	Statute
Georgia	Georgia Employees Retirement System	Yes	1 month (2 months if retired under early retirement provisions)	O.C.G.A. 47-2-110

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
19 Hawaii	Hawaii Employees Retirement System	Yes	6 consecutive months if the retiree is employed in a position excluded from ERS membership (i.e. part-time or temporary); 12 consecutive months if the retiree is employed in a position identified as a labor shortage or difficult to fill position	State law 19
20 Idaho	Idaho Public Employee Retirement System	Yes	Early retirees must have a 90-day break before returning to work for the same employer and a 24-hour break before returning to a different employer. A Service retiree must have a 24-hour break before returning to work for any employer.	Statute 20
21 Illinois	Illinois State Employees Retirement System	No	None	N/A 21
22 Illinois	Illinois State Universities Retirement System	Yes	60 days	Statute, 40 ILCS 5/15-139 & 139.5 22
23 Illinois	Illinois Municipal Retirement Fund	No	N/A	N/A 23
24 Illinois	Illinois Teachers Retirement System	Yes	30 days since last retirement plan contribution, and not within the same school year (July 1-June 30).	Statute 24
25 Indiana	Indiana Public Retirement System	Yes	30 days since the employee's last day of work (differs from the official retirement date, which is the first day of the next month), unless retired from another Indiana public pension fund and age 55 or older, in which case there is no required minimum period of separation to return to a PERF-covered position with the same employer. No required minimum period of separation is specified for ASA Only members who return to work after retirement, but they are prohibited from establishing a formal or informal agreement with their employer to return to covered employment.	

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
Iowa	Iowa Public Employees Retirement System	Yes	1 month for non-IPERS covered employment with an IPERS employer, 4 months for covered employment with or volunteering for an IPERS covered employer	Statute
Kansas	Kansas Public Employees Retirement System	Yes	60 days (180 if retiring before age 62) for general employees and teachers; 30 days for police & fire. The waiting period begins the day after one's retirement date (the first day of the next month following retirement).	Statute
Kentucky	Kentucky Retirement Systems	Yes	3 months for most employees (1 month for an employee retiring from a hazardous duty position and returning to a regular full-time hazardous duty position).	Statute
Kentucky	Kentucky Teachers Retirement System	Yes	3 months for employees of local school districts, KCTCS technical colleges & TRS participating state agencies returning to work on a part-time or substitute basis, or on a full-time basis with a different employer; 1 year for those returning to work with the same employer. Alternatively, a retiree may return to work after only a 2-month break in service if they agree to forfeit their retirement allowance for the remainder of the required standard break in service.	Statute
Louisiana	Louisiana State Employees Retirement System	No, subject to IRS restrictions	N/A	
Louisiana	Louisiana Teachers Retirement System	Yes	To be considered retired and eligible to return to work, a member must have a break in service of at least one weekday (Monday through Friday).	Interpretation of applicable laws
Louisiana	Parochial Employees' Retirement System of Louisiana	Yes	The retiree must separate from service from the participating employer for at least one pay period.	Board policy
Maine	Maine Public Employees Retirement System	Yes	30 days	Statute and MainePERS rule

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
Maryland	Maryland State Retirement and Pension System	Yes	45 days	Statute
Massachusetts	Massachusetts State Employees Retirement System	Yes	30 days	System recommended practice
Massachusetts	Massachusetts Teachers Retirement Board	Yes	60 days if returning to the same employer from which the member retired	Statute
Michigan	Michigan Office of Retirement Systems	Yes. A bona fide termination must exist in both systems.	State law references a requirement for public school employees that a retiree may be rehired following a "bona fide termination of employment. A bona fide termination includes not working for a reporting unit during the retirement effective month and not having a promise of reemployment or a contract for future employment in place before collecting a pension. Public school employees may not work for a reporting unit at all, even as a volunteer, during the month in which the retirement effective date occurs. For state retirees, a bona fide termination must exist. That length of time is one month.	This time period for public school employees is defined by statute. State retirees must adhere to the rules for bona fide termination as promulgated by the Internal Revenue Service and administrative rulings.
Michigan	Municipal Employees Retirement System of Michigan	Yes	60 days; 2 years separation if returning to the same elected position (whether elected or appointed to that voter-elected position)	Board policy
Minnesota	Minnesota Public Employee Retirement Association	Yes	30 days	Statute
Minnesota	Minnesota State Retirement System	Yes	30 days	Statute
Minnesota	Minnesota Teachers Retirement Association	Yes	An employing unit may require up to a one-year notice of intent to enter into a return-to-work agreement, which is available to teachers aged 62 and older	Statute
Mississippi	Mississippi Public Employees Retirement System	Yes	90 days (after the beginning of the next school year, if retired from and returning to a covered educational institution)	Statute

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
43 Missouri	Missouri Public Schools Retirement System	Yes	One month	Board regulation
44 Missouri	Missouri State Employees Retirement System	Yes	At least one calendar month	Implicit in statute
45 Missouri	Missouri Local Govt. Employees Retirement System	Yes	One month	Administrative Rule
46 Missouri	MoDOT & Highway Patrol Employees' Retirement System	Yes	At least one calendar month	
47 Montana	Montana Public Employees Retirement Board	Yes	90 days	Statute
48 Montana	Montana Teachers Retirement System	Yes	150 days	
49 Nebraska	Nebraska Retirement Systems	Yes	120 days (180 days for school employees)	Statute
50 Nevada	Nevada Public Employees Retirement System	Yes	90 days	Statute
51 New Hampshire	New Hampshire Retirement System	Yes	28 days from the effective date of retirement, which is always the first of a month	Statute. NH RSA 100-A:7-b
52 New Jersey	New Jersey Division of Pension and Benefits	Yes	180 days if rehired by the same employer	Division Policy
53 New Mexico	New Mexico Educational Retirement Board	Yes	12 consecutive months	
54 New Mexico	New Mexico Public Employees Retirement Association	Yes	12 months	Statute
55 New York	New York State and Local Retirement Systems	Depends on the circumstances of reemployment	The retiree cannot work on their date of retirement; Under Section 211, a retired public employee is prevented from working in the same or similar position for one year from the retiree's date of retirement from a New York State public retirement system.	State law

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
New York	New York State Teachers Retirement System	Depends on the circumstances of reemployment	The retiree cannot work on their date of retirement; Under Section 211, a retired public employee is prevented from working in the same or similar position for one year from the retiree's date of retirement from a New York State public retirement system.	State law
North Carolina	North Carolina Retirement Systems	Yes	6 months (teachers and state employees); 1 month (local government employees)	
North Dakota	North Dakota Public Employees Retirement System	Yes	31 days	Administrative Code
North Dakota	North Dakota Teachers Fund for Retirement	Yes	30 days waiting period if returning to covered employment under the annual hours limit. 1 year waiting period if returning to covered employment full time under the critical shortage area exception.	Statute
Ohio	Ohio State Teachers Retirement System	Yes	1 day minimum; However, those who return to work with either their primary employer or a new employer within the first two months of retirement will forfeit their retirement benefits for the months worked.	Statute
Ohio	Ohio Public Employees Retirement System	Yes	60 days (applies to all Ohio public retirees)	Statute
Ohio	Ohio Police & Fire Pension Fund	Yes	60 days (applies to all Ohio public retirees)	Statute
Ohio	School Employees Retirement System of Ohio	Yes	60 days (applies to all Ohio public retirees)	Statute
Oklahoma	Oklahoma Public Employees Retirement System	Yes	1 year if returning to work for the same participating employer	Statute

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
65 Oklahoma	Oklahoma Teachers Retirement System	Yes	60 days	Statute
66 Oregon	Oregon Public Employees Retirement System	is seeking to return to employment under one of the	When specified, six months.	Statute
67 Pennsylvania	Pennsylvania Public School Employees Retirement System	Yes	There must be a bone fide break in service. A break in service occurs when a member terminates service from all public school employers.	Statute
68 Pennsylvania	Pennsylvania State Employees Retirement System	Yes	For emergency rehires, the annuitant must either be over his/her normal retirement age or be an annuitant for more than one year; for annuitants rehired as salaried members of an independent board or commission, they must be retired for at least six months prior to appointment.	Statute
69 Rhode Island	Rhode Island Employees Retirement System	Yes	45 calendar days	Opinion by tax counsel
70 South Carolina	South Carolina Retirement Systems	Yes	30 consecutive calendar days. For Class Two members of SCRS, participation in the Teacher and Employee Retention Incentive (TERI) Program counts toward the required 30 days of retirement.	Statute
71 South Dakota	South Dakota Retirement System	Yes, if reemployment is permanent and full-time.	Three full calendar months	Statute
72 Tennessee	Tennessee Consolidated Retirement System	Yes	60 days, unless approval is granted to return to work before 60 days.	Statute
73 Texas	Teacher Retirement System of Texas	Yes	One full calendar month for half-time employment, 12 full calendar months for full-time employment	Statute/IRS regulations
74 Texas	Texas Employees Retirement System	Yes	90 days	Legislation (Statute), Government Code 812.205
75 Texas	Texas County & District Retirement System	Yes	One full calendar month	Statute

State	System Name	Is there a required time period that must pass between the employee's retirement date and date of reemployment?	If so, what is the timeframe?	If so, how was the timeframe determined?
76 Texas	Texas Municipal Retirement System	Yes	Technically the TMRS Act requires that the retiree be "receiving" benefit payments. The first payment is made at the end of the month following the month of retirement, so in effect, 30 days.	Statute
77 Utah	Utah Retirement Systems	Yes	60 days	Statute
78 Virginia	Virginia Retirement System	Yes	One full calendar month	Board policy
79 Vermont	Vermont Retirement Systems	Yes	One full calendar month	Board policy
80 Washington	Washington Department of Retirement Systems	Yes	30 days; if rehired before 30 days, benefits are reduced 5.5 percent for every 8 hours worked in a month, up to 160 hours (PERS and SERS), or for every 7 hours worked in a month, up to 140 hours (TRS)	
81 West Virginia	West Virginia Consolidated Public Retirement Board	There is no definition of a break in service	N/A	N/A
82 Wisconsin	Wisconsin Retirement System	Yes	75 days from all WRS participating employment.	Statute
83 Wyoming	Wyoming Retirement System	Yes	30 days	

Source: National Association of State Retirement Administrators's Dataset on Public Retirement Systems Post-Retirement Employment Policies, November 2018. Downloaded from <https://www.nasra.org/returntowork>

Note: Highlighted rows appear to have break-in-service requirements of less than 90 days.