

House Bill 916 (AS PASSED HOUSE AND SENATE)

By: Representatives Maxwell of the 17<sup>th</sup>, Benton of the 31<sup>st</sup>, and Meadows of the 5<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-2-110 of the Official Code of Georgia Annotated, relating to  
2 retirement ages, application and eligibility for a retirement allowance, suspension of  
3 retirement allowance upon reemployment, and health benefits, so as to provide that if a  
4 retiring employee has not reached normal retirement age on the date of retirement and returns  
5 to any paid service, his or her application for retirement shall be nullified; to provide that  
6 certain service as an independent contractor shall not result in a suspension of retirement  
7 benefits; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 47-2-110 of the Official Code of Georgia Annotated, relating to retirement  
11 ages, application and eligibility for a retirement allowance, suspension of retirement  
12 allowance upon reemployment, and health benefits, is amended by revising paragraph (1) of  
13 subsection (a) as follows:

14 "(a)(1)(A) Upon written application to the board of trustees, any member in service  
15 who has reached 60 years of age or who has 30 years of creditable service may retire  
16 on a service retirement allowance, provided that he or she has at least five years of  
17 creditable service; provided, further, that if he or she became a member after July 1,  
18 1968, he or she has at least ten years of creditable service. The effective date of  
19 retirement shall be the first of the month in which the application is received by the  
20 board of trustees, provided that no retirement application will, in any case, be effective  
21 earlier than the first of the month following the final month of the applicant's  
22 employment. Applications for retirement ~~will~~ shall not be accepted more than 90 days  
23 in advance of the effective date of retirement. Separation from service pending approval  
24 of the retirement application shall not affect eligibility for a retirement allowance. The  
25 provisions of this subsection regarding the effective date of retirement shall apply to all  
26 persons making application for retirement on or after March 15, 1979, and to all

27 persons who have made application prior to March 15, 1979, but to whom payments  
 28 from the retirement system have not commenced as of that date. Each employer shall  
 29 certify to the board of trustees the date on which the employee's employment is or will  
 30 be severed ~~and that no agreement exists to allow the employee to return to service,~~  
 31 ~~including service as or for an independent contractor. Any return to employment or~~  
 32 ~~rendering of any paid service, including service as or for an independent contractor, for~~  
 33 ~~any employer within two consecutive calendar months of the effective date of~~  
 34 ~~retirement shall render the severance invalid, nullifying the application for retirement.~~  
 35 (B) If the employee has not reached normal retirement age on the effective date of  
 36 retirement, the employer shall certify that no agreement exists to allow the employee  
 37 to return to service, including service as or for an independent contractor. Any return  
 38 to employment or rendering of any paid service by such employee, including service  
 39 as or for an independent contractor, for any employer within two consecutive calendar  
 40 months of the effective date of retirement shall render the severance invalid, nullifying  
 41 the application for retirement."

## 42 SECTION 2.

43 Said Code section is further amended by revising paragraph (3) of subsection (c) as follows:

44 "(3) The retirement allowance of a retired member who accepts employment with or  
 45 renders services to any employer after his or her retirement shall not be suspended if the  
 46 employee has attained normal retirement age or has not been employed by or rendered  
 47 service for any employer for at least two consecutive calendar months and performs no  
 48 more than 1,040 hours of paid employment or paid service, including, without limitation,  
 49 service as or for an independent contractor, for the employer in any calendar year;  
 50 provided, however, that return to service as or for an independent contractor shall not  
 51 result in the suspension of an employee's retirement allowance if the employing agency  
 52 certifies to the board of trustees that:

53 (A) The contracting entity has multiple employees;

54 (B) The contracting entity has multiple contracts, and the contracts are not limited to  
 55 employers, as such term is defined in Code Section 47-2-1; and

56 (C) The contractual relationship with the employer was not created to allow a retired  
 57 employee to continue employment after retirement in a position similar to the one he  
 58 or she held before retirement."

## 59 SECTION 3.

60 All laws and parts of laws in conflict with this Act are repealed.