

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 849

By: Weaver

AS INTRODUCED

An Act relating to the Law Enforcement Retirement System; amending 47 O.S. 2011, Section 2-307.2, as amended by Section 3, Chapter 8, O.S.L. 2016 (47 O.S. Supp. 2018, Section 2-307.2), which relates to service credit for unused sick leave; increasing cap on unused sick leave for certain members; and updating statutory language.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-307.2, as amended by Section 3, Chapter 8, O.S.L. 2016 (47 O.S. Supp. 2018, Section 2-307.2), is amended to read as follows:

Section 2-307.2. A. The total service credit of a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed one hundred thirty (130) days of unused sick leave accumulated while a member of the System. Effective ~~July 1, 2008~~ July 1, 2020, a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed ~~two hundred forty (240)~~ three hundred sixty (360) days of unused sick leave

1 accumulated while a member of the System. Such credit shall be  
2 added in terms of whole months. Twenty (20) days of unused sick  
3 leave shall equal one (1) month for purposes of service credit. If  
4 unused sick leave entitles a member to an additional year or  
5 fraction thereof of service credit, the member's employer shall  
6 reimburse the System for the cost of funding the additional reserve  
7 by paying the amount determined by the Board pursuant to Section ~~25~~  
8 ~~of this act~~ 2-307.5 of this title. Each employer shall provide the  
9 System with adequate and timely information necessary to determine  
10 additional benefits and its cost under this section. This section  
11 shall apply to members retiring or vesting on or after July 1, 1985,  
12 and shall not be retroactive. The amount of accrued sick leave  
13 balance available for determination of a member's monthly benefit  
14 for purposes of the deferred option election shall be limited to the  
15 accrued sick leave available as of the effective date of the  
16 deferred option election, but not to exceed ~~two hundred forty (240)~~  
17 three hundred sixty (360) days. The member's monthly benefit  
18 determined as of the effective date of the deferred option election  
19 shall not be adjusted for additional accrued sick leave earned by  
20 the member after the deferred option election.

21 B. Whenever any member is unable to perform the member's duties  
22 because of sickness or temporary disability caused or sustained  
23 while in the discharge of the member's duty as a member, is  
24 receiving a temporary total disability benefit under Section 1 et

1 seq. of Title 85A of the Oklahoma Statutes, and does not purchase  
2 service credit as described below, such member shall only receive  
3 prorated service credit based on the contributions made by the  
4 member and the member's employer while the member is receiving a  
5 temporary total disability benefit under Section 1 et seq. of Title  
6 85A of the Oklahoma Statutes. Whenever any member is unable to  
7 perform the member's duties because of sickness or temporary  
8 disability caused or sustained while in the discharge of the  
9 member's duty as a member and is receiving a temporary disability  
10 benefit under Section 1 et seq. of Title 85A of the Oklahoma  
11 Statutes, such member shall have the option to purchase service  
12 credit for the time related to such leave of absence for such  
13 sickness or temporary disability.

14 1. The payment for such purchase must be completed no later  
15 than three (3) years from the date the member commenced receipt of a  
16 temporary total disability benefit.

17 2. The purchase price shall be:

- 18 a. the actual paid base salary that the member was  
19 entitled to immediately prior to the member's sickness  
20 or temporary disability minus any vacation or sick  
21 leave payments received by the member during such  
22 sickness or temporary disability, multiplied by,  
23 b. the following percent:  
24

- 1 (1) eighteen percent (18%) for members who are  
2 suspended without pay, or  
3 (2) eight percent (8%) for members who are not  
4 suspended without pay.

5 If such member has not been suspended without pay, the employer  
6 shall contribute, within three (3) months of the completion of the  
7 member's purchase of service credit, ten percent (10%) of the actual  
8 paid base salary that the member was entitled to immediately prior  
9 to the member's sickness or temporary disability minus any vacation  
10 or sick leave payments received by the member during such sickness  
11 or temporary disability.

12 3. The member may purchase such service credit through:

- 13 a. a cash lump-sum payment,  
14 b. a trustee-to-trustee transfer of non-Roth funds from a  
15 Code Section 403(b) annuity or custodial account, an  
16 eligible deferred compensation plan described in Code  
17 Section 457(b) which is maintained by an eligible  
18 employer described in Code Section 457(e) (1) (A),  
19 and/or a Code Section 401(a) qualified plan,  
20 c. a direct rollover of tax-deferred funds from a Code  
21 Section 403(b) annuity or custodial account, an  
22 eligible deferred compensation plan described in Code  
23 Section 457(b) which is maintained by an eligible  
24 employer described in Code Section 457(e) (1) (A), a

1 Code Section 401(a) qualified plan, and/or a Code  
2 Section 408(a) or 408(b) traditional or conduit  
3 Individual Retirement Account or Annuity (IRA). Roth  
4 accounts, Coverdell Education Savings Accounts and  
5 after-tax contributions shall not be used to purchase  
6 such service credit, or

7 d. any combination of the above methods of payment.

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