**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4955**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. S. Williams, Garvin, King, McDaniel, Govan, Henegan and Rivers

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Introduced in the House on January 16, 2020

Currently residing in the House Committee on **Ways and Means**

Summary: Retirement benefits after returning to covered employment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2020 House Introduced and read first time ([House Journal‑page 397](file:///h:\hj\20200116.docx))

1/16/2020 House Referred to Committee on **Ways and Means** ([House Journal‑page 397](file:///h:\hj\20200116.docx))

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**VERSIONS OF THIS BILL**

[1/16/2020](file:///p:\pprever\2019-20\4955_20200116.docx)

**A** **BILL**

TO AMEND SECTION 9‑1‑1790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO EXEMPT CERTIFIED EDUCATORS AND ADMINISTRATORS, FIREFIGHTERS, AND INDIVIDUALS EMPLOYED BY A COUNTY FROM THE EARNINGS LIMITATION; AND TO AMEND SECTION 9‑11‑90, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE EARNINGS LIMITATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 9‑1‑1790(A)(2) of the 1976 Code is amended to read:

“(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty‑two years at retirement; ~~or~~

(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction; or

(d) the retired member is a certified educator or administrator, firefighter, or was employed by a county.”

SECTION 2. Section 9‑11‑90(4) of the 1976 Code is amended to read:

“(4)(a)~~(i)~~ ~~Notwithstanding the provisions of subsections (1) and (2) of this section, a retired member of the system who has been retired for at least thirty consecutive calendar days may be hired and return to employment covered by this system or any system provided in this title and may earn up to ten thousand dollars without affecting the monthly retirement allowance the member is receiving from this system. If the retired member continues in service after having earned ten thousand dollars in a calendar year, the member’s retirement allowance must be discontinued during the member’s period of service in the remainder of the calendar year. If the employment continues for at least forty‑eight consecutive months, the provisions of Section 9‑11‑90(3) apply. If a retired member of the system returns to employment covered by the South Carolina Police Officers Retirement System or any other system provided in this title sooner than thirty consecutive calendar days after retirement, the member’s retirement allowance is suspended while the member remains employed by a participating employer of any of these systems. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member.~~

~~(ii)~~ ~~The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:~~

~~(A)~~ ~~the member retired before January 2, 2013;~~

~~(B)~~ ~~the member has attained the age of fifty‑seven years at retirement; or~~

~~(C)~~ ~~compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction.~~

~~(b)~~ An employer shall pay to the system the employer contribution for active members prescribed by law with respect to any retired member engaged to perform services for the employer, regardless of whether the retired member is a full‑time or part‑time employee or a temporary or permanent employee. If an employer who is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the employer by the State.

~~(c)~~(b) A retired member shall pay to the system the employee contribution as if the member were an active contributing member if an employer participating in the system employs the retired member. The retired member does not accrue additional service credit in the system by reason of the contributions required pursuant to this item and item ~~(b)~~(a) of this subsection.

~~(d)~~(c) A retired member of the Police Officers Retirement System who is not a member of the South Carolina Retirement System, but is employed in a position that would otherwise be covered by the South Carolina Retirement System, shall not join the South Carolina Retirement System but, notwithstanding any other provision of law, that member is deemed a retired contributing member of the Police Officers Retirement System and shall remit the employee contributions required under item ~~(c)~~(b) of this subsection to the Police Officers Retirement System and the employer shall remit to the Police Officers Retirement System the employer contribution required by item ~~(b)~~(a). An employer who hires a retiree of the Police Officers Retirement System pursuant to this subsection shall elect to participate as an employer in the Police Officers Retirement System.”

SECTION 3. This act takes effect upon approval by the Governor.

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