

FIRST REGULAR SESSION

HOUSE BILL NO. 782

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SPENCER (Sponsor) AND BAHR (Co-sponsor).

1971H.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 169.055, 169.130, and 169.650, RSMo, and to enact in lieu thereof four new sections relating to education system employees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 169.055, 169.130, and 169.650, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 160.2160, 169.055, 169.130, and 169.650, to read as follows:

160.2160. Notwithstanding any other provision of law, no school district shall enter into a contract or agreement with any teacher regarding unpaid leave that results in the teacher receiving a paycheck or electronic fund transfer directly from the district in any instance in which an organization is reimbursing the district for the services of the teacher.

169.055. 1. A member who is assigned to a leave of absence by the member's employer, with compensation provided in the contract of employment for the leave period to be not less than fifty percent of the amount which would have been paid had the member not been on leave, may acquire creditable service for the period of leave. A member may elect to receive credit for the time spent on leave of absence at the time of the leave of absence and shall retain continued membership in the system during the leave period provided the full contributions are withheld and remitted on the basis of the compensation which would have been received if the member had not been on leave of absence and the employer's matching amount is remitted on the basis of the same amount of compensation which would have been paid if the member had not been on leave of absence.

2. Notwithstanding any provision of this chapter to the contrary, any person employed as of August 28, 1993, by the department of elementary and secondary education whose

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 employment is covered by the retirement system provided by sections 169.010 to 169.141, and
14 who without terminating that employment subsequently becomes a part-time employee of that
15 department in a position requiring services for at least twenty hours per week on a regular basis,
16 may elect within ninety days of August 28, 1993, or within ninety days of the date upon which
17 the part-time employment begins, whichever is later, to be covered by that retirement system and
18 shall receive pro rata creditable service with that retirement system for such part-time
19 employment. Credit shall not be allowable in both that retirement system and another Missouri
20 public retirement system for such employment.

21 **3. Notwithstanding any other provision of law, no school district shall enter into a**
22 **contract or agreement with any teacher that provides for any contribution to a retirement**
23 **program during a period in which a nonprofit educational association or organization**
24 **employs the teacher full time and is reimbursing the district for the services of the teacher.**

169.130. 1. Any person, duly certified under the law governing the certification of
2 teachers, employed full time as a teacher by the division of youth services prior to August 13,
3 1986, who did not become a member of the Missouri state employees' retirement system under
4 section 104.342 is a member of the public school retirement system of Missouri. Any such
5 person who becomes a member before the end of the school year next following July 18, 1948,
6 may claim and receive credit for prior service. The contributions required to be made by the
7 member's employer shall be paid from appropriations to the institution by which the member is
8 employed.

9 2. Any person, duly certified under the law governing the certification of teachers,
10 employed full time as a teacher by a division of the state department of social services prior to
11 August 13, 1986, who did not become a member of the Missouri state employees' retirement
12 system under section 104.342, who renders services in a school whose standards of education
13 are set and which is supervised by a public school officer of the county in which the school is
14 located, by the department of elementary and secondary education or by the coordinating board
15 for higher education is a member of the public school retirement system of Missouri. Any such
16 member who becomes a member before the end of the school year next following August 29,
17 1953, may claim and receive credit for prior service.

18 3. Any person, duly certified under the law governing the certification of teachers,
19 employed full time as a teacher by the section of inmate education of the department of
20 corrections prior to August 13, 1986, who did not become a member of the Missouri state
21 employees' retirement system under section 104.342 is a member of the public school retirement
22 system of Missouri. Any such person who becomes a member before the end of the school year
23 next following August 29, 1959, may claim and receive credit for prior service. For purposes
24 of this subsection "prior service" means service rendered by a member of the retirement system

25 before the system becomes operative with respect to persons employed by the section of inmate
26 education, and may include service rendered by a member of the Armed Forces during a period
27 of war, if the member was a teacher at the time he was inducted, for which credit has been
28 approved by the board of trustees.

29 **4. (1) Prior to June 30, 2014,** any person, duly certificated under the law governing the
30 certification of teachers, employed full time by any statewide nonprofit educational association
31 or organization serving on an educational professional basis through its membership the active
32 members of the public school retirement system of Missouri or the public school districts
33 maintaining high schools in this state, may be a member of the public school retirement system
34 of Missouri. Any such person who becomes a member before July 1, 1955, may claim and
35 receive credit for prior service. The contributions required to be made by the member's employer
36 shall be paid by the association or organization. After June 30, 2010, no additional nonprofit
37 educational associations or organizations may have their employees become members of the
38 public school retirement system of Missouri or the public education employee retirement system
39 of Missouri.

40 **(2) No person hired after July 1, 2014, by any nonprofit educational association or**
41 **organization may become a member of the public school retirement system of Missouri or**
42 **the public education employee retirement system of Missouri.**

43 5. Any person, duly certificated under the law governing the certification of teachers,
44 employed full time, and whose duties include participation in the educational program of the
45 department of mental health, in either a teaching or supervisory teaching capacity prior to August
46 13, 1986, who did not become a member of the Missouri state employees' retirement system
47 under section 104.342 shall, after August 7, 1969, be a member of the public school retirement
48 system, but any such person whose employment with the department of mental health
49 commenced prior to August 7, 1969, may elect not to become a member by so notifying the
50 department of mental health in writing within thirty days after August 7, 1969.

169.650. 1. On and after October 13, 1965, all employees as defined in section 169.600
2 of districts included in this retirement system shall be members of the system by virtue of their
3 employment, and all persons who had five years of prior service who were employees of districts
4 included in sections 169.600 to 169.710 during the school year next preceding October 13, 1965,
5 but who ceased to be employees prior to October 13, 1965, because of physical disability, shall
6 be members of this system by virtue of that prior service. Individuals who qualify as
7 independent contractors under the common law and are treated as such by their employer shall
8 not be considered employees for purposes of membership in or contributions to the retirement
9 system.

10 2. Any member who rendered service prior to November 1, 1965, as an employee as
11 defined in section 169.600 in a district or community college district included in the system may
12 claim credit for that service by filing with the board of trustees a complete and detailed record
13 of the service for which the credit is claimed, together with such supporting evidence as the
14 board may require for verification of the record. To the extent that the board finds the record
15 correct, it shall credit the claimant with prior service and shall notify the claimant of its decision.

16 3. Membership shall be terminated by failure of a member to earn any membership
17 service credit as a public school employee under this system for five consecutive school years,
18 by death, withdrawal of contributions, or retirement.

19 4. If a member withdraws or is refunded the member's contributions, the member shall
20 thereby forfeit any creditable service the member may have; provided, however, if such person
21 again becomes a member of the system, the member may elect prior to retirement to reinstate any
22 creditable service forfeited at the times of previous withdrawals or refunds. The reinstatement
23 shall be effected by the member paying to the retirement system, with interest, the amount of
24 accumulated contributions withdrawn by the member or refunded to the member with respect
25 to the service being reinstated. A member may reinstate less than the total service previously
26 forfeited, in accordance with rules promulgated by the board of trustees. The payment shall be
27 completed prior to termination of membership with the retirement system with interest on the
28 unpaid balance; provided, however, that if a member is retired on disability before completing
29 such payments, the balance due, with interest, shall be deducted from the member's disability
30 retirement allowance.

31 5. **(1) Prior to June 30, 2014**, any person who is an employee of any statewide nonprofit
32 educational association or organization serving the active membership of the public education
33 employee retirement system of Missouri and who works at least twenty hours per week on a
34 regular basis in a position which is not covered by the public school retirement system of
35 Missouri may be a member of the public education employee retirement system of Missouri.
36 Certificated employees of such statewide nonprofit educational association or organization may
37 not be members of the public school retirement system of Missouri unless such association or
38 organization makes separate application pursuant to subsection 4 of section 169.130. The
39 contributions required to be made by the employee will be deducted from salary and matched by
40 the association or organization. After June 30, 2010, no additional nonprofit educational
41 associations or organizations may have their employees become members of the public school
42 retirement system of Missouri or the public education employee retirement system of Missouri.

43 **(2) No person hired after July 1, 2014, by any nonprofit educational association or**
44 **organization may become a member of the public school retirement system of Missouri or**
45 **the public education employee retirement system of Missouri.**

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