

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 741

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. 2020, Section 2-307.2), which relates to service credit for unused sick leave; increasing cap on unused sick leave to be included in service credit for certain members; and conforming 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. 2020, Section 2-307.2), is amended to read as follows:

Section 2-307.2. A. The 1. From July 1, 1985 to June 30, 2008, 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. This section shall apply to members retiring or vesting on or after July 1, 1985, and shall not be retroactive.

1 Effective 2. From July 1, 2008, through the effective date of
2 this act, a member who retires, elects a Deferred Option Plan or
3 terminates employment and elects a vested benefit shall include not
4 to exceed two hundred forty (240) days of unused sick leave
5 accumulated while a member of the System.

6 3. On or after the effective date of this act, a member who
7 retires, elects a Deferred Option Plan or terminates employment and
8 elects a vested benefit shall include not to exceed three hundred
9 sixty (360) days of unused sick leave accumulated while a member of
10 the System.

11 Such credit shall be added in terms of whole months. Twenty (20)
12 days of unused sick leave shall equal one (1) month for purposes of
13 service credit. If unused sick leave entitles a member to an
14 additional year or fraction thereof of service credit, the member's
15 employer shall reimburse the System for the cost of funding the
16 additional reserve by paying the amount determined by the Board
17 pursuant to Section 25 of this act. Each employer shall provide the
18 System with adequate and timely information necessary to determine
19 additional benefits and its cost under this section. ~~This section~~
20 ~~shall apply to members retiring or vesting on or after July 1, 1985,~~
21 ~~and shall not be retroactive.~~ The amount of accrued sick leave
22 available for determination of a member's monthly benefit for
23 purposes of the deferred option election shall be limited to the
24 accrued sick leave available as of the effective date of the

1 deferred option election, ~~but not to exceed two hundred forty (240)~~
2 ~~days~~. The member's monthly benefit determined as of the effective
3 date of the deferred option election shall not be adjusted for
4 additional accrued sick leave earned by the member after the
5 deferred option election.

6 B. Whenever any member is unable to perform the member's duties
7 because of sickness or temporary disability caused or sustained
8 while in the discharge of the member's duty as a member, is
9 receiving a temporary total disability benefit under Section 1 et
10 seq. of Title 85A of the Oklahoma Statutes, and does not purchase
11 service credit as described below, such member shall only receive
12 prorated service credit based on the contributions made by the
13 member and the member's employer while the member is receiving a
14 temporary total disability benefit under Section 1 et seq. of Title
15 85A of the Oklahoma Statutes. Whenever any member is unable to
16 perform the member's duties because of sickness or temporary
17 disability caused or sustained while in the discharge of the
18 member's duty as a member and is receiving a temporary disability
19 benefit under Section 1 et seq. of Title 85A of the Oklahoma
20 Statutes, such member shall have the option to purchase service
21 credit for the time related to such leave of absence for such
22 sickness or temporary disability.

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

4 2. The purchase price shall be:

5 a. the actual paid base salary that the member was
6 entitled to immediately prior to the member's sickness
7 or temporary disability minus any vacation or sick
8 leave payments received by the member during such
9 sickness or temporary disability, multiplied by,

10 b. the following percent:

11 (1) eighteen percent (18%) for members who are
12 suspended without pay, or

13 (2) eight percent (8%) for members who are not
14 suspended without pay.

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

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

23 a. a cash lump-sum payment,
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- b. a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), and/or a Code Section 401(a) qualified plan,
- c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or
- d. any combination of the above methods of payment.

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