

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**SUBCHAPTER 2. DEFINITIONS**

**590:10-2-2. Normal retirement age**

(a) In addition to any other vesting provided under state law, and except as provided in 51 O.S. §24.1, a member's normal retirement benefit is nonforfeitable upon the attainment of the following normal retirement ages and the completion of the specified years of service:

(1) For a member who is a state, county, and local agency employee, joining before November 1, 2011, age sixty-two (62), with a minimum of six (6) years of full-time-equivalent employment if actively employed by a participating employer on their 62<sup>nd</sup> birthday, otherwise a member must have eight (8) years of service.

(2) For a member who is a state, county, and local agency employee, joining on or after November 1, 2011, age sixty-five (65), with a minimum of six (6) years of full-time-equivalent employment if actively employed by a participating employer on their 65<sup>th</sup> birthday, otherwise a member must have eight (8) years of service.

(3) For a member who is a legislative session employee, joining before November 1, 2011, age sixty-two (62), with a minimum of three (3) or more years of full-time-equivalent employment if actively employed by a participating employer on their 62<sup>nd</sup> birthday, otherwise a legislative session employee must have four (4) years of service.

(4) For a member who is a legislative session employee, joining on or after November 1, 2011, age sixty-five (65), with a minimum of three (3) or more years of full-time-equivalent employment if actively employed by a participating employer on their 65<sup>th</sup> birthday, otherwise a legislative session employee must have four (4) years of service.

(5) For an elected official elected or appointed before November 1, 2011, age sixty (60) with a minimum of six (6) years of participating service.

(6) For an elected official elected or appointed on or after November 1, 2011, age sixty-five (65) with a minimum of eight (8) years of participating service, or age sixty-two (62) with a minimum of ten (10) years of participating service.

(b) A member is also vested in full retirement benefits under the following conditions:

(1) Except as otherwise provided in this subsection, for a member who is a state employee (including a legislative session employee), county employee, and local agency employee, joining before July 1, 1992, when the sum of the member's age and years of credited service equals or exceeds 80 (Rule of 80), and for any person who became a member after June 30 1992, when the sum of the member's age and years of credited service equals or exceeds 90 (Rule of 90). For a member joining on and after November 1, 2011, the Rule of 90 is only applicable if the member has reached age 60.

(2) Notwithstanding (b)(1) above, for an elected official elected or appointed before November 1, 2011, the Rule of 80 is applicable.

(3) Notwithstanding (b)(1) above, for an elected official elected or appointed on or after November 1, 2011, the Rule of 80 is not applicable.

(c) A hazardous duty employee is treated as a state, county, or local employee for purposes of this section. In addition, a hazardous duty employee is also vested in a full retirement benefit upon the completion of twenty (20) years of service.

## SUBCHAPTER 5. CONTRIBUTIONS AND COMPENSATION

### **590:10-5-9. Changes to contribution rates; deadline for notifying System**

Any county, county hospital, city or town, conservation district, circuit engineering district or any public or private trust in which a county, city or town participates and is the primary beneficiary, which is a participating employer and which is permitted pursuant to 74 O.S. §920A to modify the amount of contributions paid by the employer and employee shall make such modification and notify the System no later than June 30 of each year for a July 1 effective date. Any contribution modification adopted, approved or received after June 30 shall not be effective until July 1 of the following fiscal year.

## SUBCHAPTER 7. RETIREMENT BENEFITS

### **590:10-7-9. Fractional year computations**

(a) **Rounding of fractional year.** Pursuant to 74 O.S. §913(C), a fractional year of six (6) months or more shall be considered as one (1) year and less than six (6) months shall be disregarded. This round-up provision may be used one time for credited service of a member to establish the benefit of the member. This rule is necessary to prevent the gain or loss of service credit to a member. In no event shall the rounding up provisions apply if it would result in any member receiving an additional year or years that the member would not otherwise be entitled to receive.

**(b) Rounding for members joining on or after November 1, 2012.** Notwithstanding the provisions of subsection (a) of this section, for members who join the System on or after November 1, 2012, rounding of fractional years shall not be permitted. The number of years of credited service shall be based on the actual years and months of credited service without rounding up or down. Unused sick leave, as provided for in 74 O.S. §913(B)(7)(a), shall be credited at the same rate but not used to round up to another year. Any additional months of unused sick leave credit shall be added to other service credit without any rounding.

~~(b)~~**(c) Correctional and probation and parole officers.** Pursuant to 74 O.S. §915(A), the computation of retirement benefits of Department of Corrections Correctional and Probation and Parole Officers is 2.25% for certain credit prior to July 1, 1990, and 2.5% for certain credit after July 1, 1990, and 2% for all other credit.

(1) Such members may retire with fractional years of service credit in the 2.25% and the 2.5% categories and the statutes only provide for computation at these rates on full years of service. Due to the fact that only the total credited service can be rounded up, some members may face losing a year of service credit when the fractional years of credit are disregarded.

(2) To prevent such a loss of service credit, the fractional portions of years in the 2.25% and the 2.5% categories will be added to the years of credit used in the 2% category and rounded up therein, if applicable. If a member still loses a year of service credit after adding the fractional years to the 2% category, the fractional years may be added to the 2.25% category and rounded up therein, if applicable.

~~(c)~~**(d) Hazardous Duty Members.** Hazardous Duty Members who elect to participate or are required to participate at the higher employee contribution rate will receive retirement benefits at the 2.5% category only on full years of service as Hazardous Duty Members for which the higher

contributions have been paid. The fractional portions of years in the 2.5% category will be added to any other service credit, calculated in the 2% category and rounded up therein, if applicable, for the computation of the retirement benefit.

~~(d)~~(e) **Elected officials.**

(1) If first elected or appointed prior to November 1, 2011, elected officials who do not participate in an elected status for at least six (6) full years will receive retirement benefits on the years and months of elected service instead of full years. The benefit shall be calculated using the computation factor corresponding to the contribution rate the official paid during those years and months of elected service and on the highest annual salary earned as an elected official. Non-elected service credit will be calculated using the applicable computation factor. The elected and non-elected service shall be added to determine the total credited service. If this total results in a fractional year of six (6) months or more, it shall be considered as one year, and less than six (6) months shall be disregarded. The years and months of elected service shall then be deducted from the total credited service and the remaining balance of service shall be calculated using the applicable non-elected service computation factor.

(2) If first elected or appointed on or after November 1, 2011, elected officials who do not participate in an elected status for at least eight (8) full years will receive retirement benefits on the years and months of elected service instead of full years. The contribution rate for such officials shall be as specified in 74 O.S. §919.1(1)(a) and the amount of the benefit shall be based on the provisions of 74 O.S. §915(A)(1).

~~(e)~~(f) **Elected officials participating at more than one rate.** Elected officials who participate at more than one contribution rate during their elected service will receive retirement benefits calculated using (1) the computation factor assigned for each contribution rate paid and (2) the highest annual salary for which that particular contribution rate was paid for each full year of elected service credit. Fractional years of elected service credit will be added to the years of elected service for which the highest contribution rate was paid and rounded up therein, if applicable, for the computation of the retirement benefit.

(g) **Rounding for elected officials joining System on or after November 1, 2011.** Elected officials who are first elected or appointed on or after November 1, 2011, rounding of fractional years shall not be permitted. The number of years of credited service shall be based on the actual years and months of credited service without rounding up or down.

**590:10-7-14.1. Seasonal or temporary employment – calculation of 1,000 hours**

(a) **Definition.** Seasonal or temporary employment shall mean employment that is limited in term, where the employee is only expected to remain in the position for a certain period of time. The employment can be seasonal or until the specific job or duty is completed. Employees who are hired in a job or position, that is non-seasonal with full-time work load and undefined duration or that requires more than 1,000 hours per year, whether designated as seasonal, temporary, probationary, provisional, or some other label, must be enrolled and participate in the System on the date of the hire and not at the end of a temporary, probationary, provisional, or some other labeled period. Employees hired purely for seasonal or temporary duties are excluded from participation in the System pursuant to 74 O.S. §902(14).

(b) **Failure to enroll employees.** Participating employers who fail to enroll employees when required by law shall be subject to the provisions of 74 O.S. §917(7) and any other provision of law which may be applicable.

(c) **Calculation of 1,000 hours.** In determining the eligibility of an employee in relation to the requirement of at least 1,000 hours of employment per year pursuant to 74 O.S. §902(14), the System shall calculate the hours using a rolling year or a rolling 12 consecutive months. If an employee has at least 1,000 hours of work during any consecutive 12 month period, the employee shall meet the hours of work eligibility requirement. The determination or calculation of 1,000 hours shall not be based on a calendar year, fiscal year, or from the date of employment.

## **SUBCHAPTER 17. STEP-UP ELECTION AND BENEFITS**

### **590:10-17-2. Eligibility for Step-Up**

All state, county and local government employees who are active participants, including retired members who have returned to work, are eligible to make the Step-Up election, with the exception of ~~elected officials~~ and hazardous duty employees as provided in 590:10-1-15 of these rules (such as correctional officers, probation and parole officers, fugitive apprehension agents and Military Department firefighters) and elected officials elected or appointed before November 1, 2011. Elected officials who are first elected or appointed on or after November 1, 2011, shall be eligible to make the Step-Up election.