

2010 Enacted Legislation

Employees' Retirement System of Georgia

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2010 Enacted Legislation

HB 172 (Act 450) - Employees' Retirement System of Georgia; disability benefits; provisions

Revises language relating to the handling of medical examinations for persons that are receiving disability benefits under age 60 by removing the ability for medical examinations to be conducted at the retiree's place of residence.

Additionally, this bill provides that earnable compensation in the calculation of earnings limitation for disability beneficiaries also includes workers compensation income. This prevents a member who retires on disability due to workers compensation from making more money in disability retirement than as an active employee. Workers compensation benefits plus pension disability cannot exceed the last working salary.

Effective Date: 5/24/10

Signed by the Governor on: 5/24/10

HB 916 (Act 455) - Retirement ages; nullify application for retirement; provisions

As part of a clean up to Act 275 (2009) (HB 202), the bill clarifies requirements for ERS members returning to service. Specifically, a member that has not reached normal retirement age (60 with at least 10 years of service) on the effective date of their retirement is required to wait two consecutive calendar months prior to returning to employment. The employer of the member is also required to certify that no agreement exists to allow such employee to return to service, including service as an independent contractor.

Members that have reached normal retirement age and return to service as an independent contractor are required to have their employing agency provide the Board of Trustees with certification that 1) the contracting entity has multiple employees; 2) the contracting entity has multiple contracts and the contracts are not limited to employers; and 3) the contractual relationship with the employer was not created to allow a retired employee to continue employment after retirement in a position similar to the one held before retirement.

Effective Date: 7/1/10

Signed by the Governor on: 5/24/10

2010 Enacted Legislation - Continued

HB 969 (Act 457) - Retirement and pensions; comply with federal law; amend certain provisions

This legislation is sponsored by the Teachers Retirement System (TRS) and mainly relates to that system; however, there are changes in Chapter 1 of Title 47, as well as changes in the PSERS statute. Changes to PSERS include:

PSERS members who have not reached normal retirement age that return to service in any public school position which requires membership in PSERS must cease their retirement benefit and the retired member shall re-establish active membership in PSERS. At the end of such service, or upon normal retirement age and cessation of contributions, the retired member will receive a retirement benefit based on the member's total accrued service and;

- PSERS members who have reached normal retirement age and return to service as a public school employee in any position that would normally require membership in PSERS have the option to:
 - Cease their retirement benefit and the retired member shall re-establish active membership in PSERS. At the end of such service, the retired member will receive a retirement benefit based on the member's total accrued service or;
 - Not contribute to the system, in which event the member's retirement benefit shall not cease, and no additional benefits will accrue.
- Requires employers that employ retired PSERS members to certify in writing:
 - The name of the member and if the retired member is age 65 or older,
 - The retired member's election to either discontinue benefits and resume contributions or to continue receiving retirement benefits and accrue no additional credits under the retirement system.
- Any employer that fails to give such notification shall reimburse the retirement system any benefits wrongfully paid. The retired member must notify the employer of their retirement status prior to employment.

Effective Date: 5/24/10

Signed by the Governor on: 5/24/10

HB 997 (Act 682) - Social Security Coverage Group; State Personnel Administration jurisdiction; provide

Updates Chapter 18 of Title 47 relating to Social Security and moves the responsibilities from the Employees' Retirement System to the State Personnel Administration.

Effective Date: 7/1/10

Signed by the Governor on: 6/4/10

2010 Enacted Legislation - Continued

SB 436 (Act 681) - Retirement; repeal certain obsolete and inoperative provisions

Updates Title 47 by removing obsolete and dated language from the statute. Any rights that members had under such provisions will remain intact.

Effective Date: 7/1/10

Signed by the Governor on: 6/4/10
