



ROSENSTEIN, FIST & RINGOLD

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## RED BANNER UPDATE

**Date:** May 13, 2021

**Re:** SB 683

**Signed:** May 7, 2021

**Effective:** July 1, 2021

**Topic:** Oklahoma Teachers' Retirement System (OTRS): Nonclassified Optional Personnel Elections for Participation

**Summary:** This Act amends OKLA. STAT. tit. 70, § 17-103 and provides that for the period from August 2, 1969, to the effective date of this Act (July 1, 2021), all full-time nonclassified optional personnel regularly employed for more than one (1) year may join OTRS. On or after July 1, 2021, all nonclassified optional personnel regularly employed for twenty (20) or more hours per week may join OTRS upon hiring, subject to the Act and rules and regulations adopted by OTRS pursuant to this Act.

Nonclassified optional employees shall have thirty (30) days from their initial hire date—or July 1, 2021, in the case of current nonclassified optional employees—to make a one-time irrevocable written election to opt in or out of participation in OTRS. If an eligible employee fails to make this election within the thirty-day period, that employee will be deemed to participate in OTRS. If that employee elects to opt out of OTRS participation, the employee will not make any required employee contributions to OTRS, nor will the district be allowed to make OTRS contributions for that employee.

A nonclassified optional employee who opts out of participation in OTRS will be ineligible for future participation; provided, however, that if the employee is later hired for a classified position, the employee will become a member of OTRS as a condition of employment but will not be eligible for prior service credit for service performed while in a nonclassified position during which time the employee opted out of participation in OTRS.

Please visit the firm's website to view the signed Act.



RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.