

LEGISLATIVE BILL 287

Approved by the Governor February 19, 1982

Introduced by Rumery, 42nd

AN ACT relating to retirement; to amend section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981; to change provisions relating to mandatory retirement as prescribed; to authorize employment beyond the mandatory retirement age; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-2315, Revised Statutes Supplement, 1980, be amended to read as follows:

23-2315. An employee may elect to retire at any time after attaining the age of sixty. An employee may retire as a result of disability at any age. An employee may be required to retire under rules adopted by the county board of the county by whom he or she is employed, except that such rules shall not require retirement before the end of the month in which an employee's seventieth birthday occurs and, with the annual approval of the county board and employee, such employee may continue his or her employment beyond the time required in such rules. ~~which rules shall require retirement no later than the end of the month in which an employee's seventy-second birthday occurs, and such~~ Such rules shall not apply to elected officials. The first day of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board.

Sec. 2. That section 79-1057, Revised Statutes Supplement, 1980, be amended to read as follows:

79-1057. Members who would have been eligible to retire at an earlier date under a previously existing system may retire at the normal retirement date, the permissive retirement date, or such earlier date. All members shall be retired at the compulsory retirement date, except that, with the annual approval of the board and member, such member may continue his or her employment beyond such compulsory retirement date. In the event of retirement other than at normal retirement

date, the member's annuity on account of membership service shall be calculated as of his or her age at retirement and shall be the actuarial equivalent of the annuity to which he or she would otherwise have been entitled on account of membership service at normal retirement date.

Sec. 3. That section 79-1258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1258. The contract issued the teacher in a fourth or fifth class school district at the time he or she accepts permanent status shall be known as an indefinite contract and remain in force until the teacher ~~reaches the age of sixty-five years~~ retires, unless it is succeeded by a new contract signed by both parties or is canceled, as hereinafter provided in sections 79-1259 and 79-1260; Provided, that contracts of all permanent teachers shall provide for the annual determination of the date of beginning and length of school terms by the school board; and provided further, that such contracts may contain provisions for the fixing of the amount of annual compensation from year to year by the school board in each individual case or by a salary schedule adopted by the school district which schedule shall be deemed to be a part of such contract, but no teacher's salary may be reduced unless the same percentage reduction be applicable to a majority of the teachers in the system.

Sec. 4. That section 79-1521, Revised Statutes Supplement, 1981, be amended to read as follows:

79-1521. Any member in service who attains or shall have attained the age of seventy years shall be retired forthwith from active duty as a school employee; Provided, that, with the approval of his or her employer, given from year to year, he or she may remain in service beyond the attainment of age seventy. ~~until the attainment of age seventy-two.~~ A member who remains in service past seventy years of age shall make deposits in the School Employees' Savings Fund as provided in section 79-1531, and shall receive further credit toward any service annuity.

The provision for mandatory retirement at age seventy ~~seventy-two~~ shall not apply to elected officials.

Sec. 5. That section 84-1317, Revised Statutes Supplement, 1981, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age

sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

~~No--faculty---member---of---the---University---of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire--before--age seventy--without--due--process, nor shall any faculty member have tenure status revoked due to age.~~

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment ~~until~~ beyond the attainment of age ~~seventy-two~~ seventy, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age ~~seventy~~ seventy-two ~~and the Clerk and Reporter of the Supreme Court--serving on July 12, 1974, may continue employment--with--approval of the Supreme Court and any employee of the legislative council--serving on July 12, 1974, may continue employment with the approval of the legislature.~~

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.

Sec. 6. That section 85-606, Revised Statutes Supplement, 1981, be amended to read as follows:

85-606. (1) Employees of the state colleges, technical community colleges, and the University of Nebraska may retire upon reaching the age of sixty-five. Any employee reaching the age of seventy shall retire, except that, with the annual approval of the governing board of the institution and the employee, such employee may continue his or her employment beyond the attainment of age seventy.

(2) Any employee continuing to work after age sixty-five shall continue to make contributions to the appropriate retirement system until the date of retirement.

(3) No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire or shall have his or her tenure status revoked before age seventy without due process.

Sec. 7. That original section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.