

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1190

"TO AMEND THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM LAWS
CONCERNING BENEFITS, CREDITED SERVICE, ELIGIBILITY REQUIREMENTS,
EMPLOYEE AND EMPLOYER CONTRIBUTIONS, AND ITS ADMINISTRATION."

Amendment No. 1 to House Bill No. 1190.

Amend House Bill No. 1190 as originally introduced:

Page 1, delete lines 10 - 13, and substitute the following:

"RETIREMENT SYSTEM LAWS CONCERNING CERTAIN DEPARTMENT OF CORRECTION EMPLOYEES WHO ARE ELIGIBLE FOR HAZARDOUS DUTY PAY; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 18 - 20, and substitute the following:

"CERTAIN DEPARTMENT OF CORRECTION EMPLOYEES WHO ARE ELIGIBLE FOR HAZARDOUS DUTY PAY."

AND

Page 1, delete lines 25 - 28 and substitute the following:

"SECTION 1. Arkansas Code Title 24, Chapter 4, Subchapter 7 is amended to add an additional section to read as follows:

24-4-749. Eligibility for benefits – Certain Department of Correction Employees.

(a) An employee of the Arkansas Department of Correction who is an active member of the Arkansas Public Employees' Retirement System on or after July 1, 2005, and whose position is classified as a:

- (1) Correctional Officer I;
- (2) Food Production Manager I;
- (3) Officer II;
- (4) Food Production Manager II;
- (5) Sergeant;
- (6) Officer III;
- (7) Officer IV;
- (8) Chief Security Officer;
- (9) Assistant Warden; or
- (10) Warden

may voluntarily retire after filing a written application with the Board of



Trustees of the Arkansas Public Employees' Retirement System stating the date, not less than thirty (30) days nor more than ninety (90) days after filing the application for retirement stating that the member desires to retire, if that member has:

(A) Twenty-five (25) or more years of credited service regardless of age;

(B) Attained or attains age sixty (60) and has twenty (20) or more years of actual contributory service; or

(C) Attained or attains age sixty-five (65) and has five (5) or more years of actual service.

(b)(1) The employees in subsection (a) of this section shall receive credit for 13.44 months of service for every twelve (12) months of credited service.

(2) The benefit payable by the Arkansas Public Employees' Retirement System shall be based on credited service in the system and on the final average compensation in the system. However, should a member have less than four (4) years of credited service in the system, "final average compensation" means the monthly average of pays to the member during his or her total years of service in the system.

(c)(1) An annuity determination shall be made promptly by the Arkansas Public Employees' Retirement System upon a member's filing a written application for retirement in accordance with subsection (a) of this section.

(2) The determination shall include the member's total years of credited service, the specific factors used to make the determination, the base annuity payable to the member, and the amount of annuity payments, if any, payable under the annuity options of § 24-4-606.

(3) If the member is not eligible for a retirement annuity, the determination shall state the reasons for the determination.

SECTION 2. Arkansas Code § 24-4-801(b), concerning participation in the deferred retirement option plan, is amended to read as follows:

(b)(1) The conditions required for full participation in the plan are that the member must have at least thirty (30) years of actual service in the system.

(2) The conditions required for full participation in the plan for members covered under § 24-4-749 are that the member must have at least twenty-eight (28) years of actual service in the system.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Department of Correction needs incentives to retain employees in certain hazardous positions within the department; that the turnover rate for these positions is extremely high; the percentage of employees working in these hazardous positions for twenty (20) years or more is very low; that the incentive of being able to retire after twenty-five (25) years will retain more of these employees; and that this act will accomplish that objective. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2005."

The Amendment was read _____
By: Representative Sullivan
KWH/KSW - 02-25-2005 12:45 _____
KWH184 Chief Clerk