

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2329

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-865, Arizona Revised Statutes, is amended to
3 read:

4 38-865. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Annuity account" means an account that is established for each
7 participant to record the deposit of participant contributions, employer
8 contributions and interest, dividends or other accumulations credited on
9 behalf of the participant.

10 2. "Board" means the board of trustees of the public safety
11 personnel retirement system established by section 38-848.

12 3. "Compensation":

13 (a) For participants as defined in paragraph 7, subdivision (a) of
14 this section and section 38-865.01, has the same meaning prescribed in
15 section 38-842.

16 (b) For participants as defined in paragraph 7, subdivision (b) of
17 this section, means salary as defined in section 38-881.

18 4. "Defined contribution plan" means the public safety personnel
19 defined contribution retirement plan established pursuant to this article.

20 5. "Employer" has the same meaning prescribed in section 38-842 or
21 38-881, as applicable.

22 6. "Employer contribution" means an amount deposited by an employer,
23 from the employer's own monies, in the participant's annuity account on a
24 periodic basis coinciding with the participant's regular pay period.

1 7. "Participant" means:

2 (a) A member as defined in section 38-842, paragraph 31, subdivision
3 (a), excluding subdivision (a), item (vi), who is one of the following:

4 (i) An employee who is hired on or after July 1, 2017, who makes the
5 irrevocable election to participate solely in the defined contribution plan
6 established pursuant to this article and who was not an active, an inactive
7 or a retired member of the system or a member of the system with a
8 disability on June 30, 2017.

9 (ii) An employee who is hired on or after July 1, 2017, who is not
10 covered by the federal old age and survivors insurance system and who makes
11 the irrevocable election to participate in the system or is enrolled in the
12 system pursuant to section 38-842.01, subsection A.

13 (b) A member as defined in section 38-881, paragraph 27, subdivision
14 (a) who is one of the following:

15 (i) An employee who is hired on or after July 1, 2018, who is not in
16 a designated position as defined in section 38-881, paragraph 13,
17 subdivision (g) and who was not an active, an inactive or a retired member
18 of the corrections officer retirement plan or a member of the corrections
19 officer retirement plan with a disability on June 30, 2018.

20 (ii) An employee who is hired on or after July 1, 2018, who is in a
21 designated position as defined in section 38-881, paragraph 13, subdivision
22 (g), who makes the irrevocable election pursuant to section 38-881.01 to
23 participate solely in the defined contribution plan established pursuant to
24 this article and who was not an active, an inactive or a retired member of
25 the corrections officer retirement plan or a member of the corrections
26 officer retirement plan with a disability on June 30, 2018.

27 (iii) AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2025, WHO IS NOT
28 IN A DESIGNATED POSITION AS DEFINED IN SECTION 38-881, PARAGRAPH 13,
29 SUBDIVISION (g), WHO MAKES THE IRREVOCABLE ELECTION PURSUANT TO SECTION
30 38-881.01 TO PARTICIPATE SOLELY IN THE DEFINED CONTRIBUTION PLAN
31 ESTABLISHED PURSUANT TO THIS ARTICLE AND WHO WAS NOT AN ACTIVE, AN INACTIVE

1 OR A RETIRED MEMBER OF THE CORRECTIONS OFFICER RETIREMENT PLAN OR A MEMBER
2 OF THE CORRECTIONS OFFICER RETIREMENT PLAN WITH A DISABILITY ON JUNE 30,
3 2025.

4 8. "Pensionable compensation" means the amount of the participant's
5 annual compensation that does not exceed the limitation specified in
6 section 38-843.04 or 38-895.01, as applicable.

7 9. "System" means the public safety personnel retirement system
8 established by article 4 of this chapter.

9 Sec. 2. Section 38-881, Arizona Revised Statutes, is amended to
10 read:

11 38-881. Definitions

12 In this article, unless the context otherwise requires:

13 1. "Accidental disability" means a physical or mental condition that
14 the local board finds totally and permanently prevents an employee from
15 performing a reasonable range of duties within the employee's department
16 and was incurred in the performance of the employee's duties.

17 2. "Accumulated member contributions" means for each member the sum
18 of the amount of all the member's contributions deducted from the member's
19 salary and paid to the fund, plus member contributions transferred to the
20 fund by another retirement plan covering public employees of this state,
21 plus previously withdrawn accumulated member contributions that are repaid
22 to the fund in accordance with this article, minus any benefits paid to or
23 on behalf of a member.

24 3. "Actuarial equivalent" means equality in present value of the
25 aggregate amounts expected to be received under two different forms of
26 payment, based on mortality and interest assumptions adopted by the board.

27 4. "Alternate payee" means the spouse or former spouse of a
28 participant as designated in a domestic relations order.

29 5. "Alternate payee's portion" means benefits that are payable to an
30 alternate payee pursuant to a plan approved domestic relations order.

1 6. "Annuitant" means a person who is receiving a benefit pursuant to
2 section 38-911.

3 7. "Average monthly salary" means:

4 (a) For an employee who becomes a member of the plan:

5 (i) Before January 1, 2012, one-thirty-sixth of the aggregate amount
6 of salary that is paid a member by a participating employer during a period
7 of thirty-six consecutive months of service in which the member received
8 the highest salary within the last one hundred twenty months of service.

9 (ii) On or after January 1, 2012 and before July 1, 2018,
10 one-sixtieth of the aggregate amount of salary that is paid a member by a
11 participating employer during a period of sixty consecutive months of
12 service in which the member received the highest salary within the last one
13 hundred twenty months of service.

14 (iii) On or after July 1, 2018, one-sixtieth of the aggregate amount
15 of salary that is paid a member by a participating employer during a period
16 of sixty consecutive months of service in which the member received the
17 highest salary within the last one hundred twenty months of service.

18 (b) The aggregate amount of salary that is paid a member divided by
19 the member's months of service if the member has less than thirty-six or
20 sixty months of service. In the computation under this paragraph, a period
21 of nonpaid or partially paid industrial leave shall be considered based on
22 the salary the employee would have received in the employee's job
23 classification if the employee was not on industrial leave.

24 8. "Beneficiary" means an individual who is being paid or who has
25 entitlement to the future payment of a pension on account of a reason other
26 than the individual's membership in the retirement plan.

27 9. "Board" means the board of trustees of the public safety
28 personnel retirement system.

29 10. "Claimant" means a member, beneficiary or estate that files an
30 application for benefits with the retirement plan.

1 11. "Credited service" means credited service transferred to the
2 retirement plan from another retirement system or plan for public employees
3 of this state, plus those compensated periods of service as a member of the
4 retirement plan for which member contributions are on deposit in the fund.

5 12. "Cure period" means the ninety-day period in which a participant
6 or alternate payee may submit an amended domestic relations order and
7 request a determination, calculated from the time the plan issues a
8 determination finding that a previously submitted domestic relations order
9 did not qualify as a plan approved domestic relations order.

10 13. "Designated position" means:

11 (a) For a county:

12 (i) A county detention officer.

13 (ii) A nonuniformed employee of a sheriff's department whose primary
14 duties require direct contact with inmates.

15 (b) For the state department of corrections and the department of
16 juvenile corrections, only the following specifically designated positions:

17 (i) Food service.

18 (ii) Nursing personnel.

19 (iii) Corrections physician assistant.

20 (iv) Therapist.

21 (v) Corrections dental assistant.

22 (vi) Hygienist.

23 (vii) Corrections medical assistant.

24 (viii) Correctional service officer, including assistant deputy
25 warden, deputy warden, warden and superintendent.

26 (ix) State correctional program officer.

27 (x) Parole or community supervision officers.

28 (xi) Investigators.

29 (xii) Teachers.

30 (xiii) Institutional maintenance workers.

31 (xiv) Youth corrections officer.

1 (xv) Youth program officer.

2 (xvi) Behavioral health treatment unit managers.

3 (xvii) The director and assistant directors of the department of
4 juvenile corrections and the superintendent of the state educational system
5 for committed youth.

6 (xviii) The director, deputy directors and assistant directors of
7 the state department of corrections.

8 (xix) Other positions designated by the local board of the state
9 department of corrections or the local board of the department of juvenile
10 corrections pursuant to section 38-891.

11 (c) For a city or town, a city or town detention officer.

12 (d) For an employer of an eligible group as defined in section
13 38-842, full-time dispatchers.

14 (e) For the judiciary, juvenile detention officers and those
15 positions designated by the local board of the judiciary pursuant to
16 section 38-891.

17 (f) For the department of public safety, state detention officers.

18 (g) For the judiciary, probation and surveillance officers.

19 14. "Determination" means a written document that indicates to a
20 participant and alternate payee whether a domestic relations order
21 qualifies as a plan approved domestic relations order.

22 15. "Determination period" means the ninety-day period in which the
23 plan must review a domestic relations order that is submitted by a
24 participant or alternate payee to determine whether the domestic relations
25 order qualifies as a plan approved domestic relations order, calculated
26 from the time the plan mails a notice of receipt to the participant and
27 alternate payee.

28 16. "Direct rollover" means a payment by the plan to an eligible
29 retirement plan that is specified by the distributee.

1 17. "Distributee" means a member, a member's surviving spouse or a
2 member's spouse or former spouse who is the alternate payee under a plan
3 approved domestic relations order.

4 18. "Domestic relations order" means an order of a court of this
5 state that is made pursuant to the domestic relations laws of this state
6 and that creates or recognizes the existence of an alternate payee's right
7 to, or assigns to an alternate payee the right to, receive a portion of the
8 benefits payable to a participant.

9 19. "Eligible child" means an unmarried child of a deceased active
10 or retired member who meets one of the following qualifications:

11 (a) Is under eighteen years of age.

12 (b) Is at least eighteen years of age and under twenty-three years
13 of age only during any period that the child is a full-time student.

14 (c) Is under a disability that began before the child attained
15 twenty-three years of age and remains a dependent of the surviving spouse
16 or guardian.

17 20. "Eligible retirement plan" means any of the following that
18 accepts a distributee's eligible rollover distribution:

19 (a) An individual retirement account described in section 408(a) of
20 the internal revenue code.

21 (b) An individual retirement annuity described in section 408(b) of
22 the internal revenue code.

23 (c) An annuity plan described in section 403(a) of the internal
24 revenue code.

25 (d) A qualified trust described in section 401(a) of the internal
26 revenue code.

27 (e) An annuity contract described in section 403(b) of the internal
28 revenue code.

29 (f) An eligible deferred compensation plan described in section
30 457(b) of the internal revenue code that is maintained by a state, a
31 political subdivision of a state or any agency or instrumentality of a

1 state or a political subdivision of a state and that agrees to separately
2 account for amounts transferred into the eligible deferred compensation
3 plan from this plan.

4 (g) Effective January 1, 2008, a Roth individual retirement account
5 that satisfies the requirements of section 408A of the internal revenue
6 code.

7 (h) For distributions made after December 18, 2015, a simple
8 retirement account as defined in section 408(p) of the internal revenue
9 code.

10 21. "Eligible rollover distribution" means a payment to a
11 distributee, but does not include any of the following:

12 (a) Any distribution that is one of a series of substantially equal
13 periodic payments made not less frequently than annually for the life or
14 life expectancy of the member or the joint lives or joint life expectancies
15 of the member and the member's beneficiary or for a specified period of ten
16 years or more.

17 (b) Any distribution to the extent the distribution is required
18 under section 401(a)(9) of the internal revenue code.

19 (c) The portion of any distribution that may not be included in
20 gross income.

21 (d) Any distribution made to satisfy the requirements of section 415
22 of the internal revenue code.

23 (e) Hardship distributions.

24 (f) Similar items designated by the commissioner of the United
25 States internal revenue service in revenue rulings, notices and other
26 guidance published in the internal revenue bulletin.

27 22. "Employee" means a person employed by a participating employer
28 in a designated position.

29 23. "Employer" means an agency or department of this state or a
30 political subdivision of this state that has one or more employees in a
31 designated position.

1 24. "Fund" means the corrections officer retirement plan fund.

2 25. "Juvenile detention officer" means a juvenile detention officer
3 responsible for the direct custodial supervision of juveniles who are
4 detained in a county juvenile detention center.

5 26. "Local board" means the retirement board of the employer that
6 consists of persons appointed or elected to administer the plan as it
7 applies to the employer's members in the plan.

8 27. "Member":

9 (a) Means any employee who meets all of the following
10 qualifications:

11 (i) Who is a full-time paid person employed by a participating
12 employer in a designated position.

13 (ii) Who is receiving salary for personal services rendered to a
14 participating employer or would be receiving salary except for an
15 authorized leave of absence.

16 (iii) Whose customary employment is at least forty hours each week.

17 (b) Includes an employee who meets the requirements of subdivision
18 (a) of this paragraph, ~~AND~~ AND who MEETS ONE OF THE FOLLOWING:

19 (i) Is hired on or after July 1, 2018, who is in a designated
20 position as defined in paragraph 13, subdivision (g) of this section and
21 who makes the irrevocable election to participate in the plan pursuant to
22 section 38-881.01.

23 (ii) IS HIRED ON OR AFTER JULY 1, 2025 AND WHO MAKES THE IRREVOCABLE
24 ELECTION TO PARTICIPATE IN THE PLAN PURSUANT TO SECTION 38-881.01.

25 (iii) IS HIRED ON OR AFTER JULY 1, 2018 AND BEFORE THE EFFECTIVE
26 DATE OF THIS AMENDMENT TO THIS SECTION AND WHO MAKES THE IRREVOCABLE
27 ELECTION TO PARTICIPATE IN THE PLAN PURSUANT TO SECTION 38-881.02.

28 (c) Except as provided in subdivision (b) of this paragraph, does
29 not include an employee who is hired on or after July 1, 2018, unless the
30 employee was an active, an inactive or a retired member of the plan or a
31 member of the plan with a disability on June 30, 2018.

1 28. "Normal retirement date" means:

2 (a) For an employee who becomes a member of the plan before January
3 1, 2012, the first day of the calendar month immediately following the
4 employee's completion of twenty years of service or, in the case of a
5 dispatcher, twenty-five years of service, the employee's sixty-second
6 birthday and completion of ten years of service or the month in which the
7 sum of the employee's age and years of credited service equals eighty.

8 (b) For an employee who becomes a member of the plan on or after
9 January 1, 2012 and before July 1, 2018, the first day of the calendar
10 month immediately following the employee's completion of twenty-five years
11 of service if the employee is at least fifty-two and one-half years of age
12 or the employee's sixty-second birthday and completion of ten years of
13 service.

14 (c) For an employee who becomes a member of the plan on or after
15 July 1, 2018, the first day of the calendar month immediately following the
16 employee's completion of ten years of credited service if the employee is
17 at least fifty-five years of age.

18 29. "Notice of receipt" means a written document that is issued by
19 the plan to a participant and alternate payee and that states that the plan
20 has received a domestic relations order and a request for a determination
21 that the domestic relations order is a plan approved domestic relations
22 order.

23 30. "Ordinary disability" means a physical condition that the local
24 board determines will totally and permanently prevent an employee from
25 performing a reasonable range of duties within the employee's department or
26 a mental condition that the local board determines will totally and
27 permanently prevent an employee from engaging in any substantial gainful
28 activity.

29 31. "Participant" means a member who is subject to a domestic
30 relations order.

1 32. "Participant's portion" means benefits that are payable to a
2 participant pursuant to a plan approved domestic relations order.

3 33. "Participating employer" means an employer that the board has
4 determined to have one or more employees in a designated position or a
5 county, city, town or department of this state that has entered into a
6 joinder agreement pursuant to section 38-902.

7 34. "Pension" means a series of monthly payments by the retirement
8 plan but does not include an annuity that is payable pursuant to section
9 38-911.

10 35. "Personal representative" means the personal representative of a
11 deceased alternate payee.

12 36. "Physician" means a physician who is licensed pursuant to title
13 32, chapter 13 or 17.

14 37. "Plan approved domestic relations order" means a domestic
15 relations order that the plan approves as meeting all the requirements for
16 a plan approved domestic relations order as otherwise prescribed in this
17 article.

18 38. "Plan year" or "fiscal year" means the period beginning on July
19 1 of any year and ending on June 30 of the next succeeding year.

20 39. "Probation or surveillance officer" means an officer appointed
21 pursuant to section 8-203, 12-251 or 12-259 but does not include other
22 personnel, office assistants or support staff.

23 40. "Retired member" means an individual who terminates employment
24 and who is receiving a pension pursuant to either section 38-885 or 38-886.

25 41. "Retirement" or "retired" means termination of employment after
26 a member has fulfilled all requirements for a pension or, for an employee
27 who becomes a member of the plan on or after January 1, 2012, attains the
28 age and service requirements for a normal retirement date.

29 42. "Retirement plan" or "plan" means the corrections officer
30 retirement plan established by this article.

1 43. "Salary" means the base salary, shift differential pay, military
2 differential wage pay and holiday pay paid a member for personal services
3 rendered in a designated position to a participating employer on a regular
4 monthly, semimonthly or biweekly payroll basis. Salary includes amounts
5 that are subject to deferred compensation or tax shelter
6 agreements. Salary does not include payment for any remuneration or
7 reimbursement other than as prescribed by this paragraph. For the purposes
8 of this paragraph, "base salary" means the amount of compensation each
9 member is regularly paid for personal services rendered to an employer
10 before the addition of any extra monies, including overtime pay, shift
11 differential pay, holiday pay, fringe benefit pay and similar extra
12 payments.

13 44. "Segregated funds" means the amount of benefits that would
14 currently be payable to an alternate payee pursuant to a domestic relations
15 order under review by the plan, or a domestic relations order submitted to
16 the plan that failed to qualify as a plan approved domestic relations
17 order, if the domestic relations order were determined to be a plan
18 approved domestic relations order.

19 45. "Service" means employment rendered to a participating employer
20 as an employee in a designated position. Any absence that is authorized by
21 an employer, including any periods during which the employee is on an
22 employer-sponsored long-term disability program, is considered as service
23 if the employee returns or is deemed by the employer to have returned to a
24 designated position within the period of the authorized absence.

25 46. "Total and permanent disability" means a physical or mental
26 condition that is not an accidental disability, that the local board finds
27 totally and permanently prevents a member from engaging in any gainful
28 employment and that is the direct and proximate result of the member's
29 performance of the member's duty as an employee of a participating
30 employer.

1 Sec. 3. Section 38-881.01, Arizona Revised Statutes, is amended to
2 read:

3 38-881.01. Employees hired on or after July 1, 2018; employees
4 hired on or after July 1, 2025; defined
5 contribution plan; benefit election; disability

6 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
7 section, an employee who is hired on or after July 1, 2018 AND BEFORE JULY
8 1, 2025, who is a member as defined in section 38-881, paragraph 27,
9 subdivision (a) and who was not an active, an inactive or a retired member
10 of the plan or a member of the plan with a disability on June 30, 2018
11 shall participate in the public safety personnel defined contribution
12 retirement plan established pursuant to article 4.1 of this chapter. For
13 an employee who is hired on or after September 1, 2019, the employee's
14 participation in the public safety personnel defined contribution
15 retirement plan established pursuant to article 4.1 of this chapter begins
16 ninety days after the date the employee is hired.

17 B. An employee who is hired on or after July 1, 2018, who is in a
18 designated position as defined in section 38-881, paragraph 13, subdivision
19 (g) and who was not an active, an inactive or a retired member of the plan
20 or a member of the plan with a disability on June 30, 2018 is eligible to
21 participate in the corrections officer retirement plan or the public safety
22 personnel defined contribution retirement plan established pursuant to
23 article 4.1 of this chapter, depending on the employee's election under
24 this section. During the first sixty days of an employee's employment and
25 before the employee makes a decision regarding the individual's retirement
26 plan, the board shall provide each probation and surveillance officer who
27 is hired on or after July 1, 2018 interactive, objective educational
28 training, counseling and participant-specific plan information about both
29 the corrections officer retirement plan and the public safety personnel
30 defined contribution retirement plan options. The employee's participation
31 in either the plan or the public safety personnel defined contribution

1 retirement plan established pursuant to article 4.1 of this chapter begins
2 ninety days after the date the employee is hired. Unless the elections
3 made under this section are made before the ninetieth day after the date of
4 employment, the employee is automatically enrolled in the plan for the
5 remainder of the employee's employment. Any election made under this
6 section is irrevocable and is the employee's election for the remainder of
7 the employee's employment, unless the employee is subsequently in a
8 position that allows for an election under this section. If an employee is
9 subsequently rehired after a bona fide termination of employment from the
10 employee's employer of not less than six months with no prearranged
11 reemployment agreement with the employer or hired by a new employer, the
12 employee may make a new election under this section before the ninetieth
13 day after the date of hire. If the employee does not make a new election
14 within that time frame, the employee's previous election will
15 continue. The employee may make one of the following irrevocable
16 elections:

- 17 1. To participate solely in the corrections officer retirement plan.
- 18 2. To participate solely in the public safety personnel defined
19 contribution retirement plan established pursuant to article 4.1 of this
20 chapter.

21 C. AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2025, WHO IS A
22 MEMBER AS DEFINED IN SECTION 38-881, PARAGRAPH 27, SUBDIVISION (a) AND WHO
23 WAS NOT AN ACTIVE, AN INACTIVE OR A RETIRED MEMBER OF THE PLAN OR A MEMBER
24 OF THE PLAN WITH A DISABILITY ON JUNE 30, 2025 IS ELIGIBLE TO PARTICIPATE
25 IN THE CORRECTIONS OFFICER RETIREMENT PLAN OR THE PUBLIC SAFETY PERSONNEL
26 DEFINED CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF
27 THIS CHAPTER, DEPENDING ON THE EMPLOYEE'S ELECTION UNDER THIS
28 SECTION. DURING THE FIRST SIXTY DAYS OF AN EMPLOYEE'S EMPLOYMENT AND
29 BEFORE THE EMPLOYEE MAKES A DECISION REGARDING THE INDIVIDUAL'S RETIREMENT
30 PLAN, THE BOARD SHALL PROVIDE EACH EMPLOYEE WHO IS HIRED ON OR AFTER JULY
31 1, 2025 INTERACTIVE, OBJECTIVE EDUCATIONAL TRAINING, COUNSELING AND

1 PARTICIPANT-SPECIFIC PLAN INFORMATION ABOUT BOTH THE CORRECTIONS OFFICER
2 RETIREMENT PLAN AND THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION
3 RETIREMENT PLAN OPTIONS. THE EMPLOYEE'S PARTICIPATION IN EITHER THE PLAN
4 OR THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION RETIREMENT PLAN
5 ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER BEGINS NINETY DAYS
6 AFTER THE DATE THE EMPLOYEE IS HIRED. UNLESS THE ELECTIONS MADE UNDER THIS
7 SECTION ARE MADE BEFORE THE NINETIETH DAY AFTER THE DATE OF EMPLOYMENT, THE
8 EMPLOYEE IS AUTOMATICALLY ENROLLED IN THE PLAN FOR THE REMAINDER OF THE
9 EMPLOYEE'S EMPLOYMENT. ANY ELECTION MADE UNDER THIS SECTION IS IRREVOCABLE
10 AND IS THE EMPLOYEE'S ELECTION FOR THE REMAINDER OF THE EMPLOYEE'S
11 EMPLOYMENT, UNLESS THE EMPLOYEE IS SUBSEQUENTLY IN A POSITION THAT ALLOWS
12 FOR AN ELECTION UNDER THIS SECTION. IF AN EMPLOYEE IS SUBSEQUENTLY REHIRED
13 AFTER A BONA FIDE TERMINATION OF EMPLOYMENT FROM THE EMPLOYEE'S EMPLOYER OF
14 NOT LESS THAN SIX MONTHS WITH NO PREARRANGED REEMPLOYMENT AGREEMENT WITH
15 THE EMPLOYER OR HIRED BY A NEW EMPLOYER, THE EMPLOYEE MAY MAKE A NEW
16 ELECTION UNDER THIS SECTION BEFORE THE NINETIETH DAY AFTER THE DATE OF
17 HIRE. IF THE EMPLOYEE DOES NOT MAKE A NEW ELECTION WITHIN THAT TIME FRAME,
18 THE EMPLOYEE'S PREVIOUS ELECTION WILL CONTINUE. THE EMPLOYEE MAY MAKE ONE
19 OF THE FOLLOWING IRREVOCABLE ELECTIONS:

- 20 1. TO PARTICIPATE SOLELY IN THE CORRECTIONS OFFICER RETIREMENT PLAN.
- 21 2. TO PARTICIPATE SOLELY IN THE PUBLIC SAFETY PERSONNEL DEFINED
22 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
23 CHAPTER.

24 ~~C.~~ D. If an employee specified in ~~subsection~~ SUBSECTIONS B AND C of
25 this section in the employee's first ninety days of employment is
26 determined to be eligible for an accidental or total and permanent
27 disability pension pursuant to section 38-886, the employee shall be
28 automatically enrolled in the corrections officer retirement plan for the
29 remainder of the employee's employment with any employer under the plan
30 commencing on the employee's date of disability and shall receive an

1 accidental or total and permanent disability pension as prescribed in this
2 article.

3 ~~E.~~ E. If an employee specified in ~~subsection~~ SUBSECTIONS B AND C of
4 this section in the employee's first ninety days of employment is killed in
5 the line of duty or dies from injuries suffered in the line of duty, the
6 employee shall be considered as having been enrolled in the corrections
7 officer retirement plan and the surviving spouse of the deceased employee
8 is eligible for survivor benefits as prescribed in this article.

9 ~~F.~~ F. Notwithstanding ~~subsection~~ SUBSECTIONS B AND C of this
10 section, if an employee who is hired on or after July 1, 2018 and who is an
11 active or inactive member of the plan or a participant in the public safety
12 personnel defined contribution RETIREMENT plan established pursuant to
13 article 4.1 of this chapter is subsequently rehired by the employee's
14 previous employer or another employer under the plan, the employee's
15 participation in either the plan or the public safety personnel defined
16 contribution RETIREMENT plan, for which the employee had elected to
17 participate, begins on the date the employee is rehired or hired by another
18 employer. If the employee makes a new election pursuant to ~~subsection~~
19 SUBSECTIONS B AND C of this section, the employee's participation in the
20 previous plan continues until the date ~~in~~ ON which the employee makes a
21 different election, not to exceed ninety days after the date of hire for
22 the eligible position.

23 Sec. 4. Title 38, chapter 5, article 6, Arizona Revised Statutes, is
24 amended by adding section 38-881.02, to read:

25 38-881.02. Employees hired on and after July 1, 2018 and
26 before the effective date of this section:
27 benefit election

28 A. NOTWITHSTANDING SECTION 38-881.01, SUBSECTION A, A PERSON WHO IS
29 A MEMBER AS DEFINED IN SECTION 38-881, PARAGRAPH 27, SUBDIVISION (a), WHO
30 WAS HIRED ON OR AFTER JULY 1, 2018 AND BEFORE THE EFFECTIVE DATE OF THIS
31 SECTION AND WHO PARTICIPATES IN THE PUBLIC SAFETY PERSONNEL DEFINED

1 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
2 CHAPTER HAS NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION TO MAKE
3 ONE OF THE FOLLOWING ELECTIONS:

4 1. TO CONTINUE PARTICIPATING IN THE PUBLIC SAFETY PERSONNEL DEFINED
5 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
6 CHAPTER.

7 2. TO PARTICIPATE SOLELY IN THE CORRECTIONS OFFICER RETIREMENT PLAN.

8 B. IF AN ELECTION IS NOT MADE UNDER THIS SECTION BEFORE THE
9 NINETIETH DAY AFTER THE EFFECTIVE DATE OF THIS SECTION, THE EMPLOYEE SHALL
10 CONTINUE TO BE ENROLLED IN THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION
11 RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER FOR THE
12 REMAINDER OF THE EMPLOYEE'S EMPLOYMENT."

13 Amend title to conform

KEVIN PAYNE

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