

Senate Bill 343

By: Senators Hufstetler of the 52nd, Tillery of the 19th, Orrock of the 36th, Miller of the 49th, Parent of the 42nd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Employees' Retirement System of Georgia, so as to revise provisions related to employer
3 contributions for creditable service for forfeited leave; to increase the rate of employer
4 contributions to certain members' 401(k) accounts based upon years of creditable service; to
5 provide for limitations; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'
10 Retirement System of Georgia, is amended by revising subsection (b) of Code Section
11 47-2-91, relating to credit for accumulations of forfeited annual and sick leave, as follows:

12 "(b)(1) Accumulated days of forfeited annual and sick leave for which a member has not
13 been paid shall constitute creditable service if such member has at least six months of
14 such forfeited leave at the time of the member's retirement. The member shall be given
15 one month of creditable service for each 20 days of forfeited annual and sick leave. Upon
16 retirement of a classified member, the employer shall certify to the board of trustees the

17 total amount of that member's forfeited annual and sick leave based on leave records for
18 periods of service where employers have maintained adequate leave records. For periods
19 of service where no leave records are available for classified members, forfeited leave for
20 an undocumented period may be computed as provided in subsection (i) of this Code
21 section. The determination of accumulated days of forfeited annual and sick leave for
22 unclassified members shall be based on leave records for periods of service where
23 employers have maintained adequate leave records. For periods of service where no
24 leave records are available, forfeited leave for unclassified employees shall be computed
25 as follows:

26 (A) When 15 years or more of leave records are available for an unclassified member,
27 the determination of forfeited leave for undocumented periods shall be computed as
28 provided in subsection (i) of this Code section; or

29 (B) When less than 15 years of leave records are available for an unclassified member,
30 the determination of forfeited leave for undocumented periods shall be based on the
31 one-year average amount of forfeited annual and sick leave calculated by the
32 commissioner pursuant to subsection (f) of this Code section and as provided in
33 subsection (g) of this Code section, subject to the limitation in subsection (j) of this
34 Code section.

35 (2) For retirements that become effective prior to July 1, 2022, for both classified and
36 unclassified members, each employer shall contribute the same amount as would have
37 been contributed by the employer had the member obtaining creditable service for
38 forfeited annual and sick leave remained in state employment without change in
39 compensation for a period of time equal to the amount of forfeited annual and sick leave
40 for which creditable service is obtained."

41 **SECTION 2.**

42 Said chapter is further amended by revising subsection (d) of Code Section 47-2-357, relating
43 to withdrawal, employer contributions, vesting, and date of election, as follows:

44 "(d)(1) On and after July 1, 2022, for any participating member who contributes a
45 percentage ~~After the participating member has contributed an amount equal to 1 percent~~
46 ~~of his or her salary into the 401(k) plan for a pay period, the employer shall contribute an~~
47 ~~equal amount into his or her 401(k) account up to a maximum of 5 percent except as~~
48 ~~otherwise provided in paragraph (2) of this subsection. Thereafter, the employer shall~~
49 ~~contribute an amount equal to 50 percent of such amount as the member chooses to~~
50 ~~contribute for each pay period, up to an additional 2 percent of the member's~~
51 ~~compensation.~~

52 (2) On and after July 1, 2022, in addition to the amounts provided for in paragraph (1)
53 of this subsection, for any participating member who has attained five years or more of
54 creditable service in the plan and contributes at least 5 percent of his or her salary into his
55 or her 401(k) account, such member's employer shall contribute an additional amount
56 equal to 0.5 percent of the member's compensation for each year of such member's
57 creditable service that exceeds five years; provided, however, that the total rate of any
58 employer's contribution pursuant to this subsection shall not exceed 9 percent of the
59 member's compensation.

60 (3)(A) Notwithstanding the provisions of this subsection, employer contributions shall
61 be subject to the limitations imposed by federal law.

62 (B) The member may make such additional contributions as he or she desires, subject
63 to limitations imposed by federal law."

64 **SECTION 3.**

65 All laws and parts of laws in conflict with this Act are repealed.