

8-36-201. Eligibility for retirement — Dispensation of benefits. —**(a) Group 1.**

(1) Any member in Group 1 shall be eligible for service retirement upon attainment of sixty (60) years of age or upon completion of thirty (30) years of creditable service.

(2) Any member in Group 1 who has creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205 shall be eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service; provided, that the service rendered while the member was in a Group 1 position covered by the mandatory retirement provisions shall be independent of all other creditable service for the purpose of calculating the member's retirement benefits under § 8-36-206. This subdivision (a)(2) shall be optional for political subdivisions participating under chapter 35 of this title.

(b) Group 2.

(1) Any member in Group 2 shall be eligible for service retirement upon satisfying one (1) of the following:

(A) Attainment of sixty (60) years of age or upon attainment of fifty-five (55) years of age and completion of twenty-five (25) years of creditable service; or

(B) At any age upon completion of thirty (30) years of creditable service; provided, that this subdivision (b)(1)(B) shall be optional for political subdivisions participating under the provisions of chapter 35 of this title.

(2) (A) Any member in Group 2 shall be eligible for service retirement upon attainment of fifty-five (55) years of age or completion of twenty-five (25) years of creditable service; provided, that within ninety (90) days of July 1, 1985, such member irrevocably elects to contribute five percent (5%) of such member's earnable compensation in addition to the contributions required by § 8-37-202. An employee or elected or appointed official of this state or any political subdivision thereof who is convicted in any state or federal court of a felony arising out of the employee's or official's employment or official capacity constituting malfeasance in office shall forfeit that employee's or official's retirement benefits in accordance with § 8-35-124.

(B) (i) Any Group 2 member who elected to come under the provisions of subdivision (b)(2)(A) and who continues in service after age fifty-five (55) and after completion of twenty-five (25) years of creditable service, or after completion of thirty (30) years of creditable service regardless of age shall be paid the additional contributions made by such member under subdivision (b)(2)(A) within ninety (90) days after the member's filing with the retirement division a written request therefor. Any Group 2 member filing such a request shall cease to make and have deducted from such member's compensation the additional contributions required under subdivision (b)(2)(A).

(ii) The provisions of this subdivision (b)(2)(B) does not apply to any member whose Group 2 service was rendered to a political subdivision unless the governing body of such political subdivision passes a resolution authorizing the return of contributions pursuant to this subdivision (b)(2)(B).

(c) **Group 3.** Any member in Group 3 shall be eligible for service retirement upon attainment of sixty-

five (65) years of age or upon attainment of fifty-five (55) years of age and completion of twenty-four (24) years of creditable service or upon completion of thirty (30) years of creditable service.

(d) Group 4. Any member in Group 4 shall be eligible for service retirement upon attainment of sixty (60) years of age with eight (8) years' creditable service or upon the attainment of fifty-five (55) years of age with twenty-four (24) years of creditable service.

(e) No member of the general assembly shall be eligible for a retirement allowance before fifty-five (55) years of age except in the case of a disability.

(f) Any state general employee shall be eligible for service retirement upon attainment of sixty (60) years of age and the establishment of a minimum of seven (7) years of creditable service rendered during twenty (20) years of part-time employment.

(g) (1) Notwithstanding any provision to the contrary, any member in Group 1 who was previously a member of the superseded state retirement system in a classification which provides a service retirement benefit after twenty-five (25) years of service shall be eligible for a service retirement benefit upon completion of twenty-five (25) years of creditable service; provided, that such member must have reestablished service withdrawn from such superseded system and that within ninety (90) days of July 1, 1989, such member irrevocably elects to contribute five percent (5%) of such member's earnable compensation in addition to the contributions required by § 8-37-202.

(2) Any Group 1 member who elected to come under the provisions of subdivision (g)(1) and who continues in service after completion of thirty (30) years of creditable service shall be paid the additional contributions made by such member under subdivision (g)(1) within ninety (90) days after the member's filing with the retirement division a written request therefor. Any Group 1 member filing such a request shall cease to make and have deducted from such member's compensation the additional contributions required under subdivision (g)(1).

[Acts 1972, ch. 814, § 5; 1973, ch. 347, § 17; 1975, ch. 315, § 5; 1976, ch. 604, § 1; T.C.A., §§ 8-3905 (a), 8-3914(b); Acts 1982, ch. 885, § 1; 1983, ch. 308, § 1; 1983, ch. 342, § 6; 1984, ch. 601, § 2; 1985, ch. 353, § 1; 1986, ch. 554, § 12; 1986, ch. 568, § 3; 1989, ch. 509, § 1; 1993, ch. 508, § 4; 1994, ch. 863, § 1; 1997, ch. 67, § 1; 1998, ch. 1011, § 3; 1998, ch. 1072, § 1; 1999, ch. 273, § 1; 2007, ch. 488, § 1.]