

8-35-105. Classification of employees.

Statute text

(a) The board of trustees shall require from any employer of members of the retirement system such information as the board may deem necessary including, but not limited to, name, address, title, social security number, compensation, duties, date of birth and length of service of each member in its employ. On the basis of such information, the board shall classify each person who becomes a member in accordance with the provisions of § 8-35-101 or this section in one (1) of the following groups:

(1) Group 1. Teachers and general employees;

(2) Group 2. State police officers, wildlife officers, game and fish officers so classified prior to April 1, 1974, firefighters and police officers;

(3) Group 3. State judges, county judges, county officials, attorneys general, and commissioners; or

(4) Group 4. State judges entering service on or after September 1, 1990, state judges transferring membership under chapter 34, part 7, any attorney general and reporter who meets the requirements of § 8-34-623(b) and enters service on or after July 1, 2005, and any attorney general and reporter who meets the requirements of § 8-34-623(b) and transfers membership under chapter 34, part 7.

(b) The board shall certify to each member the group in which the member is placed and the date of the member's admission to membership therein. When the duties of a member so require, the board may classify the member in another group and shall certify to the member the group to which the member has been reclassified.

(c) Notwithstanding any provision of the law to the contrary, any person becoming a member of the retirement system after June 30, 1976, shall be classified as a Group 1 member, except a state judge, and an attorney general and reporter who meets the requirements of § 8-34-623(b). A state judge becoming a member of the retirement system on or after September 1, 1990, shall be classified as a Group 4 member. An attorney general and reporter who meets the requirements of § 8-34-623(b) and becomes a member of the retirement system on or after July 1, 2005, shall also be classified as a Group 4 member.

(d) The classification and membership rights of any county judge or county official who is currently a member or a prior class member of the retirement system shall continue in force without interruption and remain applicable

when such member remains in the county office for which such classification eligibility originated, notwithstanding any change in the title of such office as a result of the provisions of any act to implement the amendments of article VII, § 1 of the Constitution of Tennessee, ratified on March 7, 1978.

(e) In all cases of doubt, the board of trustees shall determine whether a person is in a specific employment category.

(f) The board of trustees is authorized to promulgate substantive and procedural rules and regulations requiring that the information described in subsection (a) be transmitted by the employer through an electronic medium.

History

[Acts 1972, ch. 814, § 3; 1974, ch. 630, § 2; 1975, ch. 315, § 9; 1976, ch. 787, § 1; 1976, ch. 814, § 1; 1978, ch. 934, § 32; T.C.A., §§ 8-3901(49), 8-3903(4); Acts 1986, ch. 554, §§ 8, 9; 2003, ch. 12, §§ 3, 4; 2005, ch. 498, §§ 6, 7.]