

House Bill 495

By: Representatives Coleman of the 97th, Bridges of the 10th, Jamieson of the 28th, Cummings of the 16th, and Jones of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement allowances, disability benefits, and spouses' benefits under the
3 Teachers Retirement System of Georgia, so as to provide that a local school system may
4 employ a person who was retired under the Teachers Retirement System of Georgia on
5 December 31, 2003, in a full-time capacity in any position and such person's retirement
6 benefit shall not be affected; to provide that such person's salary shall be commensurate with
7 his or her position and qualifications; to provide that any such person so employed shall
8 continue to be a retired member of such retirement system and shall obtain no further credit
9 toward retirement; to provide that the employing local school system shall pay the normal
10 employer's contribution to the retirement system for such employee; to provide that any
11 retired member of the Teachers Retirement System of Georgia may return to full-time
12 employment with a local school system and such person's retirement benefits shall not be
13 affected; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to
17 retirement allowances, disability benefits, and spouses' benefits under the Teachers
18 Retirement System of Georgia, is amended by striking in its entirety Code Section
19 47-2-127.1, relating to the employment of a retired teacher as a full-time teacher or in other
20 capacities, and inserting in lieu thereof the following:

21 "47-3-127.1.

22 (a) As used in this Code section, the term:

23 ~~(1) 'Classroom teacher' means a certified teacher of pre-kindergarten through grade 12~~
24 ~~employed by the public schools who has as his or her primary responsibility the academic~~
25 ~~instruction of students in a classroom.~~

1 (2) ~~'Retired teacher'~~ 'retired teacher' means a member of this retirement system who was
2 retired on a service retirement on December 31, 2003.

3 (b)(1) A local school system may employ a retired teacher ~~as~~ on a full-time basis
4 ~~classroom teacher, principal, superintendent, counselor, or librarian~~ and such person shall
5 be subject to the provisions of subsection (c) of this Code section; provided, however,
6 that a member who retired as a principal may not be employed as a principal in the same
7 school in which he or she was so employed prior to his or her retirement, and a member
8 who retired as a school superintendent may not be employed as a school superintendent
9 by the same school system in which such person was so employed prior to his or her
10 retirement.

11 (2) The salary paid to any retired teacher employed under this Code section shall be
12 commensurate with the position and the individual's qualifications. Teachers paid under
13 this Code section shall be reported to the state at the certificate and experience level at
14 which the teacher is assigned. No such retired teacher shall receive any further creditable
15 service as a result of such employment and shall in all ways be considered by this
16 retirement system solely as a retired teacher.

17 (3) A public school system employing a retired teacher subject to this subsection shall
18 pay all employer contributions to this retirement system as otherwise provided in this
19 chapter; provided, however, that no such retired teacher shall receive any further
20 creditable service as a result of such employment and shall in all ways be considered by
21 this retirement system solely as a retired teacher.

22 (c) Any other provision of this article to the contrary notwithstanding, a retired teacher
23 may return to full-time service ~~as a classroom teacher, principal, superintendent, counselor,~~
24 ~~or librarian~~ with a local school system and such member's benefits under this article shall
25 not be affected. Any such retired teacher so employed shall not be considered an active
26 member of this retirement system and shall not accrue any additional benefits or further
27 creditable service as a result of such employment and shall in all ways be considered by
28 this retirement system solely as a retired teacher. The provisions of this subsection shall not
29 become a part of the employment contract and shall be subject to future legislation."

30 SECTION 2.

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