05 LC 21 8282S

The House Committee on Retirement offers the following substitute to HB 495:

## 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 any employer may employ a
4	person who was retired under the Teachers Retirement System of Georgia on December 31
5	2003, in a full-time capacity in any position and such person's retirement benefit shall no
6	be affected; to provide that such person's salary shall be commensurate with his or her
7	position and qualifications; to provide that any such person so employed shall continue to be
8	a beneficiary of such retirement system and shall obtain no further credit toward retirement
9	to provide that the employer shall pay the normal employer's contribution to the retirement
10	system for such employee; to provide that any retired member of the Teachers Retirement
11	System of Georgia may return to full-time employment in any covered position and such

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

person's retirement benefits shall not be affected; to repeal conflicting laws; and for other

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.

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purposes.

- 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.

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

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

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- 11 (2) The salary paid to any retired teacher employed under this Code section shall be
- commensurate with the position and the individual's qualifications. Teachers Retired
- 13 <u>teachers</u> paid under this Code section shall be reported to the state at the certificate and
- experience level at which the teacher is assigned. No such retired teacher shall receive
- any further creditable service as a result of such employment and shall in all ways be
- 16 considered by this retirement system solely as a retired teacher.
- 17 (3) A public school system An employer employing a retired teacher subject to this
- subsection shall pay all employer contributions to this retirement system as otherwise
- provided in this chapter; provided, however, that no such retired teacher shall receive any
- 20 further creditable service as a result of such employment and shall in all ways be
- considered by this retirement system solely as a retired teacher beneficiary.
- 22 (c) Any other provision of this article to the contrary notwithstanding, a retired teacher
- 23 may return to <u>full-time</u> service as a classroom teacher, principal, superintendent, counselor,
- or librarian in any covered position and such member's retired teacher's benefits under this
- article shall not be affected. Any such retired teacher so employed shall not be considered
- an active member of this retirement system and shall not accrue any additional benefits or
- 27 further creditable service as a result of such employment and shall in all ways be
- considered by this retirement system solely as a retired teacher <u>beneficiary</u>. The provisions
- of this subsection shall not become a part of the employment contract and shall be subject
- 30 to future legislation."

31 SECTION 2.

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