

House Bill 777

By: Representatives Jones of the 44th, Morgan of the 39th, Brooks of the 63rd, and Sims of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to provide that any full-time public school employee may elect to become a
3 member of the Teachers Retirement System of Georgia; to define certain terms; to provide
4 for employee and employer contributions; to provide for creditable service for certain prior
5 service; to provide for matters relative to the foregoing; to provide conditions for an effective
6 date and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
10 amended by striking in its entirety subparagraph (E) of paragraph (28) of Code Section
11 47-3-1, relating to definitions relative to the Teachers Retirement System of Georgia, and
12 inserting in lieu thereof the following:

13 "~~(E) Full-time public school lunchroom managers or supervisors, full-time public school~~
14 ~~maintenance managers or supervisors, full-time public school transportation managers or~~
15 ~~supervisors, and full-time public school warehouse managers or supervisors~~ employees, as
16 such term is defined in paragraph 20 of Code Section 47-4-2, upon electing to participate
17 in the retirement system pursuant to Code Section 47-3-63;"

18 **SECTION 2.**

19 Said title is further amended by striking in its entirety Code Section 47-3-63, relating to
20 membership in the Teachers Retirement System of Georgia by certain public school
21 employees, and inserting in lieu thereof the following:

22 "47-3-63.

23 (a) In accordance with Code Section 47-4-40, ~~full-time public school lunchroom,~~
24 ~~maintenance, or warehouse managers or supervisors or full-time public school~~
25 ~~transportation managers or supervisors including those employed by postsecondary~~

1 ~~vocational-technical schools governed by the Department of Technical and Adult~~
2 ~~Education~~ any public school employee may elect to become ~~members~~ a member of the
3 Teachers Retirement System of Georgia. Any such personnel exercising such option shall
4 begin making the employee contributions required by this chapter.

5 (b) Members ~~(1) who were previously eligible for membership in~~ members of the Public
6 School Employees Retirement System on July 1, 2006, and ~~whose duties were or have been~~
7 ~~changed in such a manner so as to have made them eligible for membership in the Teachers~~
8 ~~Retirement System of Georgia and (2) any personnel specified in subsection (a) of this~~
9 ~~Code section~~ who elect to become members of the Teachers Retirement System of Georgia
10 this retirement system shall be permitted to establish credit for service rendered in a public
11 school system prior to the date such employees become or became members of the
12 Teachers Retirement System of Georgia, provided that such service would be or would
13 have been normally allowable as creditable service under the Public School Employees
14 Retirement System; provided, further, that such members must pay the employee
15 contributions on the salary earned by such members during the years of service sought to
16 be so established, plus applicable accrued regular interest compounded annually to the
17 dates of payment at the rates adopted by the board of trustees. Such members or the local
18 boards of education by which the members are employed at the time the service is
19 established shall pay the employer contributions on the earnable compensation of such
20 members that would have been paid to the Teachers Retirement System of Georgia, plus
21 applicable accrued regular interest compounded annually to the dates of payment at the
22 rates adopted by the board of trustees.

23 (c) The State of Georgia shall be the employer of personnel specified in subsection (a) of
24 this Code section for the purposes of employer contributions on membership service
25 rendered by such members after they become members of the Teachers Retirement System
26 of Georgia; ~~provided, however, that a local school system shall pay the employer~~
27 ~~contributions for the number of its managers or supervisors in each category of~~
28 ~~employment set forth in subsection (a) of this Code section who are members of this~~
29 ~~retirement system pursuant to this Code section which exceeds one person or 7 percent,~~
30 ~~whichever is greater, of the total number of employees of such local school system in such~~
31 ~~category; provided, further, that the state shall continue to pay employer contributions for~~
32 ~~all members who became members of this system pursuant to this Code section prior to~~
33 ~~April 1, 1992."~~

1 member by reason of illness. No benefit under the retirement system other than the
 2 payment of the employee's accumulated contributions shall become payable to him or her
 3 or on his or her account while he or she is not in service as a public school employee and
 4 no employer contributions shall be made to the retirement system during any such time.

5 ~~(d) Full-time public school lunchroom, maintenance, or warehouse managers or~~
 6 ~~supervisors, or full-time public school transportation managers or supervisors including~~
 7 ~~those employed by postsecondary vocational-technical schools governed by the~~
 8 ~~Department of Technical and Adult Education~~ employees shall have the option of
 9 becoming members of the Teachers Retirement System of Georgia, in accordance with
 10 Code Section 47-3-63. Any of such ~~personnel~~ person who ~~have heretofore exercised~~
 11 ~~exercises~~ said option ~~or who hereafter exercise said option~~ who have ~~or had~~ has ten or more
 12 years of creditable service under this chapter may withdraw ~~their~~ his or her accumulated
 13 contributions from the fund, and upon withdrawing such contributions such ~~personnel~~
 14 person shall cease to be ~~members~~ a member of the retirement system. Said ~~personnel~~
 15 person may elect to allow ~~their~~ his or her accumulated contributions to remain in the fund;
 16 and ~~such personnel shall~~ retain the vested rights established by Code Section 47-4-100.
 17 Upon exercising such option, however, any such ~~personnel~~ person shall cease making
 18 contributions to the retirement system, and no additional creditable service shall be allowed
 19 under the retirement system. Any such person who elects such option and who has less than
 20 ten years of creditable service under this chapter shall withdraw ~~the person's~~ his or her
 21 accumulated contributions from the fund and, upon exercising such option, ~~such personnel~~
 22 shall cease to be ~~members~~ a member of the retirement system. Any person subject to this
 23 subsection who becomes employed on or after ~~November 1, 1982~~ July 1, 2006, shall have
 24 the option, which must be exercised within ~~30~~ 90 days after becoming employed, of
 25 becoming a member of this retirement system or of becoming a member of the Teachers
 26 Retirement System of Georgia, ~~provided that any such person who becomes employed by~~
 27 ~~a postsecondary vocational-technical school governed by the Department of Technical and~~
 28 ~~Adult Education after July 1, 1987, shall exercise such option within one day after~~
 29 ~~becoming so employed.~~ No such person shall be a member of both such retirement systems
 30 under any circumstances. Such option shall be exercised by notification, in writing, to the
 31 respective boards of trustees of such retirement systems. It shall be the duty and
 32 responsibility of local units of administration and postsecondary vocational-technical
 33 schools governed by the Department of Technical and Adult Education to notify their
 34 respective employees and persons who become employed in the future and who are subject
 35 to this subsection of the options provided for in this subsection and to furnish such
 36 employees appropriate forms for the exercise of such options.

1 (e) Lunchroom, maintenance, warehouse, or transportation workers employed by
 2 postsecondary vocational-technical schools governed by the Department of Technical and
 3 Adult Education, who are otherwise eligible under laws, rules, or regulations, shall have
 4 the option of becoming members of the Employees' Retirement System of Georgia, in
 5 accordance with Code Sections 20-4-25, 20-4-26, 47-2-1, and 47-2-190. Any ~~of~~ such
 6 ~~personnel~~ person who ~~have~~ has heretofore exercised said option or who hereafter exercise
 7 said option who have or had ten or more years of creditable service under this chapter may
 8 withdraw ~~their~~ his or her accumulated contributions from the fund, and upon withdrawing
 9 such contributions ~~such personnel~~ shall cease to be ~~members~~ a member of the retirement
 10 system. Said ~~personnel~~ person may elect to allow ~~their~~ his or her accumulated contributions
 11 to remain in the fund; and ~~such personnel~~ shall retain the vested rights established by Code
 12 Section 47-4-100. Upon exercising such option, however, any such ~~personnel~~ person shall
 13 cease making contributions to the retirement system, and no additional creditable service
 14 shall be allowed under the retirement system. Any such person who elects such option and
 15 who has less than ten years of creditable service under this chapter shall withdraw ~~the~~
 16 ~~person's~~ his or her accumulated contributions from the fund and, upon exercising such
 17 option, such person shall cease to be a member of the retirement system. Any person
 18 subject to this subsection who becomes employed on or after July 1, 1987, shall have the
 19 option, which must be exercised within ~~one day~~ 90 days after becoming employed, of
 20 becoming a member of this retirement system or of becoming a member of the Employees'
 21 Retirement System of Georgia. No such person shall be a member of both such retirement
 22 systems under any circumstances. Such option shall be exercised by notification, in writing,
 23 to the respective boards of trustees of such retirement systems. It shall be the duty and
 24 responsibility of postsecondary vocational-technical schools governed by the Department
 25 of Technical and Adult Education to notify their respective employees and persons who
 26 become employed in the future and who are subject to this subsection of the options
 27 provided for in this subsection and to furnish such employees appropriate forms for the
 28 exercise of such options."

29

SECTION 5.

30 This Act shall become effective on July 1, 2006, only if it is determined to have been
 31 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
 32 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
 33 become effective and shall be automatically repealed in its entirety on July 1, 2006, as
 34 required by subsection (a) of Code Section 47-20-50.

1

SECTION 6.

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