

House Bill 495 (COMMITTEE SUBSTITUTE)

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

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 not  
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  
12 person's retirement benefits shall not be affected; to repeal conflicting laws; and for other  
13 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~~ beneficiary of this retirement  
 2 system who was retired on a service retirement on December 31, 2003.

3 (b)(1) ~~A local school system~~ An employer may employ a retired teacher as on a full-time  
 4 basis ~~classroom teacher, principal, superintendent, counselor, or librarian~~ and such person  
 5 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  
 7 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  
 10 was so employed prior to his or her 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~~ Retired  
 13 teachers paid under this Code section shall be reported to the state at the certificate and  
 14 experience level at which the teacher is assigned. No such retired teacher shall receive  
 15 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  
 18 subsection shall pay all employer contributions to this retirement system as otherwise  
 19 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  
 21 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 full-time service as ~~a classroom teacher, principal, superintendent, counselor,~~  
 24 ~~or librarian~~ in any covered position and such ~~member's~~ retired teacher's benefits under this  
 25 article shall not be affected. Any such retired teacher so employed shall not be considered  
 26 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  
 28 considered by this retirement system solely as a ~~retired teacher~~ beneficiary. The provisions  
 29 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.