

House Bill 495 (AS PASSED HOUSE AND SENATE)

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 certain employers may employ
4 a person who was retired under the Teachers Retirement System of Georgia on December
5 31, 2003, in a full-time capacity in certain positions and such person's retirement benefit
6 shall not be affected; to provide that such person's salary shall be commensurate with his or
7 her position and qualifications; to provide that any such person so employed shall continue
8 to be a beneficiary of such retirement system and shall obtain no further credit toward
9 retirement; to provide that the employer shall pay the normal employer's contribution to the
10 retirement system for such employee; to provide that any retired member of the Teachers
11 Retirement System of Georgia may return to full-time employment in certain covered
12 positions and such person's retirement benefits shall not be affected; to repeal conflicting
13 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' means a ~~member~~ beneficiary of this retirement system who was
2 retired on a service retirement on December 31, 2003.

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

11 (2) A regional educational service agency as defined in Code Section 20-2-270 may
12 employ a retired teacher as a full-time improvement specialist and such person shall be
13 subject to the provisions of subsection (c) of this Code section.

14 ~~(2)(3)~~ (3) The salary paid to any retired teacher employed under this Code section shall be
15 commensurate with the position and the individual's qualifications. ~~Teachers~~ Retired
16 teachers paid under this Code section shall be reported to the state at the certificate and
17 experience level at which the teacher is assigned. No such retired teacher shall receive
18 any further creditable service as a result of such employment and shall in all ways be
19 considered by this retirement system solely as a ~~retired teacher~~ beneficiary.

20 ~~(3)(4)~~ (4) A public school system employing a retired teacher subject to this subsection shall
21 pay all employer contributions to this retirement system as otherwise provided in this
22 chapter; provided, however, that no such retired teacher shall receive any further
23 creditable service as a result of such employment and shall in all ways be considered by
24 this retirement system solely as a ~~retired teacher~~ beneficiary.

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

34 SECTION 2.

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