

Senate Bill 260

By: Senators Ramsey, Sr. of the 43rd, Buckner of the 44th, Brown of the 26th and Butler of the 55th

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 that a local school system may elect to participate; to provide for employee and employer  
5 contributions; to provide for creditable service for certain prior service; to provide for matters  
6 relative to the foregoing; to provide conditions for an effective date and automatic repeal; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is  
11 amended by adding a new Code section to read as follows:

12 "47-3-63.1.

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

14 (1) 'Public school employee' shall have the same meaning as such term is defined in  
15 Code Section 47-4-2.

16 (2) 'Participating local school system' means a local school system which has exercised  
17 the option to allow public school employees employed by such school system to  
18 participate in this retirement system.

19 (b) Any local school system may elect for participation of its public school employees in  
20 this retirement system by notifying the board of trustees of this retirement system and the  
21 board of trustees of the Public School Employees' Retirement System. Any local school  
22 system making such election shall be the employer of such public school employees for all  
23 purposes under this chapter.

24 (c) A full-time public school employee who is employed by a participating local school  
25 system may elect to become a member of this retirement system by notifying the board of  
26 trustees of this retirement system and the board of trustees of the Public School Employees'

27 Retirement System. Any such person exercising such option shall begin making the  
 28 employee contributions required by this chapter.

29 (d) Any person electing to participate in this retirement system as provided in subsection  
 30 (c) of this Code section who was a member of the Public School Employees Retirement  
 31 System at the time he or she elects to become a member of this retirement system shall be  
 32 permitted to establish credit for prior service by paying to the board of trustees an amount  
 33 determined by the actuary as necessary to grant such benefit without creating any accrued  
 34 actuarial liability as to this retirement system. The board of education for the participating  
 35 local school system by which the employees are employed at the time the service is  
 36 established shall be authorized, but not required, to pay all or a portion of such amount on  
 37 behalf of the employees. Such payment must be made not later than July 1, 2011, or within  
 38 six months of an employee first or again becoming a member, whichever is later.

39 (e) The board of education for the participating local school system shall be the employer  
 40 of public school employees specified in subsection (b) of this Code section for the purposes  
 41 of employer contributions on membership service rendered by such members after they  
 42 become members of this retirement system; provided, however, that the state shall continue  
 43 to pay employer contributions for all members who became members of this retirement  
 44 system pursuant to this Code section prior to July 1, 2010, for whom the state was on that  
 45 date obligated to pay such contributions."

## 46 SECTION 2.

47 Said title is further amended by revising Code Section 47-4-40, relating to eligibility, leaves  
 48 of absence, termination, and transfer of service credits, and inserting in lieu thereof the  
 49 following:

50 "47-4-40.

51 (a) ~~Any~~ Except as provided in subsection (d) of this Code section, any person who is a  
 52 public school employee on January 1, 1970, shall be a member of the retirement system as  
 53 a condition of his or her continued employment, except as provided in this Code section.

54 Any person who becomes a public school employee on or after January 1, 1970, shall  
 55 become a member of the retirement system as a condition of his or her employment. This  
 56 subsection shall become a part of any contract of employment of public school employees  
 57 which is executed on or after January 1, 1970, but nothing in this Code section shall be  
 58 construed to impair the obligation of any such contract executed prior to January 1, 1970.

59 (b) An otherwise eligible public school employee shall be classified as a member only  
 60 while he or she is employed by a local unit of administration which is not operating a local  
 61 retirement system, except as otherwise provided in Code Section 47-4-41.

62 (c) The membership of any member shall terminate if he or she retires under this  
 63 retirement system or withdraws his or her contributions. Any member who has not  
 64 withdrawn his or her contributions to the retirement system may retain his or her  
 65 membership while on any leave of absence which is authorized by rules and regulations of  
 66 the board. The board may continue the membership of a member while in the armed forces  
 67 of the United States or other emergency wartime service of the United States, which service  
 68 has been approved in advance by the board, or if he or she ceases to be a contributing  
 69 member by reason of illness. No benefit under the retirement system other than the  
 70 payment of the employee's accumulated contributions shall become payable to him or her  
 71 or on his or her account while he or she is not in service as a public school employee and  
 72 no employer contributions shall be made to the retirement system during any such time.

73 (d) Full-time public school lunchroom, maintenance, or warehouse managers or  
 74 supervisors, or full-time public school transportation managers or supervisors including  
 75 those employed by postsecondary vocational-technical schools governed by the Technical  
 76 College System of Georgia shall have the option of becoming members of the Teachers  
 77 Retirement System of Georgia, in accordance with Code Section 47-3-63. Any ~~of~~ such  
 78 ~~personnel~~ person who ~~have heretofore exercised said option or who hereafter exercise said~~  
 79 ~~exercises such~~ option who ~~have or had~~ has ten or more years of creditable service under  
 80 this chapter may withdraw ~~their~~ his or her accumulated contributions from the fund, and  
 81 upon withdrawing such contributions, such ~~personnel~~ person shall cease to be ~~members a~~  
 82 ~~member~~ of the retirement system. ~~Said personnel~~ Any such person may elect to allow ~~their~~  
 83 his or her accumulated contributions to remain in the fund, and such ~~personnel~~ person shall  
 84 retain the vested rights established by Code Section 47-4-100. Upon exercising such  
 85 option, however, any such ~~personnel~~ person shall cease making contributions to the  
 86 retirement system, and no additional creditable service shall be allowed under the  
 87 retirement system. Any such person who elects such option and who has less than ten  
 88 years of creditable service under this chapter shall withdraw the person's accumulated  
 89 contributions from the fund and, upon exercising such option, such personnel shall cease  
 90 to be members of the retirement system. Any person subject to this subsection who  
 91 becomes employed on or after November 1, 1982, shall have the option, which must be  
 92 exercised within 30 days after becoming employed, of becoming a member of this  
 93 retirement system or of becoming a member of the Teachers Retirement System of  
 94 Georgia, provided that any such person who becomes employed by a postsecondary  
 95 vocational-technical school governed by the Technical College System of Georgia after  
 96 July 1, 1987, shall exercise such option within one day after becoming so employed. No  
 97 such person shall be a member of both such retirement systems under any circumstances.  
 98 Such option shall be exercised by notification, in writing, to the respective boards of

99 trustees of such retirement systems. It shall be the duty and responsibility of local units of  
100 administration and postsecondary vocational-technical schools governed by the Technical  
101 College System of Georgia to notify their respective employees and persons who become  
102 employed in the future and who are subject to this subsection of the options provided for  
103 in this subsection and to furnish such employees appropriate forms for the exercise of such  
104 options.

105 (e) Lunchroom, maintenance, warehouse, or transportation workers employed by  
106 postsecondary vocational-technical schools governed by the Technical College System of  
107 Georgia, who are otherwise eligible under laws, rules, or regulations, shall have the option  
108 of becoming members of the Employees' Retirement System of Georgia, in accordance  
109 with Code Sections 20-4-25, 20-4-26, 47-2-1, and 47-2-190. Any of such personnel who  
110 have heretofore exercised said option or who hereafter exercise said option who have or  
111 had ten or more years of creditable service under this chapter may withdraw their  
112 accumulated contributions from the fund, and upon withdrawing such contributions such  
113 personnel shall cease to be members of the retirement system. Said personnel may elect  
114 to allow their accumulated contributions to remain in the fund, and such personnel shall  
115 retain the vested rights established by Code Section 47-4-100. Upon exercising such  
116 option, however, any such personnel shall cease making contributions to the retirement  
117 system, and no additional creditable service shall be allowed under the retirement system.  
118 Any such person who elects such option and who has less than ten years of creditable  
119 service under this chapter shall withdraw the person's accumulated contributions from the  
120 fund and, upon exercising such option, such person shall cease to be a member of the  
121 retirement system. Any person subject to this subsection who becomes employed on or  
122 after July 1, 1987, shall have the option, which must be exercised within one day after  
123 becoming employed, of becoming a member of this retirement system or of becoming a  
124 member of the Employees' Retirement System of Georgia. No such person shall be a  
125 member of both such retirement systems under any circumstances. Such option shall be  
126 exercised by notification, in writing, to the respective boards of trustees of such retirement  
127 systems. It shall be the duty and responsibility of postsecondary vocational-technical  
128 schools governed by the Technical College System of Georgia to notify their respective  
129 employees and persons who become employed in the future and who are subject to this  
130 subsection of the options provided for in this subsection and to furnish such employees  
131 appropriate forms for the exercise of such options.

132 (f) Any member of this retirement system who makes the election to become a member  
133 of the Teachers Retirement System of Georgia pursuant to Code Section 47-3-63.1 shall  
134 cease to be an active member of this retirement system. No person who is otherwise  
135 eligible to be a member of this retirement system upon first or again becoming employed

136 but who elects to become a member of the Teachers Retirement System of Georgia  
137 pursuant to Code Section 47-3-63.1 shall become a member of this retirement system. No  
138 person who is vested for a benefit under this retirement system who elects to obtain  
139 creditable service under the Teachers Retirement System of Georgia for service while a  
140 member of this retirement system shall be eligible to receive a retirement benefit from this  
141 retirement system."

142 **SECTION 3.**

143 This Act shall become effective on July 1, 2010, only if it is determined to have been  
144 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
145 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
146 become effective and shall be automatically repealed in its entirety on July 1, 2010, as  
147 required by subsection (a) of Code Section 47-20-50.

148 **SECTION 4.**

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