

House Bill 345 (AS PASSED HOUSE AND SENATE)

By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Teachers Retirement System of Georgia, so as to clarify and consolidate the definitions of
3 the term "teacher"; to repeal an obsolete provision; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers
8 Retirement System of Georgia, is amended by revising paragraph (28) of Code Section
9 47-3-1, relating to definitions, as follows:

10 "(28) 'Teacher' means a permanent status employee employed not less than half time as
11 follows:

12 (A) Employees of a public school or a local board of education with the exception of
13 those employees required to be members of the Public School Employees Retirement
14 System as governed by Chapter 4 of this title; ~~Any of the following persons employed~~
15 ~~not less than half time by a public school:~~

16 (i) ~~Persons who supervise the public schools;~~

17 (ii) ~~Classroom teachers; and~~

18 (iii) ~~Persons employed in a clerical capacity;~~

19 (B) Public school lunchroom managers or supervisors, maintenance managers or
20 supervisors, transportation managers or supervisors, and warehouse managers or
21 supervisors who elect to participate in the retirement system pursuant to Code Section
22 47-3-63 ~~Public school nurses who are employed on a regular basis as much as one-half~~
23 ~~time or more. The employer's contributions for such public school nurses on all salary~~
24 ~~amounts which are not paid from state funds shall be paid from local funds;~~

25 (C) Employees of the Board of Regents of the University System of Georgia with the
26 exception of those employees who elect to participate in the Regents Retirement Plan

27 as governed by Chapter 21 of this title and maintenance and custodial employees
 28 employed prior to July 1, 1978, who elected to forgo membership School librarians;
 29 (D) Employees of any regional educational service agency created pursuant to Part 11
 30 of Article 6 of Chapter 2 of Title 20 Administrative officials who supervise teachers;
 31 ~~(E) Full-time public school lunchroom managers or supervisors, full-time public school~~
 32 ~~maintenance managers or supervisors, full-time public school transportation managers~~
 33 ~~or supervisors, and full-time public school warehouse managers or supervisors, upon~~
 34 ~~electing to participate in the retirement system pursuant to Code Section 47-3-63;~~
 35 ~~(F)(E) Certified~~ Any new certified professional personnel employed for the first time
 36 by the State Board of Education or by the State Department of Education on and after
 37 July 1, 1983, unless such personnel elect membership in the Employees' Retirement
 38 System of Georgia pursuant to subsection (h) of Code Section 47-3-60, and any
 39 employee of the State Board Department of Education or the Technical College System
 40 of Georgia employed in a teaching, supervisory, or clerical capacity;
 41 ~~(F.1)(F)~~ Certified professional personnel who are in the unclassified service as defined
 42 by Code Section 45-20-2 and who are employed by the State Board of Education or by
 43 the State Department of Education and who become members of this retirement system
 44 pursuant to the authority of subsection (i) of Code Section 47-3-60;
 45 ~~(F.2)(G) Professional~~ Newly hired professional personnel employed for the first time
 46 by the Technical College System of Georgia on and after July 1, 1985, and all full-time
 47 nonprofessional personnel employed for the first time after July 1, 1987, by
 48 postsecondary vocational-technical schools governed by the Technical College System
 49 of Georgia if otherwise eligible under laws, rules, and regulations, unless such
 50 personnel elect membership in the Employees' Retirement System of Georgia pursuant
 51 to subsection (j) of Code Section 47-3-60;
 52 ~~(F.3) All full-time employees of a postsecondary vocational-technical school formerly~~
 53 ~~operated by a local board of education or area postsecondary vocational education~~
 54 ~~board as of July 1, 1987, or the date on which the Technical College System of Georgia~~
 55 ~~assumes governance of the postsecondary vocational-technical school if otherwise~~
 56 ~~eligible under laws, rules, and regulations, unless such personnel elect membership in~~
 57 ~~the Employees' Retirement System of Georgia pursuant to subsection (j) of Code~~
 58 ~~Section 47-3-60;~~
 59 ~~(F.4)(H)~~ Personnel employed by the State Board of Education or by the State
 60 Department of Education who are authorized to elect and elect to become or remain
 61 members of the retirement system pursuant to the applicable provisions of Code Section
 62 47-3-60;

63 ~~(G)(I) Employees of Any bona fide teacher, supervisor of teachers, or clerical~~
 64 ~~employee in any school operated by the Department of Education; and~~
 65 ~~(H) Teacher aides and paraprofessional personnel and members of the staff of any~~
 66 ~~regional educational service agency created pursuant to Code Sections 20-2-270~~
 67 ~~through 20-2-274;~~
 68 ~~(I) Registrars of each unit of the University System of Georgia;~~
 69 ~~(J) The secretary and treasurer of the Board of Regents of the University System of~~
 70 ~~Georgia;~~
 71 ~~(K) Teachers, supervisors of teachers, and clerical workers who are employed and paid~~
 72 ~~by the Board of Regents of the University System of Georgia;~~
 73 ~~(L) All personnel of the Cooperative Extension Service of the University of Georgia;~~
 74 ~~(M) Any other person employed not less than on a half-time basis and paid by the~~
 75 ~~Board of Regents of the University System of Georgia, with the exception of such~~
 76 ~~maintenance and custodial employees employed prior to July 1, 1978, who elected to~~
 77 ~~forgo membership, provided that the board of trustees shall determine whether any~~
 78 ~~particular employee is a maintenance or custodial employee;~~
 79 ~~(N) Any full-time employee of the Georgia Association of Educators, Georgia High~~
 80 ~~School Association, or Georgia School Boards Association, provided that such~~
 81 ~~association, as appropriate, and the employee request that the board of trustees permit~~
 82 ~~them to pay the employer and employee contributions, respectively. The state shall~~
 83 ~~make no contributions on account of such employee;~~
 84 ~~(O)(J) Librarians and clerical personnel employed by regional and county libraries.~~
 85 ~~Any of such librarians and clerical personnel who were members of a local retirement~~
 86 ~~system on January 1, 1977, and who elected to remain members of such local~~
 87 ~~retirement system shall not be required to become members of this retirement system,~~
 88 ~~or if they were members of this retirement system on that date, they may withdraw from~~
 89 ~~such membership. This election must have been made, in writing, to the board of~~
 90 ~~trustees by not later than January 1, 1978. Any of such librarians and clerical personnel~~
 91 ~~failing to so notify the board of trustees by that date shall be members of this retirement~~
 92 ~~system. The employer contributions for such librarians and clerical personnel who are~~
 93 ~~or who become members of this retirement system shall be paid from local funds on all~~
 94 ~~salary amounts of such librarians and clerical personnel which are not paid from state~~
 95 ~~funds. Prior service of such librarians and other service for which such librarians have~~
 96 ~~contributed to the Teachers Retirement System of Georgia is ratified, subject to the~~
 97 ~~same laws and the same rules and regulations applicable to other members of this~~
 98 ~~retirement system;~~

99 ~~(P) The full-time executive secretary of the Georgia Vocational Association. Such~~
 100 ~~association shall pay the required employer contribution for membership service. The~~
 101 ~~executive secretary shall be entitled to receive credit for prior teaching service by~~
 102 ~~paying the employee and employer contributions that would have been paid, plus~~
 103 ~~interest at the rate of 8 percent per annum; and~~

104 ~~(Q) Attendance officers employed not less than half time for service rendered after~~
 105 ~~June 30, 1992. As used in this subparagraph, 'attendance officer' means an attendance~~
 106 ~~officer employed in lieu of a visiting teacher under Subpart 2 of Part 1 of Article 16 of~~
 107 ~~Chapter 2 of Title 20; provided, however, that the provisions of this subparagraph shall~~
 108 ~~not apply to any former member employed as an attendance officer who retired prior~~
 109 ~~to July 1, 1992.~~

110 The term 'teacher' shall not be deemed to include any emergency or temporary employee.
 111 The term 'teacher' shall not include an individual classified by an employer as an
 112 independent contractor or a leased employee within the meaning of Section 414(n) of the
 113 federal Internal Revenue Code, even if such individual is later reclassified by the Internal
 114 Revenue Service as a common law employee. The board of trustees shall determine in
 115 doubtful cases whether any person is included within the definition set forth in this
 116 paragraph. ~~Notwithstanding the provisions of subparagraphs (N) and (P) of this~~
 117 ~~paragraph, no person becoming an employee of the Georgia Association of Educators,~~
 118 ~~the Georgia High School Association, or the Georgia School Boards Association or~~
 119 ~~becoming the executive secretary of the Georgia Vocational Association after June 30,~~
 120 ~~1984, shall be a 'teacher' within the meaning of this paragraph or shall be eligible for~~
 121 ~~membership in the retirement system provided for by this chapter unless the person~~
 122 ~~holding any such position is also a 'teacher' within the meaning of a subparagraph of this~~
 123 ~~paragraph other than subparagraph (N) or (P) of this paragraph. Except as otherwise~~
 124 ~~provided by Code Section 47-3-84.2, subparagraphs (N) and (P) of this paragraph shall~~
 125 ~~remain effective after June 30, 1984, only for the purpose of allowing any person who~~
 126 ~~was a member of the retirement system on June 30, 1984, because the person held a~~
 127 ~~position specified by subparagraph (N) or (P) of this paragraph to continue such~~
 128 ~~membership as long as the person continues to hold such position."~~

129 **SECTION 2.**

130 Said chapter is further amended by repealing in its entirety Code Section 47-3-84.2, relating
 131 to credit for service by members described in subparagraphs (N) and (P) of paragraph (28)
 132 of Code Section 47-3-1.

133

SECTION 3.

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