GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

SENATE BILL 754

| Short Title: | Retired Professional Educators Return to Work.(Public) | | | |
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| Sponsors: | Senators Dannelly; Albertson, Allran, Carter, Clodfelter, Foxx, Garwood, Hagan, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, and Rand. | | | |

Referred to: Education/Higher Education.

April 2, 2001

| A BILL TO BE ENTITLED |
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- 2 AN ACT TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO THE
 3 CLASSROOM THE NEXT YEAR WITHOUT LOSING RETIREMNT
 4 BENEFITS.
- 5 The General Assembly of North Carolina enacts:
- 6 **SECTION 1.** G.S. 135-3(8)c., as enacted by Section 28.24(a) of S.L. 7 1998-212, and rewritten by Section 67 of S.L. 1998-217 and by Section 8.24(b) of S.L. 8 2000-67 reads as rewritten:
- 9 (Effective until June 30, 2003) Should a beneficiary who "c. 10 retired on an early or service retirement allowance under this Chapter be reemployed, or otherwise engaged to perform 11 12 services, by an employer participating in the Retirement System on a part-time, temporary, interim, or on a fee-for-service basis, 13 whether contractual or otherwise, and if such beneficiary earns 14 15 an amount in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal 16 payments, during the 12 months of service preceding the 17 effective date of retirement, or twenty thousand dollars 18 19 (\$20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of 20 the month following the month in which the reemployment 21 earnings exceed the amount above, for the balance of the 22 23 calendar year. The retirement allowance of the beneficiary shall 24 be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be 25 increased on January 1 of each year by the ratio of the 26

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| 1 | | | Consumer Price Index to the Index one year earlier, calculated |
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| 2 | | | to the nearest tenth of a percent ($1/10$ of 1%). |
| 3 | | | The computation of postretirement earnings of a beneficiary |
| 4 | | | under this sub-subdivision, G.S 135-3(8)c., who has been |
| 5 | | | retired at least 12 months and has not been employed in any |
| 6 | | | capacity, except as a substitute teacher, teacher or other |
| 7 | | | substitute employee, with a public school for at least 12 months |
| 8 | | | immediately preceding the effective date of reemployment, |
| 9 | | | shall not include earnings while the beneficiary is employed to |
| 10 | | | teach on a substitute, interim, or permanent basis in a public |
| 11 | | | school. The Department of Public InstructionA local board of |
| 12 | | | education shall certify to the Retirement System that a |
| 13 | | | beneficiary is employed to teach by a that local school |
| 14 | | | administrative unit under the provisions of this sub-subdivision |
| 15 | | | and as a retired teacher professional educator as the term is |
| 16 | | | defined under the provisions of G.S. 115C-325(a)(5a). |
| 17 | | | Beneficiaries employed under this sub-subdivision are not |
| 18 | | | entitled to any benefits otherwise provided under this Chapter |
| 19 | | | as a result of this period of employment." |
| 20 | SECT | ΓΙΟΝ 2 | 2. G.S. 115C-325(a)(5a), as enacted by Section 28.24(c) of S.L. |
| 21 | 1998-212 and re | ewritter | h by Section 67.1(a) of S.L. 1998-217, reads as rewritten: |
| 22 | "(a) Defin | ition o | f Terms As used in this section unless the context requires |
| 23 | otherwise: | | |
| 24 | | | |
| 25 | (5a) | (Effe | ctive until June 30, 2003) "Retired teacher" professional |
| 26 | | <u>educa</u> | tor" means a beneficiary of the Teachers' and State Employees' |
| 27 | | Retire | ement System of North Carolina who who: |
| 28 | | <u>a.</u> | Was previously employed as a (i) teacher, (ii) principal, (iii) |
| 29 | | | assistant principal, (iv) superintendent, (v) associate or assistant |
| 30 | | | superintendent, (vi) finance officer, (vii) athletic trainer, (viii) |
| 31 | | | director, supervisor, or coordinator in transportation, child |
| 32 | | | nutrition, health education, vocational education, community |
| 33 | | | schools, special education, math/science, maintenance, or other |
| 34 | | | area, (ix) school nurse, (x) school psychologist, (xi) school |
| 35 | | | counselor, (xii) school social worker, (xiii) school media |
| 36 | | | specialist, (xiv) speech and language pathologist, or (xv) |
| 37 | | | <u>audiologist,</u> |
| 38 | | <u>b.</u> | has <u>Has</u> been retired at least 12 months, |
| 39 | | <u>c.</u> | -hasHas not been employed in any capacity, other than as a |
| 40 | | | substitute teacher, teacher or other substitute employee, with a |
| 41 | | | local board of education for at least 12 months, immediately |
| 42 | | | preceding the effective date of reemployment, |

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

| 1 | 1 <u>d.</u> <u>isIs</u> determined b | y a local board of education to have had | |
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| 2 | 2 satisfactory perfor | mance during the last year of employment by | |
| 3 | 3 a local board of ed | ucation, and | |
| 4 | 4 <u>e.</u> who is <u>Is</u> employed | d to teach as provided in G.S. 135-3(8)c. | |
| 5 | 5 A retired teach | er professional educator who is a teacher as | |
| 6 | 6 <u>defined in subdivis</u> | sion (6) of this subsection shall be treated the | |
| 7 | 7 same as a probat | ionary teacher except that a retired teacher | |
| 8 | 8 professional educa | tor is not eligible for career status." | |
| 9 | 9 SECTION 3. G.S. 115C-316(| d), as enacted by Section 28.24(b) of S.L. | |
| 10 | 10 1998-212, reads as rewritten: | | |
| 11 | 11 "(d) (Expires June 30, 2003) A le | ocal board of education may pay a retired | |
| 12 | 12 teacher, professional educator, as that term | is defined in G.S. 115C-325(a)(5a) no more | |
| 13 | than the employee would have received on the teacher-appropriate salary schedule, | | |
| 14 | 14 excluding longevity, had the employee not | retired." | |
| 15 | 15 SECTION 4. This act is effective | ive when it becomes law and expires June 30, | |
| 16 | 16 2003. | | |
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