# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

### HOUSE BILL 1331

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	Short Title:	Retired School Emp'ees Return to Schools.	(Public)
	Sponsors:	Representatives Oldham, Barefoot, Easterling, Cox (Primary Arnold, Bonner, Fox, Haire, Hall, Insko, Michaux, Morr Sutton, Tolson, Wainwright, Womble, and Yongue.	•
Referred to: Pensions and Retirement.			

# April 12, 2001

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

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1	one year earlier, calculated to the nearest tenth of a percent
2	(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, with a public school for
7	at least 12 months immediately preceding the effective date of
8	reemployment, shall not include earnings while the beneficiary
9	is employed to teach as a teacher, counselor, media specialist,
10 11	principal, or assistant principal on a substitute, interim, or
11	permanent basis in a public school. The Department of Public
12	Instruction school if:
13 14	<u>1.</u> The beneficiary has been retired at least three months
	and has not been employed in any capacity, except as a
15	substitute teacher, counselor, media specialist, principal,
16	or assistant principal with a public school for at least
17	three months immediately preceding the effective date of
18	reemployment, retired from a public school, and is
19 20	subsequently reemployed as a teacher, counselor, media
20	specialist, principal, or assistant principal at that public
21	<u>school; or</u> The heneficienty natived as a teacher counselor madia
22	2. <u>The beneficiary retired as a teacher, counselor, media</u>
23	specialist, principal, or assistant principal from a public
24	school during or at the end of one school year and is
25	employed at a different public school as a teacher,
26 27	counselor, media specialist, principal, or assistant
27	principal for all or part of a subsequent school year.
28 29	Each local school administrative unit shall certify to the Retirement System that a beneficiary is employed to teachas a
30	teacher, counselor, media specialist, principal, or assistant
31	<u>principal</u> by <u>a-that</u> local school administrative unit under the
32	provisions of this sub-subdivision and as a retired teacher
33	teacher, counselor, media specialist, principal, or assistant
34	<u>principal</u> as the term is defined under the provisions of G.S.
35	115C-325(a)(5a).
36	Beneficiaries employed under this sub-subdivision are not
37	entitled to any benefits otherwise provided under this Chapter
38	as a result of this period of employment."
39	<b>SECTION 2.</b> G.S. 115C-325(a)(5a), as enacted by Section 28.24(c) of S.L.
40	1998-212 and rewritten by Section 67.1 of S.L. 1998-217 and Section 8.24(b) of S.L.
41	2000-67, reads as rewritten:
42	"(5a) (Effective until June 30, 2003) "Retired teacher"teacher, counselor,
43	media specialist, principal, or assistant principal" means a beneficiary

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1	of the Teac	chers' and State Employees' Retirement System of North			
2	Carolina <del>wł</del>	Carolina <del>who who:</del>			
3	<u>a.</u> <u>Eithe</u>	er:			
4	<u>1.</u>	has Was employed as a teacher, counselor, media			
5		specialist, principal, or assistant principal;			
6	<u>2.</u>	Has been retired at least 12 months, three months from a			
7		public school;			
8	<u>3.</u>	has <u>Has</u> not been employed in any capacity, other than as			
9		a substitute teacher, counselor, media specialist,			
10		principal, or assistant principal with a local board of			
11		education for at least <u>12-three</u> months, immediately			
12		preceding the effective date of			
13		reemployment, reemployment;			
14	<u>4.</u>	is <u>Is</u> determined by a local board of education to have			
15	—	had satisfactory performance during the last year of			
16		employment by a local board of education, education in a			
17		public school; and			
18	<u>5.</u>	who is <u>Is</u> employed to teach <u>as a teacher, counselor,</u>			
19	—	media specialist, principal, or assistant principal in the			
20		same public school, as provided in G.S. 135-3(8)c.G.S.			
21		<u>135-3(8)c.;</u>			
22	<u>b.</u> <u>Or:</u>				
23	<u> </u>	Retired as a teacher, counselor, media specialist,			
24	_	principal, or assistant principal from a public school			
25		during or at the end of one school year;			
26	<u>2.</u>	Is determined by a local board of education to have had			
27		satisfactory performance during the last year of			
28		employment at a public school; and			
29	<u>3.</u>	Is employed at a different public school as a teacher,			
30		counselor, media specialist, principal, or assistant			
31		principal for all or part of a subsequent school year as			
32		provided in G.S. 135-8(c).			
33	A retired t	eacher teacher, counselor, media specialist, principal, or			
34	<u>assistant pri</u>	ncipal who is a teacher as defined in subdivision (6) of this			
35	subsection	shall be treated the same as a probationary teacher except			
36	that a retired	d teacher is not eligible for career status."			
37	SECTION 3. G.S	. 115C-316(d) reads as rewritten:			
38	"(d) (Expires June 30	<b>0</b> , <b>2003</b> ) A local board of education may pay a retired			
39	teacher, teacher, counselor, media specialist, principal, or assistant principal as that term				
40	is defined in G.S. 115C-325(a)(5a) no more than the employee would have received on				
41	the teacher-appropriate salary schedule, excluding longevity, had the employee not				
42	retired."				
43	SECTION 4. Th	is act becomes effective July 1, 2001, and expires July 1,			
4.4	0000				

44 2003.