

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**SENATE BILL 933**

Short Title: Simplify Reemployment of Teachers/Principals. (Public)

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Sponsors: Senators Harris, Lee, Carpenter, Dalton, Dannelly, Foxx, Garrou, Garwood, Hartsell, Lucas, Martin of Guilford, Moore, Purcell, Wellons; Berger, Bingham, Carter, Clodfelter, Cunningham, Hagan, Jordan, Kinnaird, Metcalf, Plyler, Rand, Robinson, Soles, Swindell, Thomas, Warren, and Weinstein.

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Referred to: Education/Higher Education.

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April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE RETIRED TEACHERS AND PRINCIPALS TO RETURN TO  
2 THE PUBLIC SCHOOLS THE NEXT YEAR WITHOUT LOSING RETIREMENT  
3 BENEFITS.  
4

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

1 earned before suspension shall be increased on January 1 of  
2 each year by the ratio of the Consumer Price Index to the Index  
3 one year earlier, calculated to the nearest tenth of a percent  
4 (1/10 of 1%).

5 The computation of postretirement earnings of a beneficiary  
6 under this sub-subdivision, G.S. 135-3(8)c., ~~who has been~~  
7 ~~retired at least 12 months and has not been employed in any~~  
8 ~~capacity, except as a substitute teacher, with a public school for~~  
9 ~~at least 12 months immediately preceding the effective date of~~  
10 ~~reemployment,~~ shall not include earnings while the beneficiary  
11 is employed ~~to teach~~ as a teacher, principal, or assistant  
12 principal on a substitute, interim, or permanent basis in a public  
13 school. ~~The Department of Public Instruction school if:~~

- 14 1. The beneficiary has been retired at least 12 months and  
15 has not been employed in any capacity, except as a  
16 substitute teacher, principal, or assistant principal with a  
17 public school for at least 12 months immediately  
18 preceding the effective date of reemployment, retired  
19 from a public school and is subsequently reemployed as  
20 a teacher, principal, or assistant principal at that public  
21 school; or
- 22 2. The beneficiary retired as a teacher, principal, or  
23 assistant principal from a public school during or at the  
24 end of one school year and is employed at a different  
25 public school as a teacher, principal, or assistant  
26 principal for all or part of a subsequent school year.

27 Each local school administrative unit shall certify to the  
28 Retirement System that a beneficiary is employed ~~to teach~~ as a  
29 teacher, principal, or assistant principal by a ~~that~~ local school  
30 administrative unit under the provisions of this sub-subdivision  
31 and as a retired ~~teacher~~ teacher, principal, or assistant principal  
32 as the term is defined under the provisions of G.S.  
33 115C-325(a)(5a).

34 Beneficiaries employed under this sub-subdivision are not  
35 entitled to any benefits otherwise provided under this Chapter  
36 as a result of this period of employment."

37 **SECTION 2.** G.S. 115C-325(a)(5a), as enacted by Section 28.24(c) of S.L.  
38 1998-212 and rewritten by Section 67.1 of S.L. 1998-217 and Section 8.24(b) of S.L.  
39 2000-67, reads as rewritten:

40 "(5a) **(Effective until June 30, 2003)** "Retired ~~teacher~~ teacher, principal, or  
41 assistant principal" means a beneficiary of the Teachers' and State  
42 Employees' Retirement System of North Carolina ~~who~~ who:

- 43 a. Either:

- 1                   1.   ~~has~~ Was employed as a teacher, principal, or assistant
- 2                           principal;
- 3                   2.   Has been retired at least 12 months, months from a public
- 4                           school;
- 5                   3.   ~~has~~ Has not been employed in any capacity, other than as
- 6                           a substitute teacher, principal, or assistant principal with
- 7                           a local board of education for at least 12 months,
- 8                           immediately preceding the effective date of
- 9                           ~~reemployment, reemployment;~~
- 10                   4.   ~~is~~ Is determined by a local board of education to have
- 11                           had satisfactory performance during the last year of
- 12                           employment by a local board of education, education in a
- 13                           public school; and
- 14                   5.   ~~who is~~ Is employed to teach as a teacher, principal, or
- 15                           assistant principal in the same public school, as provided
- 16                           in G.S. 135-3(8)e. G.S. 135-3(8)c.;

17                   b.   Or:

- 18                           1.   Retired as a teacher, principal, or assistant principal from
- 19                           a public school during or at the end of one school year;
- 20                           2.   Is determined by a local board of education to have had
- 21                           satisfactory performance during the last year of
- 22                           employment at a public school; and
- 23                           3.   Is employed at a different public school as a teacher,
- 24                           principal, or assistant principal for all or part of a
- 25                           subsequent school year as provided in G.S. 135-8(c).

26                   A retired ~~teacher~~ teacher, principal, or assistant principal who is a

27                   teacher as defined in subdivision (6) of this subsection, shall be treated

28                   the same as a probationary teacher except that a retired teacher is not

29                   eligible for career status."

30                   **SECTION 3.** G.S. 115C-316(d) reads as rewritten:

31                   "(d) **(Expires June 30, 2003)** A local board of education may pay a retired

32                   teacher, principal, or assistant principal as that term is defined in G.S. 115C-325(a)(5a)

33                   no more than the employee would have received on the ~~teacher~~ appropriate salary

34                   schedule, excluding longevity, had the employee not retired."

35                   **SECTION 4.** This act becomes effective July 1, 2001, and expires July 1,

36                   2003.