

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH30008-LL-1 (10/26)

Short Title: Retired School Professionals Return to Work.

(Public)

Sponsors: Representative McLawhorn.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENABLE RETIRED SCHOOL GUIDANCE COUNSELORS AND
MEDIA SPECIALISTS TO RETURN TO EMPLOYMENT WITH THE PUBLIC
SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-3(8)c. reads as rewritten:

"c. Should a beneficiary who retired on an early or service retirement allowance under this Chapter be reemployed, or otherwise engaged to perform services, by an employer participating in the Retirement System on a part-time, temporary, interim, or on a fee-for-service basis, whether contractual or otherwise, and if such beneficiary earns an amount during the 12-month period immediately following the effective date of retirement or in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars (\$20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

1 The computation of postretirement earnings of a beneficiary
 2 under this sub-subdivision, G.S. 135-3(8)c., who has been
 3 retired at least six months and has not been employed in any
 4 capacity, except as a substitute teacher or a ~~part-time tutor,~~
 5 ~~other substitute employee,~~ with a public school for at least six
 6 months immediately preceding the effective date of
 7 reemployment, shall not include earnings while the beneficiary
 8 is employed to teach on a substitute, interim, or permanent basis
 9 in a public school. The Department of Public Instruction shall
 10 certify to the Retirement System that a beneficiary is employed
 11 ~~to teach~~ by a local school administrative unit under the
 12 provisions of this sub-subdivision and as a retired ~~teacher~~
 13 professional educator as the term is defined under the
 14 provisions of G.S. 115C-325(a)(5a).

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

18 **SECTION 2.** G.S. 115C-325(a)(5a) reads as rewritten:

19 "(5a) "Retired ~~teacher~~ professional educator" means a beneficiary of the
 20 Teachers' and State Employees' Retirement System of North Carolina
 21 ~~who~~ who:

- 22 a. Was previously employed as a (i) teacher, (ii) school guidance
 23 counselor, or (iii) school media specialist,
 24 b. ~~has~~ Has been retired at least six months,
 25 c. ~~has~~ Has not been employed in any capacity, other than as a
 26 substitute ~~teacher or a part-time tutor,~~ teacher or other substitute
 27 employee, with a local board of education for at least six
 28 months, immediately preceding the effective date of
 29 reemployment,
 30 d. ~~is~~ Is determined by a local board of education to have had
 31 satisfactory performance during the last year of employment by
 32 a local board of education, and
 33 e. ~~who~~ Who is employed to teach as provided in G.S. 135-3(8)c.

34 A retired ~~teacher~~ professional educator who is a teacher as defined
 35 in subdivision (6) of this subsection shall be treated the same as a
 36 probationary teacher except that (i) a retired ~~teacher~~ professional
 37 educator is not eligible for career status and (ii) the performance of a
 38 retired ~~teacher~~ professional educator who had attained career status
 39 prior to retirement shall be evaluated in accordance with a local board
 40 of education's policies and procedures applicable to career teachers."

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

42 "(d) A local board of education may pay a retired ~~teacher~~ professional educator, as
 43 that term is defined in G.S. 115C-325(a)(5a) no more than the employee would have

1 received on the ~~teacher~~ appropriate salary schedule, excluding longevity, had the
2 employee not retired."

3 **SECTION 4.** Subsection (d) of Section 28.24 of S.L. 1998-212, as rewritten
4 by Section 28.10 of S.L. 2002-126 and by Section 31.18A of S.L. 2004-124, reads as
5 rewritten:

6 "(d) This section becomes effective January 1, 1999, and expires June 30, ~~2005-~~
7 2006."

8 **SECTION 5.** The introductory language of Section 67 of S.L. 1998-217, as
9 rewritten by Section 28.10 of S.L. 2002-126 and by Section 31.18A of S.L. 2004-124,
10 reads as rewritten:

11 "**SECTION 67.** Effective January 1, 1999, through June 30, ~~2005,—~~2006,
12 G.S. 135-3(8)c., as rewritten by Section 28.24(a) of S.L. 1998-212 reads as rewritten:".

13 **SECTION 6.** Subsection (b) of Section 67.1 of S.L. 1998-217, as rewritten
14 by Section 28.10 of S.L. 2002-126 and by Section 31.18A of S.L. 2004-124, reads as
15 rewritten:

16 "(b) This section becomes effective January 1, 1999, and expires June 30, ~~2005-~~
17 2006."

18 **SECTION 7.** Subsection (c) of Section 32.25 of S.L. 2001-424, as rewritten
19 by Section 28.10 of S.L. 2002-126 and by Section 31.18A of S.L. 2004-124, reads as
20 rewritten:

21 "**SECTION 32.25.(c)** This section becomes effective July 1, 2001, and expires June
22 30, ~~2005.~~ 2006."

23 **SECTION 8.** This act becomes effective June 30, 2005.