

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30100-LL-90 (10/26)

Short Title: Retired School Professionals Return to Work. (Public)

Sponsors: Representative Faison.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO ENABLE RETIRED SCHOOL PRINCIPALS, ASSISTANT
3 PRINCIPALS, AND CENTRAL OFFICE ADMINISTRATIVE PERSONNEL TO
4 RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT
5 LOSING RETIREMENT BENEFITS.

6 The General Assembly of North Carolina enacts:

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

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

1 ratio of the Consumer Price Index to the Index one year earlier,
2 calculated 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 six months and has not been employed in any
6 capacity, except as a substitute teacher or ~~a part-time tutor,~~
7 other substitute employee, with a public school for at least six
8 months immediately preceding the effective date of
9 reemployment, shall not include earnings while the beneficiary
10 is employed to teach on a substitute, interim, or permanent basis
11 in a public school. The Department of Public Instruction shall
12 certify to the Retirement System that a beneficiary is employed
13 ~~to teach~~ by a local school administrative unit under the
14 provisions of this sub-subdivision and as a retired teacher or
15 school administrative personnel as the term is defined under the
16 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 **SECTION 2.** G.S. 115C-325(a)(5a) reads as rewritten:

21 "(5a) "Retired teacher or school administrative personnel" means a
22 beneficiary of the Teachers' and State Employees' Retirement System
23 of North Carolina ~~who~~ who:

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

36 A retired teacher shall be treated the same as a probationary teacher
37 except that (i) a retired teacher is not eligible for career status and (ii)
38 the performance of a retired teacher 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~~ teachers and retired
43 school administrative personnel, as ~~that term is those terms are~~ defined in
44 G.S. 115C-325(a)(5a) no more than the employee employees would have received on

1 the ~~teacher~~ appropriate salary schedule, excluding longevity, had the ~~employee~~
2 employees 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.