

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 828

Short Title: Retired Professional Educators Return to Work. (Public)

Sponsors: Senators Dannelly; Bingham, Clodfelter, Dalton, Foxx, Garrou, Hagan, Harris, Horton, Jordan, Lee, Lucas, Purcell, Rand, Weinstein, and Wellons.

Referred to: Education/Higher Education.

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO THE
SCHOOLS THE NEXT YEAR WITHOUT LOSING RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-3(8)c., as enacted by Section 28.24(a) of S.L. 1998-212, and rewritten by Section 67 of S.L. 1998-217 and by Section 8.24(b) of S.L. 2000-67, reads as rewritten:

"c. **(Effective until June 30, 2003)** 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 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

1 Consumer Price Index to the Index one year earlier, calculated
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 Instruction~~ A 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 **SECTION 2.** G.S. 115C-325(a)(5a), as enacted by Section 28.24(c) of S.L.
21 1998-212 and rewritten by Section 67.1(a) of S.L. 1998-217, reads as rewritten:

22 "(a) Definition of Terms. – As used in this section unless the context requires
23 otherwise:

24 ...
25 (5a) **(Effective until June 30, 2003)** "Retired ~~teacher~~" professional
26 educator" means a beneficiary of the Teachers' and State Employees'
27 Retirement System of North Carolina ~~who~~ who:

- 28 a. 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 audiologist,
38 b. ~~has~~ Has been retired at least 12 months,
39 c. ~~has~~ Has 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,

1 d. ~~is~~Is determined by a local board of education to have had
2 satisfactory performance during the last year of employment by
3 a local board of education, and

4 e. ~~who is~~Is employed to ~~teach~~ as provided in G.S. 135-3(8)c.

5 A retired ~~teacher~~ professional educator who is a teacher as
6 defined in subdivision (6) of this subsection shall be treated the
7 same as a probationary teacher except that a retired ~~teacher~~
8 professional educator is not eligible for career status."

9 **SECTION 3.** G.S. 115C-316(d), as enacted by Section 28.24(b) of S.L.

10 1998-212, reads as rewritten:

11 "(d) **(Expires June 30, 2003)** A local board of education may pay a retired
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 excluding longevity, had the employee not retired."

15 **SECTION 4.** This act is effective when it becomes law and expires June 30,
16 2003.