

The House Committee on Retirement offers the following substitute to HB 336:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to retirement allowances, disability benefits, and spouses' benefits, so as to permit  
3 public school systems to employ beneficiaries of the Teachers Retirement System of Georgia  
4 as classroom teachers in a full-time capacity in an area of highest need determined for the  
5 Regional Education Service Agency to which such public school system is assigned; to  
6 require such employers to make employer and employee contributions on behalf of such  
7 employed beneficiaries; to provide for conditions and limitations for beneficiaries who return  
8 to service full time as teachers; to provide for related matters; to provide conditions for an  
9 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to  
13 retirement allowances, disability benefits, and spouses' benefits, is amended by adding a new  
14 Code section to read as follows:

15 "47-3-127.1.

16 (a) From July 1, 2020, until June 30, 2025, notwithstanding the provisions of Code  
17 Section 47-3-127, to the extent and under the conditions provided for in this Code section,  
18 a public school system may employ a beneficiary in a full-time capacity as a certified  
19 teacher of pre-kindergarten through grade 12 who has as his or her primary responsibility  
20 the academic instruction of students in a classroom in an area of highest need determined  
21 for the RESA to which such public school system is assigned, provided that at least one  
22 year has expired from the effective date of such beneficiary's retirement and he or she was  
23 not restored to service as a teacher pursuant to Code Section 47-3-127 during such period  
24 of time.

25 (b)(1) An individual employed as described in subsection (a) of this Code section shall  
26 remain a beneficiary and shall continue to receive his or her retirement allowance and any

27 postretirement benefit adjustments for which he or she is eligible; provided, however, that  
28 such service shall not constitute creditable service and shall not entitle such beneficiary  
29 to a recomputation of retirement benefits upon cessation of such service.

30 (2) It shall be the duty of each beneficiary to notify an employer of his or her status as  
31 a beneficiary prior to accepting employment with such employer.

32 (c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such  
33 employer shall notify the board of trustees of such beneficiary's name, the amount of his  
34 or her earnable compensation, a description of any other forms of remuneration to be  
35 made, the number of hours to be worked, job responsibilities, and other such information  
36 as the board of trustees may prescribe.

37 (2) An employer that employs a beneficiary pursuant to subsection (a) of this Code  
38 section shall pay to the retirement system an amount equal to the product of:

39 (A) The combination of the rate required by this chapter for employer contributions  
40 and employee contributions; and

41 (B) The earnable compensation of such beneficiary.

42 (3) A beneficiary shall not receive creditable service from or access to contributions  
43 made as a result of payments required by paragraph (2) of this subsection, and he or she  
44 shall be considered by the retirement system solely as a beneficiary.

45 (4) If an employer that is obligated to make contributions or reimbursements to the  
46 retirement system pursuant to this Code section fails to make such contributions, any  
47 unpaid amounts shall be deducted from any funds payable to such employer by the state,  
48 including without limitation the Department of Education and the Board of Regents of  
49 the University System of Georgia, and shall be paid to the retirement system.

50 (d)(1) As used in this Code section, 'area of highest need' means one of the three content  
51 areas for which there are the greatest percentages of unfilled positions for classroom  
52 teachers in a RESA.

53 (2) The areas of highest need shall be determined for each RESA annually by the  
54 Department of Education after consultation with the Professional Standards Commission.  
55 Such determinations shall be based upon a five-year average review of a survey reported  
56 by local school systems to the Department of Education. The areas of highest need for  
57 each RESA shall be reported to the retirement system on an annual basis beginning  
58 July 1, 2020, and ending July 1, 2024.

59 (e) The provisions of this Code section shall not become part of the employment contract  
60 and shall be subject to future legislation."

61 **SECTION 2.**

62 This Act shall become effective on July 1, 2020, only if it is determined to have been  
63 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
64 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
65 become effective and shall be automatically repealed in its entirety on July 1, 2020, as  
66 required by subsection (a) of Code Section 47-20-50.

67 **SECTION 3.**

68 All laws and parts of laws in conflict with this Act are repealed.