House Bill 385 (AS PASSED HOUSE AND SENATE)

By: Representatives Blackmon of the 146th, Jones of the 47th, Belton of the 112th, LaRiccia of the 169th, Evans of the 83rd, and others

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"47-3-127.1.

(a) From July 1, 2022, until June 30, 2026, notwithstanding the provisions of Code Section 47-3-127, to the extent and under the conditions provided for in this Code section, a public school system may employ a beneficiary who has obtained 30 years of creditable service in this retirement system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12 who has as his or her primary responsibility the academic instruction of students in a classroom in an area of highest need determined for the RESA to which such public school system is assigned, provided that at least one year has expired from the effective date of such beneficiary's retirement and he or she was not restored to service as a teacher pursuant to Code Section 47-3-127 during such period of time.

(b)(1) An individual employed as described in subsection (a) of this Code section shall remain a beneficiary and shall continue to receive his or her retirement allowance and any postretirement benefit adjustments for which he or she is eligible; provided, however, that such service shall not constitute creditable service and shall not entitle such beneficiary to a recomputation of retirement benefits upon cessation of such service.

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

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

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

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

(B) The earnable compensation of such beneficiary.

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

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

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

(2) The areas of highest need shall be determined for each RESA annually by the Department of Education after consultation with the Professional Standards Commission. Such determinations shall be based upon a five-year average review of a survey reported by local school systems to the Department of Education. The areas of highest need for each RESA shall be reported to the retirement system on an annual basis beginning July 1, 2022, and ending July 1, 2025.

(e) Prior to July 1, 2025, the state auditor shall conduct and publish a performance audit concerning the provisions of this Code section to include a determination of the value and necessity of the full-time employment of beneficiaries as permitted by this Code section, as well the effects of such employment on the local school systems, the Teachers Retirement System of Georgia, and the teacher workforce as a whole for this state.

(f) The provisions of this Code section shall not become part of the employment contract and shall be subject to future legislation.″

SECTION 2.

This Act shall become effective on July 1, 2022, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2022, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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