

# HOUSE BILL NO. 2460

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK (7).

5386H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 169.596, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 169.596, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 169.596 and 169.598, to read as follows:

169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up to ~~two~~ **four** years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to ~~two~~ **four** years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           4. In order to hire teachers and noncertificated employees pursuant to the provisions of  
19 this section, the school district shall:

20           (1) Show a good faith effort to fill positions with nonretired certificated teachers or  
21 nonretired noncertificated employees;

22           (2) Post the vacancy for at least one month;

23           (3) Have not offered early retirement incentives for either of the previous two years;

24           (4) Solicit applications through the local newspaper, other media, or teacher education  
25 programs;

26           (5) Determine there is an insufficient number of eligible applicants for the advertised  
27 position; and

28           (6) Declare a critical shortage of certificated teachers or noncertificated employees that  
29 is active for one year.

30           5. Any person hired pursuant to this section shall be included in the State Directory of  
31 New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section  
32 1320b-7.

**169.598. 1. There is hereby created the Missouri emergency substitute teacher pool.  
2 Any employer included in the retirement system established by sections 169.010 to 169.141  
3 or by sections 169.600 to 169.715, other than a public community college or association,  
4 shall notify the retirement system on or before September tenth of each school year of such  
5 employer's desire to utilize the emergency substitute teacher pool for that school year, in  
6 the manner required by the board. The decision by each employer to utilize the emergency  
7 substitute teacher pool in any given school year is irrevocable for that school year. For  
8 purposes of this section, the term "association" refers to a statewide nonprofit educational  
9 association or organization that is an employer under the retirement system established by  
10 sections 169.010 to 169.141 or by sections 169.600 to 169.715, in accordance with the  
11 applicable provisions of subsection 4 of section 169.130 or subsection 5 of section 169.650.**

**12           2. Notwithstanding any other provisions of law to the contrary, any person retired  
13 and currently receiving a retirement allowance under sections 169.010 to 169.141 or under  
14 sections 169.600 to 169.715, other than for disability, may be employed by an employer  
15 included in the retirement system created under those sections, other than a public  
16 community college or association, that has elected to utilize the emergency substitute  
17 teacher pool, as a temporary or long-term substitute classroom teacher, and through such  
18 employment such person may earn up to the federal social security annual earnings  
19 exemption amount applicable before the calendar year of the attainment of full retirement  
20 age under 42 U.S.C. Section 403(b), without a discontinuance of the person's retirement  
21 allowance. The social security annual earnings exemption amount applied shall be the**

22 exemption amount in effect for the calendar year in which the school year begins. In  
23 addition, the provisions of this section shall apply to any person retired and currently  
24 receiving a retirement allowance under sections 169.010 to 169.141 or under sections  
25 169.600 to 169.715, other than for disability, who is employed by a third-party employer  
26 or who is performing work as an independent contractor, if such person is performing  
27 work for an employer included in the retirement system, other than a public community  
28 college or association, that has elected to utilize the emergency substitute teacher pool, as  
29 a temporary or long-term substitute classroom teacher.

30       3. Any person retired and currently receiving a retirement allowance under  
31 sections 169.010 to 169.141, other than for disability, who is employed as a temporary or  
32 long-term substitute classroom teacher for an employer that has elected to utilize the  
33 emergency substitute teacher pool may, within the same school year, be employed by any  
34 employer, except a public community college or association, in any capacity that is subject  
35 to the five-hundred-fifty-hour and fifty-percent-annual-compensation limits described in  
36 subsection 1 of section 169.560; provided that, such person shall be limited to the earnings  
37 limit applicable to the emergency substitute teacher pool for all such work and such person  
38 shall comply with the hourly limitations described in subsection 1 of section 169.560 for  
39 work for any employer not utilizing the emergency substitute teacher pool. Any person  
40 retired and currently receiving a retirement allowance under sections 169.010 to 169.141,  
41 other than for disability, who is employed as a temporary or long-term substitute  
42 classroom teacher for an employer that has elected to utilize the emergency substitute  
43 teacher pool, may, within the same school year, be employed by an employer included in  
44 the retirement system established by sections 169.010 to 169.141 under the provisions and  
45 limits in subsection 2 of section 169.560, with each type of work subject to its separate  
46 limits.

47       4. Any person retired and currently receiving a retirement allowance under  
48 sections 169.600 to 169.715, other than for disability, who is employed as a temporary or  
49 long-term substitute classroom teacher for an employer that has elected to utilize the  
50 emergency substitute teacher pool may, within the same school year, be employed by any  
51 employer, in any capacity that is subject to the five-hundred-fifty-hour limit described in  
52 subsection 2 of section 169.660, with each type of work subject to its separate limits.

53       5. Any person retired and currently receiving a retirement allowance under  
54 sections 169.010 to 169.141 or under sections 169.600 to 169.715, other than for disability,  
55 may be employed as a temporary or long-term substitute classroom teacher by an employer  
56 that has elected to utilize the emergency substitute teacher pool under this section and be

57 employed under section 169.596 in the same school year, with each type of work subject  
58 to its separate limits.

59         6. Any person retired and currently receiving a retirement allowance under  
60 sections 169.010 to 169.141, other than for disability, working for a public community  
61 college or association shall be subject to the limitations set forth in section 169.560. Any  
62 person retired and currently receiving a retirement allowance under sections 169.600 to  
63 169.715, other than for disability, working for a public community college or association  
64 shall be subject to the limitations set forth in section 169.660. Such retired persons may  
65 be employed as a temporary or long-term substitute classroom teachers for employers  
66 included in those retirement systems that have elected to utilize the emergency substitute  
67 teacher pool during the same school year, with each type of work subject to its separate  
68 limits.

69         7. Any person retired and currently receiving a retirement allowance under  
70 sections 169.010 to 169.141 or under sections 169.600 to 169.715, other than for disability,  
71 employed as a temporary or long-term substitute classroom teacher by an employer that  
72 has elected to utilize the emergency substitute teacher pool shall not contribute to the  
73 retirement system established by sections 169.010 to 169.141 or sections 169.600 to 169.715  
74 because of earnings for such employment, and such person shall not earn membership  
75 service for such employment. The employer that has elected to utilize the emergency  
76 substitute teacher pool shall pay the employer's contribution rate applicable to the  
77 retirement system established by sections 169.010 to 169.141, multiplied by the factor of  
78 two-thirds, for all temporary and long-term substitute classroom teaching work performed  
79 by persons retired and currently receiving a retirement allowance under sections 169.010  
80 to 169.141 or under sections 169.600 to 169.715. Any employer included in the retirement  
81 system established by sections 169.010 to 169.141 or by sections 169.600 to 169.715 that has  
82 elected to utilize the emergency substitute teaching pool and that is receiving temporary  
83 or long-term substitute classroom teaching services from a person retired and currently  
84 receiving a retirement allowance from the retirement system established by sections  
85 169.010 to 169.141 or by sections 169.600 to 169.715, other than for disability, who is  
86 employed by a third-party employer or is performing work as an independent contractor,  
87 shall pay the employer's contribution rate applicable to the retirement system established  
88 by sections 169.010 to 169.141, multiplied by the factor of two-thirds, for all amounts paid  
89 to such third-party employer or independent contractor for such temporary or long-term  
90 substitute classroom teaching services.

91         8. Any person retired and currently receiving a retirement allowance under  
92 sections 169.010 to 169.141 or under sections 169.600 to 169.715, other than for disability,

93 who is employed in excess of the limitations set forth in this section, shall not be eligible to  
94 receive such person's retirement allowance for any month during which such person is so  
95 employed. In addition, such person shall become a member of and contribute to the  
96 retirement system established by sections 169.010 to 169.141 or sections 169.600 to 169.715  
97 if the person satisfies the retirement system's membership eligibility requirements.

98 9. The retirement system established by sections 169.010 to 169.141 or by sections  
99 169.600 to 169.715 may require the employer, the third-party employer, the independent  
100 contractor, and the retiree subject to this section to provide documentation showing  
101 compliance with this section. If such documentation is not provided, the retirement system  
102 may deem the retiree to have exceeded the limitations provided in this section.

103 10. (1) The provisions of this section shall automatically sunset on June 30, 2024,  
104 unless reauthorized by an act of the general assembly; and

105 (2) This section shall terminate on July first of the calendar year immediately  
106 following the calendar year in which the provisions of this section are sunset.

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