House Bill 385

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

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 a performance audit; to provide for related
9   matters; to provide for a definition; to provide conditions for an effective date and automatic
10   repeal; to repeal conflicting laws; and for other purposes.

11   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12   **SECTION 1.**
13   Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to
14   retirement allowances, disability benefits, and spouses' benefits, is amended by adding a new
15   Code section to read as follows:

16   "47-3-127.1.

17   (a) From July 1, 2022, until June 30, 2026, notwithstanding the provisions of Code

18   Section 47-3-127, to the extent and under the conditions provided for in this Code section,

19   a public school system may employ a beneficiary in a full-time capacity as a certified

20   teacher of pre-kindergarten through grade 12 who has as his or her primary responsibility

21   the academic instruction of students in a classroom in an area of highest need determined

22   for the RESA to which such public school system is assigned, provided that at least one

23   year has expired from the effective date of such beneficiary's retirement and he or she was

24   not restored to service as a teacher pursuant to Code Section 47-3-127 during such period

25   of time.

26   (b)(1) An individual employed as described in subsection (a) of this Code section shall

27   remain a beneficiary and shall continue to receive his or her retirement allowance and any

28   postretirement benefit adjustments for which he or she is eligible; provided, however, that

29   such service shall not constitute creditable service and shall not entitle such beneficiary

30   to a recomputation of retirement benefits upon cessation of such service.

31   (2) It shall be the duty of each beneficiary to notify an employer of his or her status as

32   a beneficiary prior to accepting employment with such employer.

33   (c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such

34   employer shall notify the board of trustees of such beneficiary's name, the amount of his

35   or her earnable compensation, a description of any other forms of remuneration to be

36   made, the number of hours to be worked, job responsibilities, and other such information

37   as the board of trustees may prescribe.

38   (2) An employer that employs a beneficiary pursuant to subsection (a) of this Code

39   section shall pay to the retirement system an amount equal to the product of:

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

41   and employee contributions; and

42   (B) The earnable compensation of such beneficiary.

43   (3) A beneficiary shall not receive creditable service from or access to contributions
44   made as a result of payments required by paragraph (2) of this subsection, and he or she
45   shall be considered by the retirement system solely as a beneficiary.
46   (4) If an employer that is obligated to make contributions or reimbursements to the
47   retirement system pursuant to this Code section fails to make such contributions, any
48   unpaid amounts shall be deducted from any funds payable to such employer by the state,
49   including without limitation the Department of Education and the Board of Regents of
50   the University System of Georgia, and shall be paid to the retirement system.
51   (d)(1) As used in this Code section, 'area of highest need' means one of the three content
52   areas for which there are the greatest percentages of unfilled positions for classroom
53   teachers in a RESA.
54   (2) The areas of highest need shall be determined for each RESA annually by the
55   Department of Education after consultation with the Professional Standards Commission.
56   Such determinations shall be based upon a five-year average review of a survey reported
57   by local school systems to the Department of Education. The areas of highest need for
58   each RESA shall be reported to the retirement system on an annual basis beginning
59   July 1, 2022 and ending July 1, 2025.
60   (e) Prior to July 1, 2025, the state auditor shall conduct and publish a performance audit
61   concerning the provisions of this Code section to include a determination of the value and
62   necessity of the full-time employment of beneficiaries as permitted by this Code section,
63   as well the effects of such employment on the local school systems, the Teacher's
64   Retirement System of Georgia, and the teacher work force as a whole for this state.
65   (f) The provisions of this Code section shall not become part of the employment contract
66   and shall be subject to future legislation."

67   **SECTION 2.**

68   This Act shall become effective on July 1, 2022, only if it is determined to have been

69   concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia

70   Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not

71   become effective and shall be automatically repealed in its entirety on July 1, 2022, as

72   required by subsection (a) of Code Section 47-20-50.

73   **SECTION 3.**

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