

Amendment No. 1 to SB0846

Briggs
Signature of Sponsor

AMEND Senate Bill No. 846

House Bill No. 917*

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Deferred Retirement Option Program."

SECTION 2. Tennessee Code Annotated, Section 8-36-822, is amended by deleting the section and substituting instead:

(a) Notwithstanding another law to the contrary, a retired member of the Tennessee consolidated retirement system or of a superseded system, or of a local retirement fund established pursuant to chapter 35, part 3 of this title, may be reemployed in a position covered by the retirement system without the loss or suspension of the retired member's Tennessee consolidated retirement system benefits; provided, that the following conditions are met:

(1) The retired member is reemployed as a kindergarten through twelfth-grade (K-12) teacher, as defined in § 8-34-101, or as a kindergarten through twelfth-grade (K-12) substitute teacher;

(2) During the reemployment, the retirement benefit payable to the retired member is not reduced while continuing to work and receive a full salary from the LEA, or a charter school that participates in the Tennessee consolidated retirement system;

(3) The retired member's reemployment under this section cannot exceed five (5) years; however, an LEA may reemploy a retired member for

additional one-year periods, if there are no other qualified applicants and conditions contained in this section are met for each period of reemployment;

(4) To fund the liability created by this section, the retired member's new employer shall pay to the Tennessee consolidated retirement system during each period of reemployment the greater of:

(A) A payment equal to the amount the employer would have contributed to the retirement system had the retired member been a member of the retirement system during the period of reemployment; or

(B) An amount equal to five percent (5%) of the retired member's pay rate;

(5) The retired member is not eligible to accrue additional retirement benefits as a result of the member's reemployment;

(6) Upon the reemployment of the retired member, the retired member's new employer shall:

(A) Notify the retirement system of the member's reemployment with documents or information required by the retirement system; and

(B) Certify in writing to the retirement system that the retired member has the requisite experience and training for the position to be filled; and

(7) The retiree is not drawing disability retirement benefits under chapter 36, part 5 of this title.

(b) A teacher is not required to be evaluated during employment under this section.

(c) A teacher's license is automatically extended if the teacher is employed under this section.

(d) The teacher employed under this section shall participate in professional learning required by the LEA or charter school for which the teacher is employed.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.