

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**SENATE BILL 933**  
**Education/Higher Education Committee Substitute Adopted 4/19/01**

Short Title: Reemployment of Retired Public Sch. Profs . (Public)

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Sponsors:

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Referred to:

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April 5, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENABLE RETIRED PUBLIC SCHOOL PROFESSIONALS TO  
3 RETURN TO THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT  
4 BENEFITS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 135-3(8)c., as enacted by Section 28.24(a) of S.L.  
7 1998-212, and rewritten by Section 67 of S.L. 1998-217 and by Section 8.24(b) of S.L.  
8 2000-67 reads as rewritten:

9 "c. **(Effective until June 30, 2003)** Should a beneficiary who  
10 retired on an early or service retirement allowance under this  
11 Chapter be reemployed, or otherwise engaged to perform  
12 services, by an employer participating in the Retirement System  
13 on a part-time, temporary, interim, or on a fee-for-service basis,  
14 whether contractual or otherwise, and if such beneficiary earns  
15 an amount in any calendar year which exceeds fifty percent  
16 (50%) of the reported compensation, excluding terminal  
17 payments, during the 12 months of service preceding the  
18 effective date of retirement, or twenty thousand dollars  
19 (\$20,000), whichever is greater, as hereinafter indexed, then the  
20 retirement allowance shall be suspended as of the first day of  
21 the month following the month in which the reemployment  
22 earnings exceed the amount above, for the balance of the  
23 calendar year. The retirement allowance of the beneficiary shall  
24 be reinstated as of January 1 of each year following suspension.  
25 The amount that may be earned before suspension shall be  
26 increased on January 1 of each year by the ratio of the  
27 Consumer Price Index to the Index one year earlier, calculated  
28 to the nearest tenth of a percent ( 1/10 of 1%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, ~~G.S.G.S. 135-3(8)c., who has been retired at least 12 months and has not been employed in any capacity, except as a substitute teacher, with a public school for at least 12 months immediately preceding the effective date of reemployment,~~ shall not include earnings while the beneficiary is employed to teach as a professional educator on a substitute, interim, or permanent basis in a public school. ~~The Department of Public Instruction school if:~~

1. The beneficiary has been retired at least 12 months and has not been employed in any capacity, except as a substitute professional educator, with a public school for at least 12 months immediately preceding the effective date of reemployment; or
2. The beneficiary retired as a professional educator from a public school during or at the end of one school year and is employed at a different public school as a professional educator for all or part of a subsequent school year.

The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach as a professional educator by a local school administrative unit under the provisions of this sub-subdivision and as a retired teacher—professional educator as the term is defined under the provisions of G.S. 115C-325(a)(5a).

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

**SECTION 2.** G.S. 115C-325(a)(5a), as enacted by Section 28.24(c) of S.L. 1998-212 and rewritten by Section 67.1(a) of S.L. 1998-217, reads as rewritten:

"(a) Definition of Terms. – As used in this section unless the context requires otherwise:

...

(5a) **(Effective until June 30, 2003)** "~~Retired teacher~~" means professional educator" means:

- a. a—A beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who was previously employed as a (i) teacher, (ii) principal, (iii) assistant principal, (iv) superintendent, (v) associate or assistant superintendent, (vi) finance officer, (vii) athletic trainer, (viii) director, supervisor, or coordinator in transportation, child nutrition, health education, vocational education, community schools, special education, math/science, maintenance, or other area, (ix)

1 school nurse, (x) school psychologist, (xi) school counselor,  
2 (xii) school social worker, (xiii) school media specialist, (xiv)  
3 speech and language pathologist, or (xv) audiologist; and

4 b. Who either:

- 5 1. ~~has~~Has been retired at least 12 months,
- 6 2. ~~has~~Has not been employed in any capacity, other than as  
7 a substitute ~~teacher,~~ professional educator with a local  
8 board of education for at least 12 months, immediately  
9 preceding the effective date of reemployment,
- 10 3. ~~is~~Is determined by a local board of education to have had  
11 satisfactory performance during the last year of  
12 employment by a local board of education, and
- 13 4. ~~who is~~Is employed ~~to teach~~ as provided in G.S.  
14 135-3(8)c.

15 c. Or:

- 16 1. Retired as a professional educator from a public school  
17 during or at the end of one school year;
- 18 2. Is determined by a local board of education to have had  
19 satisfactory performance during the last year of  
20 employment at a public school; and
- 21 3. Is employed at a different public school as a professional  
22 educator for all or part of a subsequent school year as  
23 provided in G.S. 135-8(c).

24 A retired ~~teacher~~ professional educator shall be treated the same as a  
25 probationary teacher for purposes of the terms and conditions of the  
26 retired probationary teacher's employment contract except that a  
27 retired ~~teacher~~ professional educator is not eligible for career status."

28 **SECTION 3.** G.S. 115C-316(d), as enacted by Section 28.24(b) of S.L.  
29 1998-212, reads as rewritten:

30 "(d) **(Expires June 30, 2003)** A local board of education may pay a retired  
31 ~~teacher,~~ professional educator, as that term is defined in G.S. 115C-325(a)(5a) no more  
32 than the employee would have received on the ~~teacher~~ appropriate salary schedule,  
33 excluding longevity, had the employee not retired. If the retired professional educator is  
34 employed in a position that is not subject to a salary schedule, the local board of  
35 education may pay the retired professional educator no more than the employee  
36 received during the employee's last year of employment immediately preceding  
37 retirement."

38 **SECTION 4.** This act is effective when it becomes law and expires June 30,  
39 2003.