



# House of Representatives

General Assembly

**File No. 227**

February Session, 2012

House Bill No. 5222

*House of Representatives, April 3, 2012*

The Committee on Higher Education and Employment Advancement reported through REP. WILLIS of the 64th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT FACILITATING THE REEMPLOYMENT OF PUBLIC SCHOOL TEACHERS IN PUBLIC INSTITUTIONS OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-183v of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) Except as provided in subsection (b) of this section, a teacher  
4 receiving retirement benefits from the system may not be employed in  
5 a teaching position receiving compensation paid out of public money  
6 appropriated for school purposes except that such teacher may be  
7 employed in such a position and receive no more than forty-five per  
8 cent of the maximum salary level for the assigned position. Any  
9 teacher who receives in excess of such amount shall reimburse the  
10 board for the amount of such excess. Notice of such employment shall  
11 be sent to the board by the employer and by the retired teacher at the  
12 time of hire and at the end of each assignment.

13 (b) A teacher receiving retirement benefits from the system may be  
14 reemployed for up to one full school year by a local board of  
15 education, the State Board of Education or by any constituent unit of  
16 the state system of higher education in a position (1) designated by the  
17 Commissioner of Education as a subject shortage area, or (2) at a  
18 school located in a school district identified as a priority school district,  
19 pursuant to section 10-266p, for the school year in which the teacher is  
20 being employed. A teacher receiving retirement benefits from the  
21 system may also be reemployed for an unlimited time by any  
22 constituent unit of the state system of higher education in a teaching  
23 faculty position for which the teacher is highly qualified as a result of  
24 exceptional expertise in the subject matter area of such position. Notice  
25 of such reemployment shall be sent to the [board] State Board of  
26 Education by the employer and by the retired teacher at the time of  
27 hire and at the end of the assignment. Such reemployment may be  
28 extended for an additional school year, provided the local board of  
29 education (A) submits a written request for approval to the Teachers'  
30 Retirement Board, (B) certifies that no qualified candidates are  
31 available prior to the reemployment of such teacher, and (C) indicates  
32 the type of assignment to be performed, the anticipated date of rehire  
33 and the expected duration of the assignment.

34 (c) The employment of a teacher under subsection (b) of this section  
35 shall not be considered as service qualifying for continuing contract  
36 status under section 10-151 and the salary of such teacher shall be fixed  
37 at an amount at least equal to that paid other teachers in the same  
38 school system with similar training and experience for the same type  
39 of service. Upon approval by the board of such employment, such  
40 teacher shall be eligible for the same health insurance benefits  
41 provided to active teachers employed by such school system. No  
42 benefits shall be paid under section 10-183t, while such teacher is  
43 employed by such system.

44 (d) No person shall be entitled to survivor's benefits under  
45 subsection (f) of section 10-183f as a result of reemployment under this  
46 section.

47 (e) The same option plan of retirement benefits in effect prior to  
48 reemployment shall continue for a reemployed teacher during  
49 reemployment.

50 (f) The provisions of this section in effect on June 30, 2003, revision  
51 of 1958, revised to January 1, 2003, shall be applicable to any person  
52 making contributions to the Teachers' Retirement System on June 30,  
53 2003, in accordance with said provisions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	10-183v

**HED**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
Teachers' Retirement Bd.	GF - See Below	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill adds an additional condition for the reemployment of retired teachers while the teacher continues to receive benefits from the Teachers' Retirement System (TRS). This provision does not result in a fiscal impact to the TRS because the reemployed retired member may not make any retirement contributions or earn any additional benefits under the TRS for the period of reemployment.

The bill is unclear regarding whether the reemployed retiree maintains health insurance coverage through the Teachers' Retirement Board (TRB) or the employing institution. Under current law, other reemployed retirees under the 45% rule's exceptions are not permitted to obtain health insurance through the TRB during the period of reemployment.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 5222*****AN ACT FACILITATING THE REEMPLOYMENT OF PUBLIC SCHOOL TEACHERS IN PUBLIC INSTITUTIONS OF HIGHER EDUCATION.*****SUMMARY:**

By law, with certain exceptions, a retired teacher who collects a pension from the Teachers' Retirement System (TRS) and who works in a teaching position paid out of public money appropriated for school purposes cannot earn more than 45% of the assigned position's maximum salary (the 45% rule). Under current law, the exceptions are a one-year assignment in (1) a subject shortage area identified by the education commissioner or (2) a priority school district (for any subject). Such assignments may be extended for an additional year under certain conditions.

This bill adds to these exceptions by allowing public higher education institutions to hire TRS retirees as teaching faculty for an unlimited period of time. Such teachers must be highly qualified because of exceptional expertise in the position's subject matter.

Current law contains provisions controlling what the teacher can be paid and specifying that health benefits are provided by the employer, not TRS. However, the bill is unclear regarding (1) the salary that the higher education institution must pay the teacher and (2) whether it is TRS or the institution that pays for the teacher's health benefits while he or she is employed by the institution.

For retirees reemployed under the 45% rule's exceptions, the bill requires both the reemployed teacher and the employer to send a notice of reemployment to the State Board of Education. Under current law, such notices are sent to the Teachers' Retirement Board (TRB).

However, the law requires TRB to approve a retiree's new employment before he or she may receive the health insurance benefits provided by the employer. It is unclear how TRB could do this without notice of reemployment.

EFFECTIVE DATE: July 1, 2012

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 16    Nay 4    (03/20/2012)