

1 H.572

2 Introduced by Representatives Webb of Shelburne, Brumsted of Shelburne,

3 and Hooper of Randolph

4 Referred to Committee on

5 Date:

6 Subject: Education; retirement; Vermont State Teachers' Retirement System

7 Statement of purpose of bill as introduced: This bill proposes to allow a
8 beneficiary of the Vermont State Teachers' Retirement System to resume
9 service as an interim educator for a one-year period and continue to receive a
10 retirement allowance for that period.

11 An act relating to the retirement allowance for interim educators

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 16 V.S.A. § 1939 is amended to read:

14 § 1939. RESTORATION TO SERVICE

15 (a) In any fiscal year in which a beneficiary resumes service, as that term is
16 defined in section 1931 of this title, ~~he or she~~ the beneficiary shall again
17 become a member of the System, shall contribute at the rate established for
18 members of ~~his or her~~ the beneficiary's group, and shall not be entitled to
19 receive a retirement allowance, if ~~he or she~~ the beneficiary is:

1 (1) compensated in excess of the allowable number of days per school
2 year as established by the Board for substitute teaching; or

3 (2) receives compensation in excess of 60 percent of the average
4 compensation in the teacher System.

5 (b) If a person once again becomes a member under subsection (a) of this
6 section, membership shall be retroactive to the beginning of the fiscal year in
7 which the person resumed service and the member shall not be entitled to any
8 retirement allowance received during that fiscal year. If the person received a
9 retirement allowance during the fiscal year in which he or she resumed service,
10 upon subsequent retirement the Board shall suspend his or her retirement
11 allowance for a period necessary to reimburse the System for the total
12 retirement allowance received during the period in which the beneficiary
13 resumed service and became a member.

14 (c) Upon subsequent retirement of a person who once again becomes a
15 member under subsection (a) of this section, the beneficiary's former
16 retirement allowance shall be restored, but the beneficiary shall not be entitled
17 to cost of living adjustments for the period during which he or she was
18 restored to service. In addition to the former retirement allowance, a
19 beneficiary shall be entitled to a retirement allowance separately computed for
20 the period beginning with his or her last restoration to service for which the
21 member has made a contribution.

1 ~~(d) Notwithstanding any other provision of law, in any fiscal year, a~~
2 beneficiary who retired from the System as a Group A or a Group C member
3 may resume service under subsection (a) of this section to serve as an interim
4 school educator for a period not to exceed one school year and receive the
5 beneficiary's retirement allowance for the entire period that service is
6 resumed, provided that the beneficiary:

7 (1) maintains an active educators' license in the area in which the
8 beneficiary will serve as an interim educator; and

9 (2) makes contributions at the rate established for members of the
10 beneficiary's group for the entire period that service is resumed.

(d)(1) Notwithstanding any other provision of law, in any fiscal year, a
beneficiary who retired from the System as a Group A or a Group C member
may resume service under subsection (a) of this section to serve as an interim
school educator for a period not to exceed one school year and receive the
beneficiary's retirement allowance for the entire period that service is
resumed, provided that:

(A) the beneficiary has received a retirement allowance for six
months or more prior to resuming service;

(B) the beneficiary maintains or obtains an active educator's license
in the area in which the beneficiary will serve as an interim educator;

(C) the beneficiary makes contributions at the rate established for members of the beneficiary's group for the entire period that service is resumed;

(D) the source of funding for the employer's contributions for the beneficiary for the entire period that service is resumed is consistent with how contributions are paid for new members in the beneficiary's group as of the date service is resumed; and

(E) the employer of the beneficiary makes payments into the Retired Teachers' Health and Medical Benefits Fund, established in section 1944b of this title, for the entire period that service is resumed in a manner consistent with how those payments are made for new members in the beneficiary's group as of the date service is resumed.

(2) Upon subsequent retirement of a person who once again becomes a member under subdivision (1) of this subsection, the beneficiary shall not be entitled to a retirement allowance separately computed for the period that service was resumed.

(e)(1) Annually, on or before July 15 each year, each superintendent shall submit to the Agency of Education a report on the number of beneficiaries of the System who have resumed service pursuant to subsection (d) of this section.

(2) On or before August 15 each year, the Secretary of Education shall compile the data received by each superintendent pursuant to subdivision (1)

*of this subsection and submit a report to the Joint Pension Oversight
Committee.*

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2022.