New Model Policy

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Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Annually, in January	**Employment of Retirees**	**5.119**	
		Rescinds:	Issued:

General

The Director of Schools may hire a retired individual if certain conditions are met as provided for in state law.

EMPLOYMENT CONTRACTS FOR UP TO 120 DAYS

Teachers who retire under the Tennessee Consolidated Retirement System (TCRS) may be employed for up to one hundred twenty (120) days per year without loss of retirement benefits. Retired teachers may substitute teach for additional days if the Director of Schools certifies in writing to the Division of Retirement that no other qualified personnel are available to substitute teach.[1]

EMPLOYMENT CONTRACTS FOR ONE YEAR

The Director of Schools may employ teachers retired for at least one (1) year for full-time employment as a kindergarten through twelfth (K-12) grade teacher on a year-to-year basis. Retirement benefits will not be lost or suspended under certain conditions which include, but are not limited to, the following:[2]

1. The Director of Schools of the employing district shall certify in writing that no other qualified individuals are available to fill the position;

2. The Commissioner of Education shall certify that the employing school district serves an area that lacks qualified teachers to serve in the position to be filled;

3. The retired teacher shall hold a valid license and shall not be entitled to tenure status;

4. The retired teacher shall not be eligible to accrue additional retirement benefits, accrue leave, or receive medical insurance coverage; and

5. The salary paid to the retired teacher shall not be less than the rate of compensation set by the Board for teachers with no experience filling similar positions or more than eighty-five percent (85%) of the rate of compensation set by the Board for teachers with comparable training and years of experience filling similar positions.

ADDITIONAL EMPLOYMENT OPTION FOR RETIREES[3]

Retired members of TCRS or a similar system may be offered reemployment for up to one (1) year as a kindergarten through twelfth (K-12) grade teacher, substitute teacher, or bus driver under the following conditions:

1. The retired member has been retired for at least sixty (60) calendar days;

2. The retirement benefit payable to the retired member is reduced to seventy percent (70%) of the retirement allowance;

3. The retired member's employment can't be longer than a one (1) year period; however, the retired member can be reemployed for additional one (1) year periods;

4. The retired member is not drawing disability retirement benefits; and

5. The retired member can't accrue additional retirement benefits.

The Director of Schools shall notify TCRS of the member's reemployment and certify in writing that the retired member has the required experience and training for the position and that no other qualified persons are available to fill the position.

Once the retired member is hired by the district, the district shall pay TCRS as prescribed by state law. The school district shall pay to TCRS during the period of reemployment the greater of (1) a payment equal to the amount the school district would have contributed to TCRS; or (2) an amount equal to five percent (5%) of the retired member's pay rate.

Legal References

1. TCA 8-36-805
2. TCA 8-36-821
3. Public Acts of 2022, Chapter No. 821

Cross References

Application and Employment 5.106
Substitute Teachers 5.701