



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
School Business Officials
Human Resources Directors

FROM: Mellanie B. Jinnette, CFO
Office of Finance

DATE: May 17, 2016

RE: Requirements to Employ Retired Individuals

S.C. Code Ann. § 9-1-1795 (Supp. 2012) states the following for individuals who retired after January 2, 2013:

Employment of certain retired teachers without loss of retirement benefits;
procedure by which retired teachers may be employed.

(A) A retired member of the system may return to employment covered by the system without affecting the monthly retirement allowance he is receiving from the system if the retired member is a certified teacher and is employed by a school district to teach in the classroom in his area of certification in a critical academic need area or geographic need area as defined by the State Board of Education.

(B) For the provisions of this section to apply, the Department of Education must review and approve, from the documentation provided by the school district, that no qualified, nonretired member is available for employment in the position, and that the member selected for employment meets the requirements of this section. However, a school district may not consider a member of the system for employment before May thirty-first of each year. After approval is received from the Department of Education, school districts must notify the State Board of Education of the engagement of a retired member as a teacher and the department must notify the State Retirement System of their exemption from the earnings limitation. If the employing district fails to notify the department of the engagement of a retired member as a teacher, the district shall reimburse the system for all benefits wrongly paid to the retired member.

May 17, 2016

(C) A school district shall pay to the system the employer contribution for active members prescribed by law with respect to any retired member engaged to perform services for the district, regardless of whether the retired member is a full-time or part-time employee, a temporary or permanent employee. If a district which is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the district by the State.

(D) Beginning July 1, 2001, any retired certified school teacher or certified employee may be employed in a school or school district which is in a critical geographic need area or has received a “below average” or “unsatisfactory” academic performance rating pursuant to the Education Accountability Act without penalty from the South Carolina Retirement System.

The following links provide a listing of School Year 2016–17 critical academic need areas and geographic need areas:

[Critical Subject Areas](#)

[Critical Geographic Schools](#)

Attached is the assurance form for School Year 2016–17 for those individuals who want an exemption from the earnings limitation. Teachers who do not want an exemption can be processed through your district personnel policies. Please note that based upon subsection B above, this form should neither be signed nor submitted prior to May 31. Please also note that—without this exemption—the \$10,000 earnings limitation applies to individuals who retired after January 2, 2013, and retired before the individual reached age 62.

If you have any questions, please call me at (803) 734-8122 or email me at mjinnett@ed.sc.gov.

Attachment