

BILL ANALYSIS

Senate Research Center

S.B. 1628
By: Shapiro
State Affairs
4/2/2003
As Filed

DIGEST AND PURPOSE

According to a February 2003 Attorney General Opinion (GA-0018), former teachers temporarily employed by third-party contractors who provide educational services to school districts are not considered professional employees, and thereby do not forfeit their retirement benefits. As proposed, S.B. 1628 clarifies that individuals employed by a company that contracts with a public school and who performs the duties of a teacher are considered school employees who are not entitled to benefits unless they have fulfilled existing return-to-work provisions. S.B. 1628 also allows the Teacher Retirement System to adopt rules regarding the status of third party employees as necessary.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Teacher Retirement System in SECTION 1 (Section 824.601, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 824.601, Government Code to provide that a retiree who is an employee of a third-party entity is deemed to be employed by a Texas public educational institution for purposes of this subchapter if the third-party entity is retained by a Texas public educational institution to provide staff or personnel to the Texas public educational institution and the staff or personnel perform duties or provide services normally rendered by an employee of that Texas public educational institution, unless the retiree does not actually perform the duties or render services on behalf of or for the benefit of the Texas public educational institution. Authorizes the Teacher Retirement System to adopt rules relating to this subchapter as considered necessary by the system.

SECTION 2. Effective date: upon passage or September 1, 2003.