

ACTION: Below is MSBA's recommended new Policy GBAC. This policy addresses the employment (or re-employment) of Missouri education retirees and would replace Policies GCPC and GDPC.

Recommendation: Adopt New Policy GBAC as recommended by MSBA.

Section: Personnel

Title: Staffing with and Employing Retirees

Number: GBAC-Critical

Legal Refs: Sections 161.855, 169.322, .324, .331, .475, .560, .561, .596, .660, RSMo. Age Discrimination in Employment Act, 29 U.S.C. Sections 621- 634
16 C.S.R. 10-5.010, 6.060

Adopted: _____

For the purposes of this policy, a "retiree" is defined as a person who is receiving retirement benefits from the Missouri Public School Retirement System, the Public Education Employee Retirement System, the Kansas City Public School Retirement System or the Public School Retirement System of the City of St. Louis.

The Park Hill School District encourages the superintendent or designee to consider past public school experience when making staffing decisions. When the district will benefit, the district may employ a retiree or contract with a retiree as an independent contractor. The district may also utilize the services of a retiree employed by a third party including, but not limited to, a staffing agency. The district will not create a position solely to benefit a retiree, but the district encourages retirees to apply for positions with the district.

However, given the strict regulation of retirees, the district will staff with a retiree only in situations where the applicable retirement laws will not be violated and the retiree's retirement benefits will not be jeopardized. To avoid compromising a retiree's benefits, the district will not reach a written or unwritten agreement for future employment with a person who has retired or is going to retire until the person has received his or her first retirement benefit payment.

The superintendent or designee may seek legal advice on compliance with the applicable laws and regulations.

Records

Retirees required by law to limit the number of hours they work for the district will maintain accurate records of the dates and hours they have worked as directed by the district and will provide those records to the district. Such records will be maintained by the district.

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Staffing Using Independent Contractors

The district may staff positions using retirees serving as independent contractors, but the superintendent or designee will consult the district's legal counsel or auditor when necessary to ensure that the retiree is appropriately categorized for tax and withholding purposes. In accordance with law, any person performing work for the district for which teacher or administrator certification is required must be an employee of the district, not an independent contractor.

Park Hill School District, Platte County, MO