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Private Acts of 1943 Chapter 423

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

Private Acts of 1943 Chapter 423	3
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Private Acts of 1943 Chapter 423

SECTION 1. That in all Counties in the State of Tennessee, having a population of not less than 51,600, nor more than 51,700, according to the Federal Census of 1940, or any subsequent Federal Census, the County Boards of School Directors, and the County Court of such Counties, be and the same are hereby authorized to create a fund, in the manner hereinafter provided, to be known as the Department of Education's Insurance and Retirement Fund, which fund shall be for the benefit of the employees and their beneficiaries of the Department of Education of said Counties, as provided in this Act.

SEC. 2. That the County Board of School Directors shall, after it has adopted a budget for the Departments of Education each year, add to said budget an amount which shall be not less than three per cent of the budget adopted for said department, which sum so added shall be placed in the Department of Education's Insurance and Retirement Fund and kept in a separate fund by the County Trustee, which official shall by virtue of this Act become officially and personally liable for the safe keeping of these funds and the proper distribution of them in accord with the provisions of this Act; the amount, if beyond three per cent, to be added to said budget to be determined, by the Board of Directors as defined in Section 6, and approved by the County Judge and County Court of said County.

SEC. 3. That the Quarterly Court of said County or Counties be, and is hereby empowered to levy a sufficient annual tax upon all taxable property within the County to raise revenue for the payment of Benefits defined in this Act to participating employees and their beneficiaries and appropriate same for such purpose.

SEC. 4. That each and every employee who participates in said insurance and pension fund shall be assessed not less than three per cent of his or her salary. Said amount shall be deducted from the monthly pay and so shown on the payroll, and the total amount of deduction shall be made by the proper official and placed in the Department of Education's Insurance and Retirement Fund, to be kept by the County Trustee as a separate account. The amount which the county shall be required to pay, shall be not less than three per cent of the annual budget of the Department of Education, PROVIDED, That the County Court shall at no time permit the minimum surplus of money in said Insurance and Retirement fund to be less than Ten Thousand (\$10,000.00) Dollars.

SEC. 5. That the said per cent which shall be added to the annual budgets of the Department of Education as herein provided shall be placed in said separate fund in four (4) equal installments, the first installment to be paid September 1st and the balance in three (3), six (6) and nine (9) months thereafter.

SEC. 6. That a Board of Directors, consisting of two representatives from the County Board of School Directors, and Superintendent, one from the Teacher's Association and Trustee of the County, shall hear and decide all applications for benefits under this Act, and its decisions on such applications shall be final and conclusive. The Superintendent of Education, at any time an employee has become unfit for service on account of disability, or age, after a total of twenty years of service, may, subject to the approval of the County Board of School Directors, order the retirement of such employee on a full pension and pay him or her such an amount as he or she would be entitled to if he or she had made application to said Board of Directors for retirement; PROVIDED, however, the Superintendent of Education must give such employee at least ten days' written notice before any action is taken on his or her enforced retirement, and during said ten day period such employee may file written request with the Chairman of the Board of Directors and on such request being filed by said employee, he or she will be entitled to such hearing, which shall be held not earlier than ten days after the request therefor has been filed. At such hearing either party will be entitled to introduce competent testimony and witnesses and to be represented by counsel. Any such employee dissatisfied with the decision of the Board of Directors may, within ten days after such decision, file a petition for certiorari in the Chancery Court of said county or counties for the purpose of trial de novo, upon execution of bond for costs or in lieu thereof upon taking and filing pauper's oath, and unless such petition for certiorari is filed within said time the findings of the Board of Directors shall be final; PROVIDED, however, that after an employee of the Department of Education has reached seventy (70) years of age his or her retirement shall be compulsory.

SEC. 7. That after an employee who participates in said fund, has served not less than twenty years and becomes physically disabled he or she, may, at the discretion of the Board of Directors, be retired on a full pension and paid a sum equal to fifty per cent of an annual salary based on his or her average monthly salary for the three highest consecutive years of his or her employment in said Department of Education. Any participating employee who has served not less than twenty years and has reached the age of sixty (60) years may request that he be retired on a pension and paid a sum equal to fifty per cent of his salary based on his or her average monthly salary for the highest three consecutive years of his or her employment in the said Department of Education. Any participating employee who has served a total

of twenty-five (25) years, regardless of his age at such time, may request and demand that he or she be retired on a pension equal to fifty per cent of his or her monthly salary for the highest three consecutive years of his or her employment in the said Department of Education, and such employee when such demand is made shall be placed upon such pension roll. After any participating employee has served not less than ten years becomes physically disabled, and because of such disability is unable to discharge the duties required of him or her shall be retired on a partial pension equal to twenty-five per cent of his or her monthly salary for the highest three consecutive years of his or her employment in said Department of Education. After any participating employee of said Department has served not less than fifteen years and becomes physically disabled, and because of such disability is unable to discharge the duties required of him, such employee shall be retired on a partial pension equal to thirty-seven and one-half per cent of his or her monthly salary based on his or her monthly salary for the highest three consecutive years of his or her employment in the said Department of Education. Except that no payment shall exceed the limit hereinafter set forth. At the death of any participating employee or pensioner of the Department of Education there shall be paid his or her beneficiary or beneficiaries, the sum of Two Hundred and Fifty Dollars (\$250.00).

SEC. 8. That the full amount of pension any participating employee shall be entitled to shall be not less than fifty per cent of such employee's monthly salary based on his or her average monthly salary for the highest three consecutive years of his or her employment in said Department of Education, and shall be paid in twelve monthly payments each year; provided, however, that the maximum amount any such employee shall receive as a pension shall be Seventy-five Dollars (\$75.00) per month, or Nine Hundred (\$900.00) Dollars per year. In computing the time served by an applicant for a pension, if such applicant has been employed in other departments of said county or in any special district of said county and has been employed as much as eight years in the Department of Education, such applicant shall be given credit for the time served in such other departments. Any applicant who has taught in a separate school system within said county or within the State of Tennessee and who at the time of application is a regular employee of the said Department of Education, shall be given credit for the time served in the schools of the said system and State; hence in computing the time served by an applicant for a pension credit shall be given for the time employed by the Department of Education of any other systems within the State; PROVIDED, however, that no applicant, except those applicants employed at the time of the passage of this Act, will be entitled to credit for the time employed by the Department of Education in any other system within the State.

SEC. 9. That if any participating employee of the Department of Education while engaged in this discharge of his or her duties shall receive injuries resulting in such employee becoming disabled from performing his or her duties, he or she shall be placed on a full pension and paid the amount heretofore provided, regardless of the length of time served; provided, however, that before such injured employee shall be retired on a pension the Board of Directors shall have the right to have him or her examined by competent physicians to determine whether or not such disabled employee is unable to discharge his or her regular, or any other duty that may be required of him or her by officials of the Department of Education; and PROVIDED, further, that no disabled employee shall be retired on a pension because of injury until six months after such injury was received. Any employee retired on a pension because of an injury, in event of recovery to the extent that he or she is again able to perform any duty required of him or her shall be removed from the pension roll and be reinstated in service, at the discretion of the Board of Education. If such employee who has been placed upon the pension roll refuses to allow himself or herself to be examined by physicians selected by the Board, the Board of Directors shall have the right to suspend his pension until such time as he may permit an examination by the physicians selected by the Board; provided the physician or physicians selected shall be agreeable to the employee involved and the County Board.

SEC. 10. That in case any participating employee shall withdraw from said service, the amount paid by him or her into the Department of Education's Insurance and Retirement Fund shall be refunded without interest.

SEC. 11. That the Insurance or Retirement fund either before or after its distribution by the County Trustee to disabled or retired employees, or to the beneficiary of any deceased employee or pensioner, shall be exempt from the debts of such employees and shall not be subject to attachment, garnishment, execution, or other legal process, but that the same shall be received by such employee, or beneficiary, free from the debts, judgments and demands of such employees or beneficiaries.

SEC. 12. That any participating employee who has served not less than twenty-five years shall not be deprived of his or her rights to a pension as provided for in this Act for any reason less than the conviction of a felony in a court of competent jurisdiction. "Employees of the Department of Education" as used in this Act shall mean the Superintendent of School, Assistant Superintendent, Department Heads, Supervisor, Visiting Teachers, Teachers, Principals, Assistant Principals, and Librarians.

SEC. 13. That the County Board of School Directors shall assemble and keep on file in the offices of the Department of Education, the service records of all employees of the Departments of Education. These records shall show years of employment, monthly salaries, and any other information deemed necessary by the Board of Directors of the Fund, said service records shall be brought up to date each year, and made available to Board of Directors at any time.

SEC. 14. That a person receiving a pension from said county who accepts any position with any public tax supported organization within the county shall be removed from the Pension Poll during such time of employment; PROVIDED, however, that upon the termination of such employment said pensioner shall receive the amount per month as originally awarded.

SEC. 15. That membership in the Insurance and Pension system shall be open to all the employees in the county schools at the time of the inauguration of the system for a period of six months, but compulsory as to employees coming into the schools after the date of inauguration.

SEC. 16. That any participating employee who wishes credit for previous service may secure such credit by paying into the fund one per cent of the salary for each year of experience claimed. Such back assessments may be paid in equal monthly installments over a period of forty-eight (48) months.

SEC. 17. That there shall be kept by said Board of Directors a book to be known as THE LIST OF RETIRED EMPLOYEES OF THE DEPARTMENT OF EDUCATION. This book shall give full and complete record of the action of the County Board of School Directors in retiring any and all persons. Such records shall give names, date of retirement and the reasons therefor as to all persons retired. All employees seeking retirement or pensions for permanent disability shall make application to the Board of Directors on a form to be provided by the said Board, which application shall be accompanied by proof of facts entitling retirement, or proper medical proof of disability. All applications and proofs shall be retained in the custody of the Board of Directors. Due notice of application shall be recorded by the Superintendent and the applicants shall be notified five (5) days in advance of the hearing by the Board of Directors, of his or her application, should for any reason the Board request further evidence of need of retirement.

SEC. 18. That every participating employee beneficiaries who, in event of his or her death may be entitled to any benefits, shall file with the Board of Directors the names of his or her beneficiaries in the order of their preference, stating the relationship of each to said employee, PROVIDED, however, that failure to file the names required by this section shall not deprive the employee of his legal beneficiaries of any rights under this Act.

SEC. 19. That no employee shall participate in the benefits derived from this Act until three (3) years after the County Court has made its proper appropriations, and deductions shall have been made from the salaries for said term of the participating teachers; PROVIDED, however, that in case of death of any employee who participates in said Insurance and Retirement Fund that his or her beneficiary shall be entitled to the amount set forth in this Act.

SEC. 20. That this Act shall receive a liberal interpretation and construction; and if any word, clause, paragraph, or section shall seem to deny the intent of this Act then such portion shall be ignored.

SEC. 21. That all laws and portions of laws in conflict with this Act be, and the same are hereby repealed.

SEC. 22. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: February 9, 1943.

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