Public Law 274 CHAPTER 95

AN ACT

To amend the Act for the retirement of public-school teachers in the District of Columbia.

March 6, 1952
[H. R. 3860]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 875), as amended, is amended as follows: (a) By striking from the first sentence thereof the words "beginning as the 1st day of the September following the effective date of this Act"; (b) by striking from the first sentence thereof the words "annual amount computed to the nearest tenth of a dollar" and inserting in lieu thereof the word "amount"; (c) by striking from the first sentence thereof the figure "5" and inserting in lieu thereof the figure "6"; and (d) by striking therefrom the second, third, and fourth sentences.

D. C. public-school teachers. Retirement.
D. C. Code 31-721.

SEC. 2. Subsection (b) of section 3 of said Act is amended to read as follows:

D. C. Code 31-723.
Voluntary retirement.

"(b) Any teacher to whom this Act applies who shall have attained or shall hereafter attain the age of fifty-five years and shall have rendered at least thirty years of service, computed as prescribed in section 8 of this Act, may voluntarily retire and shall be paid an immediate life annuity beginning on the first day of the month following the date of separation from the service, computed as prescribed in section 5 (a) of this Act, reduced by one-fourth of 1 per centum for each full month such teacher is under sixty years of age."

Post, p. 19.

SEC. 3. The last paragraph of section 4 of such Act is amended to read as follows:

D. C. Code 31-724.
Discontinued annuity.

"In all cases where the annuity is discontinued under the provisions of this section, so much of the annuity payments as would have been provided by an annuity whose actuarial value at the time of retirement was equal to the contributions accumulated with interest shall be charged against his individual account and, unless he shall become reemployed in a position under the purview of this Act, he shall be considered as having been separated from the service for other than retirement purposes and entitled to the benefits of section 9 (a) hereof: *Provided, however*, That if such teacher were also receiving an annuity because of voluntary deposits made under the provisions of section 1 hereof, such annuity may be continued or, at the option of the teacher, the actuarial reserve value of such annuity may be withdrawn in cash unless the teacher is reemployed in a position within the purview of this Act, in which case the amount of such reserve value shall be treated as a voluntary deposit under the provisions of section 1 hereof."

D. C. Code 31-729.
Annuity because of voluntary deposits.

SEC. 4. Section 5 of said Act is amended to read as follows:

D. C. Code 31-725.
Annuity computation.

"SEC. 5. (a) That every teacher who shall be retired under the provisions of section 3 or section 4 of this Act shall receive an annuity composed of (1) a sum equal to 1 per centum of his average annual salary received during any five consecutive years of allowable service in the public schools of the District of Columbia, at the option of the teacher, multiplied by the years of service, plus a sum equal to $25 for each year of service or (2) a sum equal to 1½ per centum of his average annual salary received during any five consecutive years of allowable

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service in the public schools of the District of Columbia, at the option of the teacher, multiplied by the years of service: *Provided*, That with the exception of the computation of deferred annuities provided in section 9 of this Act no annual salary used in the computation of the average annual salary received during any five consecutive years of allowable service shall be less than the maximum salary for class 1, group A (established by the District of Columbia Teachers' Salary Act of 1947, as amended), as it was in the year the salary was received, or $4,330, whichever is greater. Annuities granted under the terms of this Act shall accrue monthly and shall be due and payable in monthly installments at the beginning of the month following the month for which the annuity shall have accrued, such monthly installments being computed to the nearest dollar. Annuities payable to any retired teacher who has become eligible for retirement because of age as defined in section 3 of this Act shall be payable during the lifetime of the annuitant. Annuities payable to any teacher retired on account of disability shall be subject to the conditions set forth under section 4 of this Act.

D. C. Code 31-729.

Post, p. 19.

61 Stat. 248; 65 Stat. 636.

Options.

Ante, p. 17.

"(b) Any teacher retiring under the provisions of section 3 or section 4 of this Act may, at the time of retirement, elect to receive in lieu of the life annuity described herein one of the following:

"(1) A reduced annuity and an annuity after death payable to his or her surviving widow or widower designated by such teacher at time of retirement equal to 50 per centum of such life annuity. The life annuity of the teacher making such election shall be reduced by 5 per centum of so much thereof as does not exceed $1,500, plus 10 per centum of the balance of such life annuity, and shall be further reduced by three-fourths of 1 per centum of such life annuity for each full year, if any, the designated wife or husband is under age of sixty at time of retirement, but the total reduction shall in no case be more than 25 per centum of such life annuity. The annuity of such widow or widower shall begin on the first day of the month immediately following the month in which the death of the retired teacher occurs or the first day of the month following the widow's or widower's attainment of age fifty, whichever is the later, and such annuity or any right thereto shall terminate upon his or her death or remarriage.

"(2) If unmarried and in good health, a reduced annuity payable to him during his life, and an annuity after his death payable to a survivor annuitant having an insurable interest in such teacher, duly designated in writing and filed with the Auditor of the District of Columbia at the time of retirement, during the life of such survivor annuitant equal to 50 per centum of such reduced annuity and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable. The annuity hereunder payable to the teacher shall be 90 per centum of the life annuity otherwise payable if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85 per centum if the survivor annuitant is five but less than ten years younger; 80 per centum if the survivor annuitant is ten but less than fifteen years younger; 75 per centum if the survivor annuitant is fifteen but less than twenty years younger; 70 per centum if the survivor annuitant is twenty but less than twenty-five years younger; and 60 per centum if the survivor annuitant is twenty-five or more years younger. No such election shall be valid until the retiring teacher shall have satisfactorily passed a physical examination under the direction of the Health Officer of the District of

Columbia, as prescribed by the Board of Education. No person shall be eligible to receive an annuity under this subsection and an annuity under subsection (b) of section 9 of this Act based upon the service of the same teacher covering the same period of time.

"(3) A reduced annuity of equivalent value providing for a life-insurance benefit payable in a lump sum at the time of the annuitant's death. The face amount of such life insurance may be in any amount which the retiring teacher shall designate at the time of retirement but shall not exceed his contributions accumulated with interest to the date of retirement. Payment of such insurance shall be made in accordance with the provisions of section 10 of this Act. Any annuitant who elects to receive the reduced annuity with fixed life-insurance benefits may reconvert the value of the life insurance to an additional annuity of equivalent value on any anniversary of the retirement date of said annuitant prior to reaching age seventy."

SEC. 5. Section 6 of said Act is amended to read as follows:

D. C. Code 31-726.
Minimum credit.
Ante, p. 17.

"SEC. 6. That in calculating, as provided in section 5 (a), the annuity of a teacher retired under the provisions in section 4 of this Act, a minimum credit of twenty years shall be used in determining the sum allowable to a teacher with less than twenty years of service: *Provided*, That such minimum credit shall not exceed the total number of years of service which the teacher might have served if continuously employed as a teacher in the public schools of the District of Columbia to age sixty-two."

Restriction.

SEC. 6. Section 7 of said Act, as amended, is amended by striking therefrom the words "level amount computed to be sufficient to liquidate the unfunded accrued liability within a period of approximately fifty years after the effective date of this Act", and inserting in lieu thereof the words "amount equal to the interest on the unfunded accrued liability".

D. C. Code 31-727.
Calculation of appropriation.

SEC. 7. (a) The first sentence of section 8 of said Act is amended to read as follows:

D. C. Code 31-728.
Term of service.
Computation.

"SEC. 8. The years of service which form the basis for determining the amount of the annuity provided in section 5 (a) of this Act shall be computed from the date of original probationary appointment as a teacher in the public schools of the District of Columbia, including so much of any authorized leaves of absence without pay beginning on the effective date of this amendatory Act as does not exceed six months in the aggregate in any fiscal year, plus any service credit that may be allowed under the provisions of this section: *Provided*, That the total credit granted for leaves of absence without pay shall not exceed one year: *Provided further*, That deposits equal to 5 per centum of those portions of salary received between July 1, 1949, and the effective date of this amendatory Act for which service credit was not earned may be made, and service credit received accordingly."

(b) The second sentence of section 8 of said Act is amended by striking so much thereof preceding the first proviso as reads:

"; and the first ten-year period to begin on the date of the first probationary appointment as a teacher in the public schools of the District of Columbia."

SEC. 8. Section 9 of said Act is amended by renumbering said section "9 (a)" and by adding the following at the end of said section:

D. C. Code 31-729.
Payments to survivors.

"(b) (1) In the event any teacher to whom this Act applies shall die subsequent to the date of enactment of this amendatory Act after having rendered at least five years of service in the public schools of the District of Columbia and is survived by a widow, such widow shall

be paid an annuity beginning the first day of the month following the death of the teacher or following the widow's attainment of age fifty, whichever is the later, equal to one-half the amount of an annuity computed as provided in section 5 (a) of this Act with respect to such teacher: *Provided*, That such payments or any right thereto shall cease upon the death or remarriage of the widow.

Ante, p. 17.

"(2) In the event any teacher to whom this Act applies shall die subsequent to the date of enactment of this amendatory Act after having rendered at least five years of service in the public schools of the District of Columbia, or after having retired subsequent to such date of enactment under section 3 or section 4 of this Act, and is survived by a widow and a child or children, such widow shall be paid an immediate annuity terminable upon death, remarriage, or attainment of age fifty. The annuity payable to the widow of such teacher shall be equal to one-half the amount of an annuity computed as provided in section 5 (a) of this Act with respect to such teacher. The annuity payable to the widow of such annuitant shall be equal to one-half the amount of the annuity, which such annuitant was receiving at the time of his death, excluding any portion thereof purchased by voluntary contributions under section 1, or, if such annuitant had elected a reduced annuity under the provisions of section 5 (b) of this Act, one-half of the annuity which such annuitant would have received if he had not made such election. There shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed $900 divided by the number of such children or $360, whichever is lesser. Upon the death of such widow, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection.

Ante, p. 17.

"(3) In the event any teacher to whom this Act applies shall die subsequent to the date of enactment of this amendatory Act after having rendered at least five years of service in the public schools of the District of Columbia, or after having retired under the provisions of section 3 or section 4 of this Act subsequent to such date of enactment and leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, but not to exceed $1,200 divided by the number of such children or $480, whichever is lesser.

"(4) The annuity payable to a child under this subsection shall be terminable upon his attaining the age of eighteen years, or his marriage, or his death, whichever occurs first, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability. In any case in which the annuity of a child, under this subsection, is terminated, the annuities of any other child or children, based upon the service of the same teacher, shall be recomputed and paid as though the child whose annuity was so terminated had not survived the teacher.

"(5) In the event any teacher to whom this Act applies shall die subsequent to the date of enactment of this amendatory Act after having rendered at least five years of service in the public schools of the District of Columbia and is not survived by a widow, widow and children, or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to one-half the

amount of an annuity computed as provided in section 5 (a) of this Act with respect to such teacher: *Provided*, That such payments shall be made jointly to surviving dependent parents and payment of said annuity shall continue after the death of either dependent parent: *Provided further*, That all such payments or any right thereto shall cease upon the death of both dependent parents.

"(c) As used in this section— Definitions.

"(1) The term 'widow' means a surviving wife of an individual, who either shall have been married to such individual for at least two years immediately preceding his death, or is the mother of issue by such marriage.

"(2) The term 'child' means an unmarried child, including a dependent stepchild or an adopted child, under the age of eighteen years, or such unmarried child who because of physical or mental disability is incapable of self-support.

"(3) The term 'dependent parents' means the natural parents of a teacher who were receiving one-half or more of their total income from said teacher immediately preceding the death of said teacher.

"(4) The term 'dependent father' or 'dependent mother' means the natural father or natural mother of a teacher who was receiving one-half or more of his or her total income from said teacher immediately preceding the death of said teacher.

"(5) Questions of dependency and disability arising under this section shall be determined by the Board of Education and its decisions with respect to such matters shall be final and conclusive and shall not be subject to review."

SEC. 9. Section 10 of said Act is amended (a) by numbering the first, second, and third paragraphs thereof as "SEC. 10 (a), (b), and (c)" respectively; (b) by inserting in the second paragraph thereof after the words "In the event any teacher shall die before retirement" the words "leaving no survivor entitled to annuity benefits under the provisions of this Act"; and (c) by adding the following at the end of said section: D. C. Code 31-730. Beneficiaries.

"(d) In the event that—

"(1) a retired teacher shall die without a survivor entitled to benefits by subsection (b) of section 5 or subsection (b) of section 9, or *Ante*, pp. 18, 19.

"(2) a retired teacher shall die leaving a survivor or survivors entitled to such benefits and the right to benefits of all such survivors shall terminate before a valid claim therefor shall have been established, or

"(3) the benefits of all persons entitled to benefits based upon the service of a teacher shall terminate, before the aggregate amount of the benefits paid equals the total amount credited to the individual account of such teacher with interest, to date of death or retirement of such teacher, whichever occurs first, the difference shall be paid, upon the establishment of a valid claim therefor, provided the claim be filed with the Auditor of the District of Columbia within three years after the death or retirement of such teacher, to the beneficiary or beneficiaries, if a beneficiary or beneficiaries be designated in writing by the teacher and recorded on his individual account, or, if there be no such beneficiary or beneficiaries designated, then to the duly appointed executor or administrator of the estate of the teacher, or, if the amount payable be less than $1,000 and no executor or administrator is appointed, to such person or persons as the Auditor, in his judgment, may

determine is or are legally entitled thereto. Any payment made by the Auditor under this section shall be a bar to a recovery by any other person."

Recomputation.

SEC. 10. The annuities of all teachers retired prior to the effective date of this Act shall be recomputed in accordance with the provisions of section 4 of this Act within ninety days after the approval of this Act retroactive to the effective date of this Act, and no recomputation shall be made which will reduce the annuity received by any retired teacher: *Provided*, That the average annual salary during any five consecutive years, specified in section 4 of this Act, upon which the annuity is based shall be within the last ten years of allowable service in the public schools of the District of Columbia: *Provided further*, That the increased amount of the annuity resulting therefrom shall be a straight life annuity without any insurance or death benefits of any kind.

Effective date.

SEC. 11. This Act shall take effect on the first day of the second month following its enactment.

Approved March 6, 1952.

Public Law 275 — CHAPTER 96

March 7, 1952
[S. 1710]

AN ACT

To authorize the Secretary of the Army to convey certain road right-of-way easements in De Kalb and Putnam Counties, Tennessee, to the State of Tennessee.

Tennessee.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to convey to the State of Tennessee, without reimbursement, all the right, title, and interest of the United States in and to those certain road right-of-way easements over lands in De Kalb and Putnam Counties, Tennessee, acquired by the United States for use as an access road to the Center Hill Dam and Reservoir, all as set out on sheets 4 to 16, inclusive, of highway drawing dated March 1942, designated as "Right Bank Access Road—Dam Site to Silver Point" on file in the Office, Chief of Engineers, Department of the Army.

Approved March 7, 1952.

Public Law 276 — CHAPTER 97

March 10, 1952
[S. 1411]

AN ACT

To authorize the Postmaster General to issue duplicate checks without requiring bond when such checks of the Post Office Department are lost while in the custody of the United States or lost without fault of owner or holder.

Post Office Department checks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 3646 (e) of the Revised Statutes of the United States (31 U. S. C. 528 (e)) is amended to read as follows: "*Provided*, That when the Postmaster General is satisfied that such loss, theft, or destruction occurred without fault of the owner or holder or while any check was in the custody or control of the Post Office Department or in the mails, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such affidavit as he may prescribe, to be made by the payee or owner of an original check."

Approved March 10, 1952.