

**OPINION  
46-278**

June 28, 1946           (OPINION)

TEACHERS RETIREMENT FUND

RE: Teaching - What Constitutes

Your letter of June 19, addressed to the attorney general, has been received and contents noted.

You inquire as to whether or not a person who is requested to retire from active service as an instructor in a state institution because of age, but who would continue to receive some remuneration for certain research work or for travel for the purpose of collecting material along the lines of his previous work, would come under the classification of "retired" within the meaning of the teachers retirement fund law.

Section 15-3928 provides among other things that each teacher who shall have retired from service in the public schools or state institutions under the provisions of section 15-3927 shall be entitled to receive annuities as follows: (Then follow the different methods by which the annuity may be paid).

In the case that you submit, the party in question is no longer engaged as an instructor or teacher. In fact, he has retired from the teaching profession. The work that he may do is merely incidental. It is work that is not being done regularly. He is not instructing in any classes and, in fact, to all intents and purposes, he has retired from service in the public schools or state institutions. Service, as contemplated in the teachers retirement fund statutes, has reference to actual teaching and not to piecemeal work that may be done now and then, particularly research work which has no direct connection with actual teaching.

It is the opinion of this office, therefore, that upon a state of facts as stated in your letter, a person who retires under the circumstances therein set forth has actually retired as a teacher or instructor and is therefore entitled to annuity payments under the teachers retirement fund statute.

NELS G. JOHNSON

Attorney General