

# SENATE BILL 576

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CF HB 630

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By: **Senator Jones–Rodwell (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 30, 2014

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment of Retirees –**  
3 **Penalty for Failure to Submit Certification**

4 FOR the purpose of altering the amount a local school system or the Maryland School  
5 for the Deaf must pay as a penalty for failing to submit to the Board of Trustees  
6 for the State Retirement and Pension System and the State Department of  
7 Education within a certain period of time a certain certification regarding  
8 certain retirees of the Teachers' Retirement System or the Teachers' Pension  
9 System who are employed by a local school system or the Maryland School for  
10 the Deaf and are exempt from a certain retirement allowance offset; and  
11 generally relating to the penalty for the failure to submit a certain certification  
12 regarding certain reemployed retirees in the teachers' retirement and pension  
13 systems.

14 BY repealing and reenacting, with amendments,  
15 Article – State Personnel and Pensions  
16 Section 22–406(c)(9) and 23–407(c)(9)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2013 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Personnel and Pensions**

22 22–406.

23 (c) (9) (i) The superintendent of the local school system or the  
24 superintendent of the Maryland School for the Deaf rehiring an individual under  
25 paragraph (4)(v) or (vi) of this subsection shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. approve the rehiring of that individual; and
- 2 2. determine the school where the individual is to be
- 3 reemployed.

4 (ii) Within 30 days after rehiring an individual, the

5 superintendent of a local school system or the superintendent of the Maryland School

6 for the Deaf shall complete and file with the Board of Trustees and the State

7 Department of Education a form provided by the Board of Trustees that certifies that

8 the individual rehired by the local school system or the Maryland School for the Deaf

9 under paragraph (4)(v) or (vi) of this subsection:

- 10 1. satisfied the criteria provided in paragraph (4)(v) or
- 11 (vi) of this subsection;
- 12 2. was reemployed at a school described under
- 13 paragraph (5)(i) or (6) of this subsection; and
- 14 3. if rehired under paragraph (4)(v) of this subsection,
- 15 was:
- 16 A. teaching in an area specified in paragraph (5)(ii) of
- 17 this subsection; or
- 18 B. teaching in any class or subject or providing
- 19 educational services as provided under paragraph (8) of this subsection.

20 (iii) 1. On or before April 1 of each year, the Board of

21 Trustees and the State Department of Education shall jointly review any forms filed

22 by a superintendent of a local school system or the superintendent of the Maryland

23 School for the Deaf under subparagraph (ii) of this paragraph during the previous

24 calendar year.

25 2. If the Board of Trustees and the State Department of

26 Education agree that a superintendent of a local school system or the Maryland School

27 for the Deaf has rehired an individual that does not satisfy the criteria provided in

28 paragraphs (4)(v) and (5), paragraphs (4)(vi) and (6), or paragraph (8) of this

29 subsection:

30 A. on or before July 1 of the year of the finding, the

31 Board of Trustees shall notify the superintendent of the local school system or the

32 Maryland School for the Deaf of this individual; and

33 B. the local school system or the Maryland School for the

34 Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the

35 individual's retirement allowance that would have been made in paragraph (2) of this

36 subsection.

1 (iv) If a superintendent of a local school system or the  
2 superintendent of the Maryland School for the Deaf rehires an individual that satisfies  
3 the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection  
4 and the Board of Trustees and the State Department of Education do not receive  
5 certification from the superintendent in the time required under subparagraph (ii) of  
6 this paragraph:

7 1. on or before July 1 of the year of the finding, the  
8 Board of Trustees shall notify the superintendent of the local school system or the  
9 superintendent of the Maryland School for the Deaf of this individual; and

10 2. the local school system or the Maryland School for the  
11 Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the  
12 individual's retirement allowance that would have been made in paragraph (2) of this  
13 subsection as a result of the superintendent's failure] **PAY THE BOARD OF**  
14 **TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS** to submit **THE**  
15 certification under subparagraph (ii) of this paragraph **IN THE TIME REQUIRED, NOT**  
16 **TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION**  
17 **IS NOT SUBMITTED IN THE TIME REQUIRED.**

18 (v) The local school system or the Maryland School for the Deaf  
19 shall make the reimbursement on or before December 31 of the year the local school  
20 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
21 under subparagraph (iii)2A of this paragraph.

22 23-407.

23 (c) (9) (i) The superintendent of the local school system or the  
24 superintendent of the Maryland School for the Deaf rehiring an individual under  
25 paragraph (4)(iv) or (v) of this subsection shall:

26 1. approve the rehiring of that individual; and

27 2. determine the school where the individual is to be  
28 reemployed.

29 (ii) Within 30 days after rehiring an individual, the  
30 superintendent of a local school system or the superintendent of the Maryland School  
31 for the Deaf shall complete and file with the Board of Trustees and the State  
32 Department of Education a form provided by the Board of Trustees that certifies that  
33 the individual rehired by the local school system or the Maryland School for the Deaf  
34 under paragraph (4)(iv) or (v) of this subsection:

35 1. satisfied the criteria provided in paragraph (4)(iv) or  
36 (v) of this subsection;

1                                   2.     was reemployed at a school described under  
2 paragraph (5)(i) or (6) of this subsection; and

3                                   3.     if rehired under paragraph (4)(iv) of this subsection,  
4 was:

5                                   A.     teaching in an area specified in paragraph (5)(ii) of  
6 this subsection; or

7                                   B.     teaching in any class or subject or providing  
8 educational services as provided under paragraph (8) of this subsection.

9                                   (iii) 1.     On or before April 1 of each year, the Board of  
10 Trustees and the State Department of Education shall jointly review any forms filed  
11 by a superintendent of a local school system or the superintendent of the Maryland  
12 School for the Deaf under subparagraph (ii) of this paragraph.

13                                   2.     If the Board of Trustees and the State Department of  
14 Education agree that a superintendent of a local school system or the Maryland School  
15 for the Deaf has rehired an individual that does not satisfy the criteria provided in  
16 paragraphs (4)(iv) and (5), paragraphs (4)(v) and (6), or paragraph (8) of this  
17 subsection:

18                                   A.     on or before July 1 of the year of the finding, the  
19 Board of Trustees shall notify the superintendent of the local school system or the  
20 Maryland School for the Deaf of this individual; and

21                                   B.     the local school system or the Maryland School for the  
22 Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the  
23 individual's retirement allowance that would have been made in paragraph (2) of this  
24 subsection.

25                                   (iv) If a superintendent of a local school system or the  
26 superintendent of the Maryland School for the Deaf rehires an individual that satisfies  
27 the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection  
28 and the Board of Trustees and the State Department of Education do not receive  
29 certification from the superintendent in the time required under subparagraph (ii) of  
30 this paragraph:

31                                   1.     on or before July 1 of the year of the finding, the  
32 Board of Trustees shall notify the superintendent of the local school system or the  
33 superintendent of the Maryland School for the Deaf of this individual; and

34                                   2.     the local school system or the Maryland School for the  
35 Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the  
36 individual's retirement allowance that would have been made in paragraph (2) of this

1 subsection as a result of the superintendent's failure] **PAY THE BOARD OF**  
2 **TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS** to submit **THE**  
3 certification under subparagraph (ii) of this paragraph **IN THE TIME REQUIRED, NOT**  
4 **TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION**  
5 **IS NOT SUBMITTED IN THE TIME REQUIRED.**

6 (v) The local school system or the Maryland School for the Deaf  
7 shall make the reimbursement on or before December 31 of the year the local school  
8 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
9 under subparagraph (iii)2A of this paragraph.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2014.