
By: **Delegates Bohanan, Wood, and O'Donnell**

Introduced and read first time: March 2, 2000

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 6, 2000

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2000

CHAPTER _____

1 AN ACT concerning

2 **Teachers' Retirement System - Employment of Retirees**

3 FOR the purpose of exempting from a certain offset of a retirement allowance certain
4 retirees of the Teachers' Retirement System who retired from a board of
5 education or local school system on or before a certain date and are reemployed
6 in a part-time position with the University System of Maryland; and providing
7 for the delayed effective date of a portion of this Act.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 22-406(b)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 22-406(b)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1999 Supplement)
18 (As enacted by Chapter 518 of the Acts of the General Assembly of 1999)

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

1 **Article - State Personnel and Pensions**

2 22-406.

3 (b) (1) This subsection does not apply to:

4 (i) an individual who has been retired for more than 10 years;

5 (ii) an individual whose average final compensation was less than
6 \$10,000 and who is reemployed on a temporary or contractual basis;7 (iii) an individual who is serving in an elected position as an official
8 of a participating governmental unit or as a constitutional officer for a county that is
9 a participating governmental unit;

10 (iv) a retiree of the Teachers' Retirement System:

11 1. who retired and was reemployed by a participating
12 employer other than the State on or before September 30, 1994; and13 2. whose employment compensation does not derive, in whole
14 or in part, from State funds; [or]

15 (v) a retiree of the Teachers' Retirement System who:

16 1. is or has been certified to teach in the State;

17 2. has verification of satisfactory or better performance in
18 the last assignment prior to retirement;19 3. based on the retired teacher's qualifications, has been
20 appointed in accordance with § 4-103 of the Education Article;21 4. A. retired with a normal service retirement allowance
22 under § 22-401 of this article; or23 B. retired with an early service retirement allowance under §
24 22-402 of this article and has been retired for at least 12 months;

25 5. subject to item 6 of this item is employed as:

26 A. a substitute classroom teacher or substitute teacher
27 mentor in a public school that has been recommended for reconstitution, or has been
28 reconstituted, by the State Board of Education, until the public school meets the
29 standards for school performance set by the State Board of Education;30 B. a classroom teacher or teacher mentor in a public school
31 that has been recommended for reconstitution, or has been reconstituted, by the State
32 Board of Education, until the public school meets the standards for school
33 performance set by the State Board of Education;

1 C. a classroom teacher or teacher mentor in a county or
 2 subject area on a statewide basis in which the State Board of Education finds that
 3 there is a shortage of teachers, until the State Board of Education finds the shortage
 4 no longer exists in that county or subject area on a statewide basis; or

5 D. a substitute classroom teacher or substitute teacher
 6 mentor in a county or subject area on a statewide basis in which the State Board of
 7 Education finds that there is a shortage of teachers, until the State Board of
 8 Education finds the shortage no longer exists in that county or subject area on a
 9 statewide basis; and

10 6. receives verification of satisfactory or better performance
 11 each year the teacher is employed under item 5 of this item; OR

12 (VI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM:

13 1. WHO RETIRED FROM A BOARD OF EDUCATION OR LOCAL
 14 SCHOOL SYSTEM; AND

15 2. WHO IS REEMPLOYED IN A PART-TIME POSITION WITH
 16 THE UNIVERSITY SYSTEM OF MARYLAND.

17 (2) The Board of Trustees shall reduce an individual's allowance:

18 (i) by the amount that the sum of the individual's initial annual
 19 basic allowance and the individual's annual compensation exceeds the average final
 20 compensation used to compute the basic allowance; or

21 (ii) for a retiree who retired under the Workforce Reduction Act
 22 (Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual
 23 compensation and the retiree's annual basic allowance at the time of retirement,
 24 including the incentive provided by the Workforce Reduction Act, exceeds the average
 25 final compensation used to compute the basic allowance.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 27 read as follows:

28 **Article - State Personnel and Pensions**

29 22-406.

30 (b) (1) This subsection does not apply to:

31 (i) an individual who has been retired for more than 10 years;

32 (ii) an individual whose average final compensation was less than
 33 \$10,000 and who is reemployed on a temporary or contractual basis;

1 (iii) an individual who is serving in an elected position as an official
2 of a participating governmental unit or as a constitutional officer for a county that is
3 a participating governmental unit; [or]

4 (iv) a retiree of the Teachers' Retirement System:

5 1. who retired and was reemployed by a participating
6 employer other than the State on or before September 30, 1994; and

7 2. whose employment compensation does not derive, in whole
8 or in part, from State funds; OR

9 (V) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM:

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20 compensation and the retiree's annual basic allowance at the time of retirement,
21 including the incentive provided by the Workforce Reduction Act, exceeds the average
22 final compensation used to compute the basic allowance.

23 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
24 take effect July 1, 2004.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
26 Section 3 of this Act, this Act shall take effect July 1, 2000.