

HOUSE BILL 316
EMERGENCY BILL

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K4

2001 Regular Session
1r1345

By: **Delegates Rosenberg and Eckardt**
Introduced and read first time: January 29, 2001
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Pensions and Retirement - Reemployment of Retirees - ~~Nurses~~ Health Care**
3 **Practitioners**

4 FOR the purpose of exempting from a certain offset of a retirement allowance certain
5 retirees of the Employees' Retirement System or the Employees' Pension System
6 who are employed by the Department of Health and Mental Hygiene in certain
7 hospitals; exempting from certain reemployment restrictions certain retirees of
8 the Employees' Retirement System or the Employees' Pension System who are
9 employed by the Department of Health and Mental Hygiene in certain hospitals;
10 requiring the Department of Health and Mental Hygiene to provide certain
11 information to the State Retirement Agency; providing for the termination of
12 this Act; making this Act an emergency measure; and generally relating to the
13 reemployment of retirees of the Employees' Retirement System or the
14 Employees' Pension System who serve in certain personnel positions.

15 BY repealing and reenacting, without amendments,
16 Article - State Personnel and Pensions
17 Section 21-304
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - State Personnel and Pensions
22 Section 22-406
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 2000 Supplement)

1 (As enacted by Chapter 245 of the Acts of the General Assembly of 2000)

2 BY repealing and reenacting, with amendments,
3 Article - State Personnel and Pensions
4 Section 23-407
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 2000 Supplement)

7 BY repealing and reenacting, with amendments,
8 Chapter 353 of the Acts of the General Assembly of 1996
9 Section 3

10 BY repealing and reenacting, with amendments,
11 Chapter 736 of the Acts of the General Assembly of 1997
12 Section 3

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

15 **Article - State Personnel and Pensions**

16 21-304.

17 (a) In this section, "State member" does not include a member on whose behalf
18 a participating governmental unit is required to make an employer contribution
19 under § 21-305 or § 21-306 of this subtitle.

20 (b) (1) Each fiscal year, on behalf of the State members of each State system,
21 the State shall pay to the appropriate accumulation fund an amount equal to or
22 greater than the product of multiplying:

23 (i) the aggregate annual earnable compensation of the State
24 members of that State system; and

25 (ii) the sum of the normal contribution rate and the accrued
26 liability contribution rate, as determined under this section.

27 (2) The amount determined under paragraph (1) of this subsection for
28 each State system shall be based on an actuarial determination of the amounts that
29 are required to preserve the integrity of the funds of the several systems using:

30 (i) the entry-age actuarial cost method; and

31 (ii) actuarial assumptions adopted by the Board of Trustees.

32 (3) For the purpose of making the determinations required under this
33 section:

1 (i) the Employees' Retirement System and the Employees' Pension
2 System shall be considered together as one State system; and

3 (ii) the Teachers' Retirement System and the Teachers' Pension
4 System shall be considered together as one State system.

5 (c) (1) As part of each actuarial valuation, the actuary shall determine the
6 normal contributions, net of member contributions, on account of the State members
7 of each State system.

8 (2) For each State system, the normal contribution rate equals the
9 fraction that has:

10 (i) as its numerator, the sum of the normal contributions
11 determined under this subsection; and

12 (ii) as its denominator, the aggregate annual earnable
13 compensation of the State members of the State system.

14 (d) (1) For each State system, the accrued liability contribution rate shall be
15 computed as the percent of the aggregate annual earnable compensation of the State
16 members of that State system that is sufficient to liquidate over 40 years beginning
17 July 1, 1980, the amount, as of June 30, 1980, by which the total liabilities of that
18 State system on account of State members exceeded the sum of:

19 (i) the assets of the accumulation fund and the annuity savings
20 fund of that State system, other than assets to the credit of the participating
21 governmental units; and

22 (ii) the present value of future normal contributions and future
23 member contributions to that State system on behalf of or by State members.

24 (2) On the recommendation of the actuary, the Board of Trustees may
25 adjust the accrued liability contribution rates to reflect, over the greater of 15 years or
26 the time remaining to amortize the accrued liability:

27 (i) experience gains and losses; and

28 (ii) the effect of changes in actuarial assumptions.

29 (3) Except as provided in paragraphs (4) and (5) of this subsection, if the
30 accrued liability is increased by legislation enacted after July 1, 1980, the additional
31 liability shall be funded over 30 years beginning on July 1 coincident with or next
32 following the effective date of the increase.

33 (4) If the accrued liability is increased by legislation that provides for
34 early retirement of State employees, the additional liability shall be funded over a
35 period of 5 years beginning on:

36 (i) July 1, 1997 for legislation effective June 1, 1996; and

1 (ii) July 1, 1998 for legislation effective June 1, 1997.

2 (5) If the accrued liability is increased by legislation effective July 1,
3 1998, that provides for changes in the method of computing the retirement allowance
4 of members of the Employees' Pension System or the Teachers' Pension System, the
5 additional liability shall be funded over a period of 20 years beginning on July 1,
6 1999.

7 (6) If the accrued liability is increased by legislation effective June 1,
8 1998, that provides for the early retirement of employees of the University System of
9 Maryland who are members of the Employees' Pension System or the Employees'
10 Retirement System, the additional liability shall be determined by the actuary and
11 funded over a period of 5 years beginning on July 1, 1999 by payment of an annual
12 accrued liability contribution by the University System of Maryland and the Medical
13 System as provided in § 21-307(i) and (j) of this subtitle.

14 22-406.

15 (a) Subject to subsection (b) of this section, an individual who is receiving a
16 service retirement allowance or vested allowance may accept employment with a
17 participating employer on a permanent, temporary, or contractual basis, without any
18 reduction in the allowance, if the individual immediately notifies the Board of
19 Trustees:

20 (1) of the individual's intention to accept the employment; and

21 (2) of the compensation that the individual will receive.

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

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

24 (ii) an individual whose average final compensation was less than
25 \$10,000 and who is reemployed on a temporary or contractual basis;

26 (iii) an individual who is serving in an elected position as an official
27 of a participating governmental unit or as a constitutional officer for a county that is
28 a participating governmental unit;

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

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

32 2. whose employment compensation does not derive, in whole
33 or in part, from State funds;

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

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

- 1 2. has verification of satisfactory or better performance in
 2 the last assignment prior to retirement;
- 3 3. based on the retired teacher's qualifications, has been
 4 appointed in accordance with § 4-103 of the Education Article;
- 5 4. A. retired with a normal service retirement allowance
 6 under § 22-401 of this article; or
- 7 B. retired with an early service retirement allowance under §
 8 22-402 of this article and has been retired for at least 12 months;
- 9 5. subject to item 6 of this item is employed as:
- 10 A. a substitute classroom teacher or substitute teacher
 11 mentor in a public school that has been recommended for reconstitution, or has been
 12 reconstituted, by the State Board of Education, until the public school meets the
 13 standards for school performance set by the State Board of Education;
- 14 B. a classroom teacher or teacher mentor in a public school
 15 that has been recommended for reconstitution, or has been reconstituted, by the State
 16 Board of Education, until the public school meets the standards for school
 17 performance set by the State Board of Education;
- 18 C. a classroom teacher or teacher mentor in a county or
 19 subject area on a statewide basis in which the State Board of Education finds that
 20 there is a shortage of teachers, until the State Board of Education finds the shortage
 21 no longer exists in that county or subject area on a statewide basis; or
- 22 D. a substitute classroom teacher or substitute teacher
 23 mentor in a county or subject area on a statewide basis in which the State Board of
 24 Education finds that there is a shortage of teachers, until the State Board of
 25 Education finds the shortage no longer exists in that county or subject area on a
 26 statewide basis; and
- 27 6. receives verification of satisfactory or better performance
 28 each year the teacher is employed under item 5 of this item;
- 29 (vi) a retiree of the Teachers' Retirement System who:
- 30 1. was employed as a principal within 5 years of retirement;
- 31 2. has verification of better than satisfactory performance in
 32 the last assignment as a principal prior to retirement;
- 33 3. based on the retiree's qualifications, has been hired as a
 34 principal;
- 35 4. A. retired with a normal service retirement allowance
 36 under § 22-401 of this subtitle; or

1 B. retired with an early service retirement allowance under §
2 22-402 of this subtitle and has been retired for at least 12 months;

3 5. receives verification of better than satisfactory
4 performance each year the retiree is employed as a principal under item 3 of this
5 item; and

6 6. is not employed as a principal under item 3 of this item for
7 more than 4 years; [or]

8 (vii) a retiree of the Teachers' Retirement System:

9 1. who retired from a board of education or local school
10 system; and

11 2. who is reemployed in a part-time position with the
12 University System of Maryland; OR

13 (VIII) A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM WHO IS
14 REEMPLOYED ON A CONTRACTUAL BASIS BY THE DEPARTMENT OF HEALTH AND
15 MENTAL HYGIENE AS A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1-301 OF THE
16 HEALTH OCCUPATIONS ARTICLE IN:

17 1. A STATE RESIDENTIAL CENTER AS PROVIDED IN § 7-101(P)
18 OF THE HEALTH - GENERAL ARTICLE;

19 2. A CHRONIC DISEASE CENTER AS PROVIDED IN § 19-501(C)
20 OF THE HEALTH - GENERAL ARTICLE;

21 3. A STATE FACILITY AS PROVIDED IN § 10-101(H) OF THE
22 HEALTH - GENERAL ARTICLE; OR

23 4. A LOCAL HEALTH DEPARTMENT AS PROVIDED IN § 3-201
24 OF THE HEALTH - GENERAL ARTICLE.

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

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

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

34 (c) An individual who is receiving a service retirement allowance or a vested
35 allowance and who is reemployed by a participating employer may not receive
36 creditable service or eligibility service during the period of reemployment.

1 (d) The individual's compensation during the period of reemployment may not
2 be subject to the employer pickup provisions of § 21-303 of this article or any
3 reduction or deduction as a member contribution for pension or retirement purposes.

4 (e) The State Retirement Agency shall institute appropriate reporting
5 procedures with the affected payroll systems to ensure compliance with this section.

6 (f) (1) Immediately on the employment of any individual receiving a service
7 retirement allowance or a vested allowance, a participating employer shall notify the
8 State Retirement Agency of the type of employment and the anticipated earnings of
9 the individual.

10 (2) At least once each year, in a format specified by the State Retirement
11 Agency, each participating employer shall provide the State Retirement Agency with
12 a list of all employees included on any payroll of the employer, the Social Security
13 numbers of the employees, and their earnings for that year.

14 (g) The county boards of education shall notify the State Retirement Agency of
15 any retired teachers who qualify under subsection (b)(1)(v) of this section or any
16 personnel who qualify under subsection (b)(1)(vi) of this section.

17 (h) The State Board of Education shall notify the county boards of education
18 of:

19 (1) any public school that is recommended for reconstitution or has been
20 reconstituted;

21 (2) any public school that is no longer recommended for reconstitution or
22 is otherwise found to meet the standards for school performance set by the State
23 Board of Education after reconstitution or a recommendation for reconstitution;

24 (3) any county or subject area on a statewide basis in which the State
25 Board of Education finds there is a shortage of teachers; and

26 (4) a finding that there is no longer a shortage of teachers in a county or
27 subject area on a statewide basis.

28 (i) In addition to any regulations adopted in accordance with § 6-202 of the
29 Education Article, the State Board of Education shall adopt regulations concerning
30 the employment terms of retired teachers and personnel described in subsection
31 (b)(1)(vi) of this section.

32 (J) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE
33 STATE RETIREMENT AGENCY OF ANY RETIREES WHO QUALIFY UNDER SUBSECTION
34 (B)(1)(VIII) OF THIS SECTION.

35 23-407.

36 (a) Subject to subsection (b) of this section, an individual who is receiving a
37 service retirement allowance or a vested allowance may accept employment with a

1 participating employer on a permanent, temporary, or contractual basis, without any
2 reduction in the allowance, if:

3 (1) the individual immediately notifies the Board of Trustees of the
4 individual's intention to accept this employment; and

5 (2) the individual specifies the compensation to be received.

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

7 (i) an individual whose average final compensation was less than
8 \$10,000 and who is reemployed on a temporary or contractual basis;

9 (ii) an individual who is serving in an elected position as an official
10 of a participating governmental unit or as a constitutional officer for a county that is
11 a participating governmental unit;

12 (iii) a retiree of the Teachers' Pension System who:

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

14 2. has verification of satisfactory or better performance in
15 the last assignment prior to retirement;

16 3. based on the retired teacher's qualifications, has been
17 appointed in accordance with § 4-103 of the Education Article;

18 4. A. retired with a normal service retirement allowance
19 under § 23-401 of this article; or

20 B. retired with an early service retirement allowance under §
21 23-402 of this article and has been retired for at least 12 months;

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

23 A. a substitute classroom teacher or substitute teacher
24 mentor in a public school that has been recommended for reconstitution, or has been
25 reconstituted, by the State Board of Education, until the public school meets the
26 standards for school performance set by the State Board of Education;

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

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

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

6 6. receives verification of satisfactory or better performance
 7 each year the teacher is employed under item 5 of this item; [or]

8 (iv) a retiree of the Teachers' Pension System who:

9 1. was employed as a principal within 5 years of retirement;

10 2. has verification of better than satisfactory performance in
 11 the last assignment as a principal prior to retirement;

12 3. based on the retiree's qualifications, has been hired as a
 13 principal;

14 4. A. retired with a normal service retirement allowance
 15 under § 23-401 of this subtitle; or

16 B. retired with an early service retirement allowance under §
 17 23-402 of this subtitle and has been retired for at least 12 months;

18 5. receives verification of better than satisfactory
 19 performance each year the retiree is employed as a principal under item 3 of this
 20 item; and

21 6. is not employed as a principal under item 3 of this item for
 22 more than 4 years; OR

23 (V) A RETIREE OF THE EMPLOYEES' ~~RETIREMENT PENSION~~
 24 SYSTEM WHO IS REEMPLOYED ON A CONTRACTUAL BASIS BY THE DEPARTMENT OF
 25 HEALTH AND MENTAL HYGIENE AS A HEALTH CARE PRACTITIONER, AS DEFINED IN §
 26 1-301 OF THE HEALTH OCCUPATIONS ARTICLE IN:

27 1. A STATE RESIDENTIAL CENTER AS PROVIDED IN § 7-101(P)
 28 OF THE HEALTH - GENERAL ARTICLE;

29 2. A CHRONIC DISEASE CENTER AS PROVIDED IN § 19-501(C)
 30 OF THE HEALTH - GENERAL ARTICLE;

31 3. A STATE FACILITY AS PROVIDED IN § 10-101(H) OF THE
 32 HEALTH - GENERAL ARTICLE; OR

33 4. A LOCAL HEALTH DEPARTMENT AS PROVIDED IN § 3-201
 34 OF THE HEALTH - GENERAL ARTICLE.

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

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

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

9 (c) An individual who is receiving a service retirement allowance or a vested
10 allowance and who is reemployed by a participating employer may not receive
11 creditable service or eligibility service during the period of reemployment.

12 (d) The individual's compensation during the period of reemployment may not
13 be subject to the employer pickup provisions of § 21-303 of this article or any
14 reduction or deduction as a member contribution for pension or retirement purposes.

15 (e) The State Retirement Agency shall institute appropriate reporting
16 procedures with the affected payroll systems to ensure compliance with this section.

17 (f) (1) Immediately on the employment of any individual receiving a service
18 retirement allowance or a vested allowance, a participating employer shall notify the
19 State Retirement Agency of the type of employment and the anticipated earnings of
20 the individual.

21 (2) At least once each year, in a format specified by the State Retirement
22 Agency, each participating employer shall provide the State Retirement Agency with
23 a list of all employees included on any payroll of the employer, the Social Security
24 numbers of the employees, and their earnings for that year.

25 (g) The county boards of education shall notify the State Retirement Agency of
26 any retired teachers who qualify under subsection (b)(1)(iii) of this section or any
27 personnel who qualify under subsection (b)(1)(iv) of this section.

28 (h) The State Board of Education shall notify the county boards of education
29 of:

30 (1) any public school that is recommended for reconstitution or has been
31 reconstituted;

32 (2) any public school that is no longer recommended for reconstitution or
33 is otherwise found to meet the standards for school performance set by the State
34 Board of Education after reconstitution or a recommendation for reconstitution;

35 (3) any county or subject area on a statewide basis in which the State
36 Board of Education finds there is a shortage of teachers; and

37 (4) a finding that there is no longer a shortage of teachers in a county or
38 subject area on a statewide basis.

1 (i) In addition to any regulations adopted in accordance with § 6-202 of the
 2 Education Article, the State Board of Education shall adopt regulations concerning
 3 the employment terms of retired teachers and personnel described in subsection
 4 (b)(1)(iv) of this section.

5 (J) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE
 6 STATE RETIREMENT AGENCY OF ANY RETIREES WHO QUALIFY UNDER SUBSECTION
 7 (B)(1)(V) OF THIS SECTION.

8 **Chapter 353 of the Acts of 1996**

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (1) THIS SECTION OF THIS ACT DOES NOT APPLY TO A RETIREE OF THE
 11 EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM WHO IS
 12 REEMPLOYED ON A CONTRACTUAL BASIS BY THE DEPARTMENT OF HEALTH AND
 13 MENTAL HYGIENE AS A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1-301 OF THE
 14 HEALTH OCCUPATIONS ARTICLE IN:

15 (I) A STATE RESIDENTIAL CENTER AS PROVIDED IN § 7-101(P) OF
 16 THE HEALTH - GENERAL ARTICLE;

17 (II) A CHRONIC DISEASE CENTER AS PROVIDED IN § 19-501(C) OF
 18 THE HEALTH - GENERAL ARTICLE;

19 (III) A STATE FACILITY AS PROVIDED IN § 10-101(H) OF THE HEALTH
 20 - GENERAL ARTICLE; OR

21 (IV) A LOCAL HEALTH DEPARTMENT AS PROVIDED IN § 3-201 OF
 22 THE HEALTH - GENERAL ARTICLE.

23 [(1)] (2) A retiree who retires under this Act may not become reemployed
 24 in a temporary or contractual position with the State, unless the reemployment is
 25 approved by:

26 (i) The Board of Public Works, for a position not in the Legislative
 27 Branch of State government; or

28 (ii) The President of the Senate and Speaker of the House of
 29 Delegates, for a position in the Legislative Branch of State government;

30 [(2)] (3) If a retiree who retires under this Act is reemployed in a
 31 permanent, temporary, or contractual position with a participating employer, in
 32 addition to any other reduction in the retiree's retirement allowance required under
 33 State law, the retiree's retirement allowance shall be reduced by the amount it
 34 exceeds the retirement allowance the retiree would otherwise have received;

35 [(3)] (4) No more than 2% of the total number of employees retiring
 36 under this Act may be reemployed in a contractual or temporary position in any
 37 branch of State government;

1 [(4)] (5) The Board of Public Works may not approve the reemployment
2 in a temporary or contractual position in the Executive Branch of State government of
3 an employee who retires under this Act, if that reemployment would result in more
4 than 2% of the retirees who retired under this Act being reemployed in a temporary or
5 contractual position with the State;

6 [(5)] (6) The President of the Senate and the Speaker of the House of
7 Delegates may not approve the reemployment in a temporary or contractual position
8 in the Legislative Branch of State government of an employee who retires under this
9 Act, if that reemployment would result in more than 2% of the retirees who retired
10 under this Act being reemployed in a temporary or contractual position with the
11 State;

12 [(6)] (7) The Department of Budget and Fiscal Planning shall review the
13 applications for reemployment as contractual or temporary employees under this Act
14 and shall advise the Board of Public Works if the reemployment of an individual will
15 cause the 2% limit under paragraph [(3)] (4) of this section of this Act to be exceeded;
16 and

17 [(7)] (8) The Department of [Fiscal Services] LEGISLATIVE SERVICES
18 shall review the applications for reemployment as contractual or temporary
19 employees under this Act and shall advise the President of the Senate and the
20 Speaker of the House of Delegates if the reemployment of an individual will cause the
21 2% limit under paragraph [(3)] (4) of this section of this Act to be exceeded.

22

Chapter 736 of the Acts of 1997

23 SECTION 3. AND BE IT FURTHER ENACTED, That:

24 (1) THIS SECTION OF THIS ACT DOES NOT APPLY TO A RETIREE OF THE
25 EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM WHO IS
26 REEMPLOYED ON A CONTRACTUAL BASIS BY THE DEPARTMENT OF HEALTH AND
27 MENTAL HYGIENE AS A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1-301 OF THE
28 HEALTH OCCUPATIONS ARTICLE IN:

29 (I) A STATE RESIDENTIAL CENTER AS PROVIDED IN § 7-101(P) OF
30 THE HEALTH - GENERAL ARTICLE;

31 (II) A CHRONIC DISEASE CENTER AS PROVIDED IN § 19-501(C) OF
32 THE HEALTH - GENERAL ARTICLE;

33 (III) A STATE FACILITY AS PROVIDED IN § 10-101(H) OF THE HEALTH
34 - GENERAL ARTICLE; OR

35 (IV) A LOCAL HEALTH DEPARTMENT AS PROVIDED IN § 3-201 OF
36 THE HEALTH - GENERAL ARTICLE.

37 [(1)] (2) A retiree who retires under this Act may not become reemployed
38 in a temporary or contractual position with the State, unless the reemployment is
39 approved by the Board of Public Works;

1 [(2)] (3) If a retiree who retires under this Act is reemployed in a
2 permanent, temporary, or contractual position with a participating employer, the
3 retiree's retirement allowance shall be reduced by the amount that the sum of the
4 retiree's annual compensation and the retiree's annual basic allowance at the time of
5 retirement, including the incentive provided by this Act, exceeds the average final
6 compensation used to compute the basic allowance;

7 [(3)] (4) No more than 2% of the total number of employees retiring
8 under this Act may be reemployed in a contractual or temporary position in any
9 branch of State government;

10 [(4)] (5) The Board of Public Works may not approve the reemployment
11 in a temporary or contractual position of an employee who retires under this Act, if
12 that reemployment would result in more than 2% of the retirees who retired under
13 this Act being reemployed in a temporary or contractual position with the State; and

14 [(5)] (6) The Department of Budget and Management shall review the
15 applications for reemployment as contractual or temporary employees under this Act
16 and shall advise the Board of Public Works if the reemployment of an individual will
17 cause the 2% limit under paragraph [(3)] (4) of this section of this Act to be exceeded.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health and safety,
20 has been passed by a ye and nay vote supported by three-fifths of all the members
21 elected to each of the two Houses of the General Assembly, and shall take effect July
22 1, 2001 from the date it is enacted. It shall remain effective ~~for a period of 3 years~~
23 through June 30, 2004 and, at the end of June 30, 2004, with no further action
24 required by the General Assembly, this Act shall be abrogated and of no further force
25 and effect.