
By: **Senator Green**
Introduced and read first time: January 12, 2001
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems - Reemployment of Retired**
3 **Personnel Speech-Language Pathologists and Audiologists**

4 FOR the purpose of exempting from a certain offset of a retirement allowance certain
5 retirees of the Teachers' Retirement System or the Teachers' Pension System
6 who are employed by certain public schools ~~in certain personnel positions as~~
7 speech-language pathologists or audiologists; requiring the county boards of
8 education to provide certain information to the State Retirement Agency;
9 requiring the State Board of Education to adopt certain regulations; providing
10 for the termination of this Act; and generally relating to the reemployment of
11 retirees of the Teachers' Retirement System or the Teachers' Pension System
12 who serve ~~in certain personnel positions as~~ speech-language pathologists or
13 audiologists.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 22-406 and 23-407
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2000 Supplement)

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

Article - State Personnel and Pensions

2 22-406.

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

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

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

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

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

12 (ii) an individual whose average final compensation was less than
13 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

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

28 4. A. retired with a normal service retirement allowance
29 under § 22-401 of this article; or

30 B. retired with an early service retirement allowance under §
31 22-402 of this article and has been retired for at least 12 months;

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

1 A. a substitute classroom teacher or substitute teacher
2 mentor in a public school that has been recommended for reconstitution, or has been
3 reconstituted, by the State Board of Education, until the public school meets the
4 standards for school performance set by the State Board of Education;

5 B. a classroom teacher or teacher mentor in a public school
6 that has been recommended for reconstitution, or has been reconstituted, by the State
7 Board of Education, until the public school meets the standards for school
8 performance set by the State Board of Education;

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

13 D. a substitute classroom teacher or substitute teacher
14 mentor in a county or subject area on a statewide basis in which the State Board of
15 Education finds that there is a shortage of teachers, until the State Board of
16 Education finds the shortage no longer exists in that county or subject area on a
17 statewide basis; and

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

20 (vi) a retiree of the Teachers' Retirement System who:

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

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

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

26 4. A. retired with a normal service retirement allowance
27 under § 22-401 of this subtitle; or

28 B. retired with an early service retirement allowance under §
29 22-402 of this subtitle and has been retired for at least 12 months;

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

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

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

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) OR (VIII) 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) OR (VIII) of this section.

32 23-407.

33 (a) Subject to subsection (b) of this section, an individual who is receiving a
34 service retirement allowance or a vested allowance may accept employment with a
35 participating employer on a permanent, temporary, or contractual basis, without any
36 reduction in the allowance, if:

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

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

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

5 (i) an individual whose average final compensation was less than
6 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

18 B. retired with an early service retirement allowance under §
19 23-402 of this article and has been retired for at least 12 months;

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

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

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

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

33 D. a substitute classroom teacher or substitute teacher
34 mentor in a county or subject area on a statewide basis in which the State Board of
35 Education finds that there is a shortage of teachers, until the State Board of

1 Education finds the shortage no longer exists in that county or subject area on a
2 statewide basis; and

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

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

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

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

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

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

13 B. retired with an early service retirement allowance under §
14 23-402 of this subtitle and has been retired for at least 12 months;

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

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

20 (V) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

21 1. HAS VERIFICATION OF SATISFACTORY OR BETTER
22 PERFORMANCE IN THE LAST ASSIGNMENT PRIOR TO RETIREMENT;

23 2. BASED ON THE SPECIALIZED PERSONNEL'S
24 QUALIFICATIONS, HAS BEEN HIRED:

25 A. ~~IN A SPECIALIZED PERSONNEL POSITION FOR WHICH THE~~
26 ~~COUNTY BOARD CONSIDERS THERE IS A SHORTAGE;~~

27 B. ~~AS STAFF WHO WORKS DIRECTLY WITH STUDENTS; OR~~

28 C. ~~AS A STATE MONITOR~~ AS A SPEECH-LANGUAGE
29 PATHOLOGIST OR AUDIOLOGIST;

30 3. A. RETIRED WITH A NORMAL SERVICE RETIREMENT
31 ALLOWANCE UNDER § 23-401 OF THIS SUBTITLE; OR

32 B. RETIRED WITH AN EARLY SERVICE RETIREMENT
33 ALLOWANCE UNDER § 23-402 OF THIS SUBTITLE AND HAS BEEN RETIRED FOR AT
34 LEAST 12 MONTHS; AND

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect July 1, 2001. It shall remain effective for a period of 3 years and, at the end of
11 June 30, 2004, with no further action required by the General Assembly, this Act shall
12 be abrogated and of no further force and effect.