

(PRE-FILED)

By: **Delegates K. Kelly, Taylor, and Edwards**

Requested: August 15, 2001

Introduced and read first time: January 9, 2002

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Employees' Retirement and Pension Systems - Participating Employers -**
3 **Reemployment of Retirees**

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 reemployed by certain participating employers; repealing the
7 requirement that certain participating employers provide certification to the
8 State Retirement Agency with respect to certain retirees; and generally relating
9 to the reemployment of certain retirees of the Employees' Retirement System or
10 the Employees' Pension System who are reemployed by certain participating
11 employers.

12 BY repealing and reenacting, without amendments,
13 Article - State Personnel and Pensions
14 Section 22-406(a) and 23-407(a)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - State Personnel and Pensions
19 Section 22-406(b)(1) and (k) and 23-407(b)(1) and (k)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 2001 Supplement)

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

1 **Article - State Personnel and Pensions**

2 22-406.

3 (a) An individual who is receiving a service retirement allowance or vested
4 allowance may accept employment with a participating employer on a permanent,
5 temporary, or contractual basis, if:

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

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

9 (b) (1) The Board of Trustees shall reduce the allowance of an individual
10 who accepts employment as provided under subsection (a) of this section if:

11 (i) [the individual's current employer is a participating employer
12 other than the State and is the same participating employer that employed the
13 individual at the time of the individual's last separation from employment with a
14 participating employer before the individual commenced receiving a service
15 retirement allowance or vested allowance;

16 (ii)] the individual's current employer is any unit of State
17 government and the individual's employer at the time of the individual's last
18 separation from employment with the State before the individual commenced
19 receiving a service retirement allowance or vested allowance was also a unit of State
20 government; or

21 [(iii)] (II) the individual becomes reemployed within 12 months of
22 receiving an early service retirement allowance under § 22-402 of this subtitle.

23 (k) At the request of the State Retirement Agency[:

24 (1) a participating employer shall certify to the State Retirement Agency
25 that it is not the same participating employer that employed an individual at the time
26 of the individual's last separation from employment before the individual commenced
27 receiving a service retirement allowance or a vested allowance; or

28 (2)] [a], A unit of State government shall certify to the State Retirement
29 Agency that the individual was not employed by any unit of State government at the
30 time of the individual's last separation from employment before the individual
31 commenced receiving a service retirement allowance or a vested allowance.

32 23-407.

33 (a) An individual who is receiving a service retirement allowance or a vested
34 allowance may accept employment with a participating employer on a permanent,
35 temporary, or contractual basis, 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) The Board of Trustees shall reduce the allowance of an individual
5 who accepts employment as provided under subsection (a) of this section if:

6 (i) [the individual's current employer is a participating employer
7 other than the State and is the same participating employer that employed the
8 individual at the time of the individual's last separation from employment with a
9 participating employer before the individual commenced receiving a service
10 retirement allowance or vested allowance;

11 (ii)] the individual's current employer is any unit of State
12 government and the individual's employer at the time of the individual's last
13 separation from employment with the State before the individual commenced
14 receiving a service retirement allowance or vested allowance was also a unit of State
15 government; or

16 [(iii)] (II) the individual becomes reemployed within 12 months of
17 receiving an early service retirement allowance or an early vested allowance
18 computed under § 23-402 of this subtitle.

19 (k) At the request of the State Retirement Agency[:

20 (1) a participating employer shall certify to the State Retirement Agency
21 that it is not the same participating employer that employed an individual at the time
22 of the individual's last separation from employment before the individual commenced
23 receiving a service retirement allowance or a vested allowance; or

24 (2)] [a], A unit of State government shall certify to the State Retirement
25 Agency that the individual was not employed by any unit of State government at the
26 time of the individual's last separation from employment before the individual
27 commenced receiving a service retirement allowance or a vested allowance.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2002.