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By: **Delegates Stocksdale, Amedori, W. Baker, Barkley, Boutin, Cadden,  
Cane, Donoghue, Eckardt, Elliott, Getty, Glassman, Hutchins, James,  
Kach, Menes, Mohorovic, Paige, Parrott, Pitkin, Rzepkowski,  
Snodgrass, and Pielke**

Introduced and read first time: February 7, 2002

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems - Reemployment of Retired**  
3 **Media Personnel**

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

12 BY repealing and reenacting, with amendments,  
13 Article - State Personnel and Pensions  
14 Section 22-406 and 23-407  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 2001 Supplement)

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

19 **Article - State Personnel and Pensions**

20 22-406.

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

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

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

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

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

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

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

16                  (2)       The reduction required under paragraph (1) of this subsection shall  
17 equal:

18                  (i)       the amount by which 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), the amount by which 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                  (3)       A reduction of an early service retirement allowance under paragraph  
27 (1)(iii) of this subsection shall be applied only until the individual has received an  
28 allowance for 12 months.

29                  (4)       Except for an individual whose allowance is subject to a reduction as  
30 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an  
31 allowance under this subsection does not apply to:

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

33                       (ii)      an individual whose average final compensation was less than  
34 \$10,000 and who is reemployed on a temporary or contractual basis;

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

- 1 (iv) a retiree of the Teachers' Retirement System:
- 2 1. who retired and was reemployed by a participating  
3 employer other than the State on or before September 30, 1994; and
- 4 2. whose employment compensation does not derive, in whole  
5 or in part, from State funds;
- 6 (v) a retiree of the Teachers' Retirement System who:
- 7 1. is or has been certified to teach in the State;
- 8 2. has verification of satisfactory or better performance in  
9 the last assignment prior to retirement;
- 10 3. based on the retired teacher's qualifications, has been  
11 appointed in accordance with § 4-103 of the Education Article;
- 12 4. subject to item 5 of this item is employed as:
- 13 A. a substitute classroom teacher or substitute teacher  
14 mentor in a public school that has been recommended for reconstitution, or has been  
15 reconstituted, by the State Board of Education, until the public school meets the  
16 standards for school performance set by the State Board of Education;
- 17 B. a classroom teacher or teacher mentor in a public school  
18 that has been recommended for reconstitution, or has been reconstituted, by the State  
19 Board of Education, until the public school meets the standards for school  
20 performance set by the State Board of Education;
- 21 C. a classroom teacher or teacher mentor in a county or  
22 subject area on a statewide basis in which the State Board of Education finds that  
23 there is a shortage of teachers, until the State Board of Education finds the shortage  
24 no longer exists in that county or subject area on a statewide basis; or
- 25 D. a substitute classroom teacher or substitute teacher  
26 mentor in a county or subject area on a statewide basis in which the State Board of  
27 Education finds that there is a shortage of teachers, until the State Board of  
28 Education finds the shortage no longer exists in that county or subject area on a  
29 statewide basis; and
- 30 5. receives verification of satisfactory or better performance  
31 each year the teacher is employed under item 4 of this item;
- 32 (vi) a retiree of the Teachers' Retirement System who:
- 33 1. A. was employed as a principal within 5 years of  
34 retirement; or

1 B. was employed as a principal not more than 10 years before  
2 retirement and was employed in a position supervising principals in the retiree's last  
3 assignment prior to retirement;

4 2. has verification of better than satisfactory performance for  
5 each year as a principal and, if applicable, in a position supervising principals prior to  
6 retirement;

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

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

12 5. is not employed as a principal under item 3 of this item for  
13 more than 4 years;

14 (vii) a former employee of the Domestic Relations Division of Anne  
15 Arundel County Circuit Court who transfers into the State Employees' Personnel  
16 System under § 2-510 of the Courts Article; [or]

17 (viii) a retiree of the Employees' Retirement System who is  
18 reemployed on a contractual basis by the Department of Health and Mental Hygiene  
19 as a health care practitioner, as defined in § 1-301 of the Health Occupations Article,  
20 in:

21 1. a State residential center as defined in § 7-101 of the  
22 Health - General Article;

23 2. a chronic disease center subject to Title 19, Subtitle 5 of  
24 the Health - General Article;

25 3. a State facility as defined in § 10-101 of the Health -  
26 General Article; or

27 4. a county board of health subject to Title 3, Subtitle 2 of the  
28 Health - General Article; OR

29 (IX) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO:

30 1. HAS VERIFICATION OF SATISFACTORY OR BETTER  
31 PERFORMANCE FOR EACH YEAR SPENT IN THE LAST ASSIGNMENT PRIOR TO  
32 RETIREMENT;

33 2. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN  
34 HIRED AS AN EDUCATIONAL MEDIA ASSOCIATE, EDUCATIONAL MEDIA GENERALIST,  
35 EDUCATIONAL MEDIA SPECIALIST, OR LIBRARY MEDIA SPECIALIST;



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

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

7           (j)       If the retiree's last assignment prior to retirement was in a position  
8 directly supervising principals as provided under subsection (b)(4)(vi) of this section,  
9 the county boards of education shall verify for the State Retirement Agency the  
10 retiree's employment as a supervisor and a principal.

11          (k)       At the request of the State Retirement Agency:

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

16           (2)       a unit of State government shall certify to the State Retirement  
17 Agency that the individual was not employed by any unit of State government at the  
18 time of the individual's last separation from employment before the individual  
19 commenced receiving a service retirement allowance or a vested allowance.

20          (l)       The Department of Health and Mental Hygiene shall notify the State  
21 Retirement Agency of any retirees who qualify under subsection (b)(4)(viii) of this  
22 section.

23 23-407.

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

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

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

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

32           (i)       the individual's current employer is a participating employer  
33 other than the State and is the same participating employer that employed the  
34 individual at the time of the individual's last separation from employment with a  
35 participating employer before the individual commenced receiving a service  
36 retirement allowance or vested allowance;

1 (ii) the individual's current employer is any unit of State  
2 government and the individual's employer at the time of the individual's last  
3 separation from employment with the State before the individual commenced  
4 receiving a service retirement allowance or vested allowance was also a unit of State  
5 government; or

6 (iii) the individual becomes reemployed within 12 months of  
7 receiving an early service retirement allowance or an early vested allowance  
8 computed under § 23-402 of this subtitle.

9 (2) The reduction required under paragraph (1) of this subsection shall  
10 equal:

11 (i) the amount by which the sum of the individual's initial annual  
12 basic allowance and the individual's annual compensation exceeds the average final  
13 compensation used to compute the basic allowance; or

14 (ii) for a retiree who retired under the Workforce Reduction Act  
15 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual  
16 compensation and the retiree's annual basic allowance at the time of retirement,  
17 including the incentive provided by the Workforce Reduction Act, exceeds the average  
18 final compensation used to compute the basic allowance.

19 (3) A reduction of an early service retirement allowance or an early  
20 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until  
21 the individual has received an allowance for 12 months.

22 (4) Except for an individual whose allowance is subject to a reduction as  
23 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an  
24 allowance under this subsection does not apply to:

25 (i) an individual whose average final compensation was less than  
26 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

36 4. subject to item 5 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                              5.       receives verification of satisfactory or better performance  
19 each year the teacher is employed under item 4 of this item;

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

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

23                                       B.       was employed as a principal not more than 10 years before  
24 retirement and was employed in a position supervising principals in the retiree's last  
25 assignment prior to retirement;

26                                       2.       has verification of better than satisfactory performance for  
27 each year as a principal and, if applicable, in a position supervising principals prior to  
28 retirement;

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

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

34                                       5.       is not employed as a principal under item 3 of this item for  
35 more than 4 years;

36                              (v)     an individual who has been retired for more than 10 years; [or]



1 (vi) a retiree of the Employees' Pension System who is reemployed  
2 on a contractual basis by the Department of Health and Mental Hygiene as a health  
3 care practitioner, as defined in § 1-301 of the Health Occupations Article in:

- 4 1. a State residential center as defined in § 7-101 of the  
5 Health - General Article;
- 6 2. a chronic disease center subject to Title 19, Subtitle 5 of  
7 the Health - General Article;
- 8 3. a State facility as defined in § 10-101 of the Health -  
9 General Article; or
- 10 4. a county board of health subject to Title 3, Subtitle 2 of the  
11 Health - General Article; OR

12 (VII) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

13 1. HAS VERIFICATION OF SATISFACTORY OR BETTER  
14 PERFORMANCE FOR EACH YEAR SPENT IN THE LAST ASSIGNMENT PRIOR TO  
15 RETIREMENT;

16 2. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN  
17 HIRED AS AN EDUCATIONAL MEDIA ASSOCIATE, EDUCATIONAL MEDIA GENERALIST,  
18 EDUCATIONAL MEDIA SPECIALIST, OR LIBRARY MEDIA SPECIALIST;

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

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

24 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER  
25 PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED IN A POSITION DESCRIBED  
26 IN ITEM 2 OF THIS ITEM.

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

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

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

35 (f) (1) Immediately on the employment of any individual receiving a service  
36 retirement allowance or a vested allowance, a participating employer shall notify the

1 State Retirement Agency of the type of employment and the anticipated earnings of  
2 the individual.

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

7 (g) The county boards of education shall notify the State Retirement Agency of  
8 any retired teachers who qualify under subsection (b)(4)(iii) of this section or any  
9 personnel who qualify under subsection (b)(4)(iv) OR (VII) of this section.

10 (h) The State Board of Education shall notify the county boards of education  
11 of:

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

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

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

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

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

25 (j) If the retiree's last assignment prior to retirement was in a position  
26 directly supervising principals as provided under subsection (b)(4)(iv) of this section,  
27 the county boards of education shall verify for the State Retirement Agency the  
28 retiree's employment as a supervisor and a principal.

29 (k) At the request of the State Retirement Agency:

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

34 (2) a unit of State government shall certify to the State Retirement  
35 Agency that the individual was not employed by any unit of State government at the  
36 time of the individual's last separation from employment before the individual  
37 commenced receiving a service retirement allowance or a vested allowance.

1 (l) The Department of Health and Mental Hygiene shall notify the State  
2 Retirement Agency of any retirees who qualify under subsection (b)(4)(vi) of this  
3 section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2002. It shall remain effective for a period of 2 years and, at the end of June  
6 30, 2004, with no further action required by the General Assembly, this Act shall be  
7 abrogated and of no further force and effect.