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By: **Senator Green**

Introduced and read first time: February 11, 2002

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2                           **Teachers' Retirement and Pension Systems - Reemployment of Retired**  
3                           **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 as speech-language pathologists or  
7 audiologists; requiring the county boards of education to provide certain  
8 information to the State Retirement Agency; requiring the State Board of  
9 Education to adopt certain regulations; providing for the termination of this Act;  
10 and generally relating to the reemployment of retirees of the Teachers'  
11 Retirement System or the Teachers' Pension System who serve as  
12 speech-language pathologists or audiologists.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 22-406 and 23-407  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2001 Supplement)

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

20                           **Article - State Personnel and Pensions**

21 22-406.

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

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

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

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

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

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

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

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

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

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

25 (3) A reduction of an early service retirement allowance under paragraph  
26 (1)(iii) of this subsection shall be applied only until the individual has received an  
27 allowance for 12 months.

28 (4) Except for an individual whose allowance is subject to a reduction as  
29 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an  
30 allowance under 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;

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

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







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

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

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

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

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

17 23-407.

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

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

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

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

26 (i) the individual's current employer is a participating employer  
27 other than the State and is the same participating employer that employed the  
28 individual at the time of the individual's last separation from employment with a  
29 participating employer before the individual commenced receiving a service  
30 retirement allowance or vested allowance;

31 (ii) the individual's current employer is any unit of State  
32 government and the individual's employer at the time of the individual's last  
33 separation from employment with the State before the individual commenced  
34 receiving a service retirement allowance or vested allowance was also a unit of State  
35 government; or

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

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

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

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

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

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

17                   (i)     an individual whose average final compensation was less than  
18 \$10,000 and who is reemployed on a temporary or contractual basis;

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

22                   (iii)   a retiree of the Teachers' Pension 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.     subject to item 5 of this item is employed as:

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

33                                   B.     a classroom teacher or teacher mentor in a public school  
34 that has been recommended for reconstitution, or has been reconstituted, by the State  
35 Board of Education, until the public school meets the standards for school  
36 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 5. receives verification of satisfactory or better performance  
11 each year the teacher is employed under item 4 of this item;

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

13 1. A. was employed as a principal within 5 years of  
14 retirement; or

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

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

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

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

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

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

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

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

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

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

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

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

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

8 2. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN  
9 HIRED AS A SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST;

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

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

15 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER  
16 PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED IN A POSITION DESCRIBED  
17 IN ITEM 2 OF THIS ITEM.

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

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

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

26 (f) (1) Immediately on the employment of any individual receiving a service  
27 retirement allowance or a vested allowance, a participating employer shall notify the  
28 State Retirement Agency of the type of employment and the anticipated earnings of  
29 the individual.

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

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

1 (h) The State Board of Education shall notify the county boards of education  
2 of:

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

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

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

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

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

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2002. It shall remain effective for a period of 2 years and, at the end of June  
34 30, 2004, with no further action required by the General Assembly, this Act shall be  
35 abrogated and of no further force and effect.