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By: **Chairman, Appropriations Committee (By Request - Departmental - Budget and Management)**

Introduced and read first time: February 2, 2004

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                                   **State Personnel and Pensions - Temporary or Contractual Reemployment of**  
3                                   **Retirees of the Workforce Reduction Act**

4 FOR the purpose of repealing the process for approving temporary or contractual  
5 reemployment of the retirees of the Workforce Reduction Act of 1996; and  
6 repealing a certain limit on the reemployment of these retirees.

7 BY repealing  
8 Chapter 353 of the Acts of the General Assembly of 1996, as amended by  
9 Chapter 151 of the Acts of the General Assembly of 1997 and Chapter 733  
10 of the Acts of the General Assembly of 2001  
11 Section 3

12 BY repealing  
13 Chapter 736 of the Acts of the General Assembly of 1997, as amended by  
14 Chapter 733 of the Acts of the General Assembly of 2001  
15 Section 3

16 BY repealing  
17 Chapter 675 of the Acts of the General Assembly of 1998  
18 Section 3

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

**Chapter 353 of the Acts of 1996, as amended by Chapter 151 of the Acts of  
1997 and Chapter 733 of the Acts of 2001**

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

4 (1) This section of this Act does not apply to a retiree of the Employees'  
5 Retirement System or the Employees' Pension System who is reemployed on a  
6 contractual basis by the Department of Health and Mental Hygiene as a health care  
7 practitioner, as defined in § 1-301 of the Health Occupations Article in:

8 (i) A State residential center as defined in § 7-101 of the Health -  
9 General Article;

10 (ii) A chronic disease center subject to Title 19, Subtitle 5 of the  
11 Health - General Article;

12 (iii) A State facility as defined in § 10-101 of the Health - General  
13 Article; or

14 (iv) A county board of health subject to Title 3, Subtitle 2 of the  
15 Health - General Article.

16 (2) A retiree who retires under this Act may not become reemployed in a  
17 temporary or contractual position with the State, unless the reemployment is  
18 approved by:

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

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

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

29 (4) No more than 2% of the total number of employees retiring under this  
30 Act may be reemployed in a contractual or temporary position in any branch of State  
31 government;

32 (5) The Board of Public Works may not approve the reemployment in a  
33 temporary or contractual position in the Executive Branch of State government of an  
34 employee who retires under this Act, if that reemployment would result in more than  
35 2% of the retirees who retired under this Act being reemployed in a temporary or  
36 contractual position with the State;

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

7 (7) The Department of Budget and Fiscal Planning shall review the  
 8 applications for reemployment as contractual or temporary employees under this Act  
 9 and shall advise the Board of Public Works if the reemployment of an individual will  
 10 cause the 2% limit under paragraph (4) of this section of this Act to be exceeded; and

11 (8) The Department of Fiscal Services shall review the applications for  
 12 reemployment as contractual or temporary employees under this Act and shall advise  
 13 the President of the Senate and the Speaker of the House of Delegates if the  
 14 reemployment of an individual will cause the 2% limit under paragraph (4) of this  
 15 section of this Act to be exceeded.]

16 **Chapter 736 of the Acts of 1997, as amended by Chapter 733 of the Acts of**  
 17 **2001**

18 [SECTION 3. AND BE IT FURTHER ENACTED, That:

19 (1) This section of this Act does not apply to a retiree of the Employees'  
 20 Retirement System or the Employees' Pension System who is reemployed on a  
 21 contractual basis by the Department of Health and Mental Hygiene as a health care  
 22 practitioner, as defined in § 1-301 of the Health Occupations Article in:

23 (i) A State residential center as defined in § 7-101 of the Health -  
 24 General Article;

25 (ii) A chronic disease center subject to Title 19, Subtitle 5 of the  
 26 Health - General Article;

27 (iii) A State facility as defined in § 10-101 of the Health - General  
 28 Article; or

29 (iv) A county board of health subject to Title 3, Subtitle 2 of the  
 30 Health - General Article.

31 (2) A retiree who retires under this Act may not become reemployed in a  
 32 temporary or contractual position with the State, unless the reemployment is  
 33 approved by the Board of Public Works;

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

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

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

8 (6) The Department of Budget and Management shall review the  
9 applications for reemployment as contractual or temporary employees under this Act  
10 and shall advise the Board of Public Works if the reemployment of an individual will  
11 cause the 2% limit under paragraph (4) of this section of this Act to be exceeded.]

12 **Chapter 675 of the Acts of 1998**

13 [SECTION 3. AND BE IT FURTHER ENACTED, That:

14 (1) A member of the Employees' Retirement System or the Employees'  
15 Pension System who retires under this Act may not become reemployed in a  
16 temporary or contractual position with the Executive Branch of State government  
17 unless the reemployment is approved by the Board of Public Works.

18 (2) No more than 2% of the total number of members of the Employees'  
19 Retirement System and the Employees' Pension System who elect to retire under this  
20 Act may be reemployed in a contractual or temporary position in any branch of State  
21 government.

22 (3) The Board of Public Works may not approve the reemployment in a  
23 temporary or contractual position in the Executive Branch of State government of a  
24 member of the Employees' Retirement System or the Employees' Pension System who  
25 retires under this Act, if that reemployment would result in more than 2% of such  
26 members who retired under this Act being reemployed in a temporary or contractual  
27 position with the State.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2004.