

HOUSE BILL 478

K4

71r2241

By: **Delegate Costa**

Introduced and read first time: February 6, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement System and Teachers' Pension System – Reemployment**
3 **of Retirees**

4 FOR the purpose of altering the criteria that certain retirees of the Teachers'
5 Retirement System or Teachers' Pension System are required to meet to qualify
6 for exemption from a certain offset of a retirement allowance; and generally
7 relating to reemployment of retirees in the Teachers' Retirement System or
8 Teachers' Pension System.

9 BY repealing and reenacting, with amendments,
10 Article – State Personnel and Pensions
11 Section 22–406 and 23–407
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2006 Supplement)

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

16 **Article – State Personnel and Pensions**

17 22–406.

18 (a) In this section, “area of critical shortage” means an academic field
19 identified by the State Department of Education in accordance with the provisions of §
20 18–703(g)(1) of the Education Article as having projected employment vacancies that
21 substantially exceed projected qualified graduates.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (m) of this section, an individual who is
2 receiving a service retirement allowance or vested allowance may accept employment
3 with a participating employer on a permanent, temporary, or contractual basis, if:

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

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

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

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

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

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

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

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

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

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

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

7 (i) an individual who has been retired for 9 years, beginning on
8 January 1 after the date the individual retires;

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

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

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

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

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

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

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

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

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

25 4. receives verification of satisfactory or better
26 performance each year the teacher is employed under paragraph (5) of this subsection;

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

28 1. A. was employed as a principal within 5 years of
29 retirement; or

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

4 2. has verification of satisfactory performance for each
5 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
8 a principal; and

9 4. receives verification of satisfactory performance each
10 year the retiree is employed as a principal under paragraph (6) of this subsection;

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

14 (viii) a retiree of the Employees' Retirement System who is
15 reemployed on a contractual basis for not more than 4 years by the Department of
16 Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the
17 Health Occupations Article, in:

18 1. a State residential center as defined in § 7-101 of the
19 Health – General Article;

20 2. a chronic disease center subject to Title 19, Subtitle 5
21 of the Health – General Article;

22 3. a State facility as defined in § 10-101 of the Health –
23 General Article; or

24 4. a local health department subject to Title 3, Subtitle 2
25 of the Health – General Article.

26 (5) (i) An individual who is rehired under paragraph (4)(v) of this
27 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
28 teacher mentor in a public school that:

29 1. is not making adequate yearly progress or is a school
30 in need of improvement as defined under the federal No Child Left Behind Act of 2001
31 and as implemented by the State Department of Education;

1 2. is receiving funds under Title 1 of the federal No
2 Child Left Behind Act of 2001; [or]

3 3. provides an alternative education program for
4 adjudicated youths or students who have been expelled, suspended, or identified for
5 suspension or expulsion from a public school; **OR**

6 **4. HAS A CRITICAL SHORTAGE IN AN ACADEMIC**
7 **FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION.**

8 (ii) An individual rehired at a school described under
9 subparagraph (i) of this paragraph shall teach:

- 10 1. in an area of critical shortage;
- 11 2. a special education class for students with special
12 needs; or
- 13 3. a class for students with limited English proficiency.

14 (6) An individual who is rehired under paragraph (4)(vi) of this
15 subsection shall be employed as a principal at a public school that:

16 (i) is not making adequate yearly progress or is a school in need
17 of improvement as defined under the federal No Child Left Behind Act of 2001 and as
18 implemented by the State Department of Education;

19 (ii) is receiving funds under Title 1 of the federal No Child Left
20 Behind Act of 2001; [or]

21 (iii) provides an alternative education program for adjudicated
22 youths or students who have been expelled, suspended, or identified for suspension or
23 expulsion from a public school; **OR**

24 **(IV) HAS A CRITICAL SHORTAGE IN AN ACADEMIC FIELD AS**
25 **IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION.**

26 (7) An individual who is reemployed under paragraph (4)(v) or (vi) of
27 this subsection at a school described under paragraph (5) or (6) of this subsection may
28 not continue that reemployment after the school makes adequate yearly progress for 4
29 consecutive years.

1 (8) (i) Notwithstanding paragraph (5) of this subsection, each
2 superintendent of a local school system may rehire an additional number of
3 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

4 1. three; or

5 2. 0.1% of the total full-time equivalent instructional
6 teachers employed by that local school system, rounded up to the nearest whole
7 number not to exceed 10, as reported annually by the State Department of Education.

8 (ii) At any one time, the total number of individuals rehired by a
9 superintendent of a local school system under this paragraph may not exceed the
10 number determined under subparagraph (i) of this paragraph.

11 (iii) An individual rehired under this paragraph:

12 1. shall be reemployed at a school specified in paragraph
13 (5)(i) of this subsection; and

14 2. may teach any subject or class or provide educational
15 services assigned by the individual's superintendent.

16 (9) (i) The superintendent of the local school system rehiring an
17 individual under paragraph (4)(v) or (vi) of this subsection shall:

18 1. approve the rehiring of that individual; and

19 2. determine the school where the individual is to be
20 reemployed.

21 (ii) Within 30 days after rehiring an individual, the
22 superintendent of a local school system shall complete and file with the Board of
23 Trustees and the State Department of Education a form provided by the Board of
24 Trustees that certifies that the individual rehired by the local school system under
25 paragraph (4)(v) or (vi) of this subsection:

26 1. satisfied the criteria provided in paragraph (4)(v) or
27 (vi) of this subsection;

28 2. was reemployed at a school described under
29 paragraph (5)(i) or (6) of this subsection; and

1 A. was not making adequate yearly progress or was a
2 school in need of improvement as defined under the federal No Child Left Behind Act
3 of 2001 and as implemented by the State Department of Education;

4 B. was receiving funds under Title 1 of the federal No
5 Child Left Behind Act of 2001; [or]

6 C. provided an alternative education program for
7 adjudicated youths or students who have been expelled, suspended, or identified for
8 suspension or expulsion from a public school; **OR**

9 **D. HAS A CRITICAL SHORTAGE IN AN ACADEMIC**
10 **FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION;**

11 (iii) the original date of rehire for each individual;

12 (iv) the subject matter taught by each individual; and

13 (v) the annual salary of each individual.

14 (d) An individual who is rehired under this section may not be rehired within
15 45 days of the date the individual retired if:

16 (1) the individual's current employer is a participating employer other
17 than the State and is the same participating employer that employed the individual at
18 the time of the individual's last separation from employment with a participating
19 employer before the individual commenced receiving a service retirement allowance; or

20 (2) the individual's current employer is any unit of State government
21 and the individual's employer at the time of the individual's last separation from
22 employment with the State before the individual commenced receiving a service
23 retirement allowance was also a unit of State government.

24 (e) An individual who is receiving a service retirement allowance or a vested
25 allowance and who is reemployed by a participating employer may not receive
26 creditable service or eligibility service during the period of reemployment.

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

1 (g) The State Retirement Agency shall institute appropriate reporting
2 procedures with the affected payroll systems to ensure compliance with this section.

3 (h) (1) Immediately on the employment of any individual receiving a
4 service retirement allowance or a vested allowance, a participating employer shall
5 notify the State Retirement Agency of the type of employment and the anticipated
6 earnings of the individual.

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

11 (i) The State Department of Education shall adopt regulations to carry out
12 this section.

13 (j) At the request of the State Retirement Agency:

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

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

22 (k) The Department of Health and Mental Hygiene shall notify the State
23 Retirement Agency of any retirees who qualify under subsection (c)(4)(viii) of this
24 section.

25 (1) On or before September 1 of each year, the Secretary of Health and
26 Mental Hygiene shall submit a report in accordance with § 2-1246 of the State
27 Government Article to the Joint Committee on Pensions that provides:

28 (1) the number of rehired retirees under subsection (c)(4)(viii) of this
29 section;

30 (2) the annual salary of each rehired retiree at the time of retirement
31 and the current annual salary of each rehired retiree;

1 (3) the number of health care practitioners hired who are not retirees;
2 and

3 (4) the annual salary of each health care practitioner who is hired.

4 (m) An individual who is rehired under this section may not be rehired within
5 45 days of the date the individual retired if:

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

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

14 (n) On or before October 1 of each year, the State Superintendent of Schools
15 shall submit a report for the previous school year, to the Joint Committee on Pensions,
16 in accordance with § 2-1246 of the State Government Article, that provides:

17 (1) the number of rehired retirees under subsection (c)(4)(v) and (vi)
18 and (8) of this section;

19 (2) (i) the school and school system where each retiree was rehired;
20 and

21 (ii) whether the school:

22 1. was not making adequate yearly progress or was a
23 school in need of improvement as defined under the federal No Child Left Behind Act
24 of 2001 and as implemented by the State Department of Education;

25 2. was receiving funds under Title 1 of the federal No
26 Child Left Behind Act of 2001; [or]

27 3. provided an alternative education program for
28 adjudicated youths or students who have been expelled, suspended, or identified for
29 suspension or expulsion from a public school; **OR**

1 **4. HAS A CRITICAL SHORTAGE IN AN ACADEMIC**
2 **FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION;**

3 (3) a copy of the annual staffing report generated by the State
4 Superintendent of Schools in accordance with § 18-703(g)(1) of the Education Article
5 certifying areas of critical shortage for the previous school year as evidenced by
6 projected employment vacancies substantially exceeding projected qualified graduates;

7 (4) the subject matter that each rehired retiree was teaching;

8 (5) the salary of each rehired retiree; and

9 (6) the total number of years each retiree has been reemployed at the
10 school where the retiree was rehired for the previous school year.

11 (o) On or before October 1 of each year, the Board of Trustees shall submit a
12 report for the previous calendar year to the Joint Committee on Pensions, in
13 accordance with § 2-1246 of the State Government Article, that provides:

14 (1) the number of individuals in each local school system that the
15 Board of Trustees and the State Department of Education agree were rehired and did
16 not satisfy the criteria provided in subsection (c)(4)(v) or (vi) and (5), (6), or (8) of this
17 section; and

18 (2) any reimbursements a local school system made under subsection
19 (c)(9)(iii) of this section.

20 23-407.

21 (a) In this section, “area of critical shortage” means an academic field
22 identified by the State Department of Education in accordance with the provisions of §
23 18-703(g)(1) of the Education Article as having projected employment vacancies that
24 substantially exceed projected qualified graduates.

25 (b) Except as provided in subsection (m) of this section, an individual who is
26 receiving a service retirement allowance or a vested allowance may accept
27 employment with a participating employer on a permanent, temporary, or contractual
28 basis, if:

29 (1) the individual immediately notifies the Board of Trustees of the
30 individual’s intention to accept this employment; and

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

2 (c) (1) The Board of Trustees shall reduce the allowance of an individual
3 who accepts employment as provided under subsection (b) 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 retirement
8 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 or an early vested allowance computed
16 under § 23-402 of this subtitle.

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

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

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

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

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

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

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

6 (iii) an individual who has been retired for 9 years, beginning on
7 January 1 after the date the individual retires;

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

- 9 1. is or has been certified to teach in the State;
- 10 2. has verification of satisfactory or better performance
11 in the last assignment prior to retirement;
- 12 3. based on the retired teacher's qualifications, has been
13 appointed in accordance with § 4-103 of the Education Article; and
- 14 4. receives verification of satisfactory or better
15 performance each year the teacher is employed under paragraph (5) of this subsection;

16 (v) a retiree of the Teachers' Pension System who:

- 17 1. A. was employed as a principal within 5 years of
18 retirement; or
- 19 B. was employed as a principal not more than 10 years
20 before retirement and was employed in a position supervising principals in the
21 retiree's last assignment prior to retirement;
- 22 2. has verification of satisfactory performance for each
23 year as a principal and, if applicable, in a position supervising principals prior to
24 retirement;
- 25 3. based on the retiree's qualifications, has been hired as
26 a principal; and
- 27 4. receives verification of satisfactory performance each
28 year the retiree is employed as a principal under paragraph (6) of this subsection; or

1 (vi) a retiree of the Employees' Pension System who is
2 reemployed on a contractual basis for not more than 4 years by the Department of
3 Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the
4 Health Occupations Article in:

5 1. a State residential center as defined in § 7-101 of the
6 Health – General Article;

7 2. a chronic disease center subject to Title 19, Subtitle 5
8 of the Health – General Article;

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

11 4. a local health department subject to Title 3, Subtitle 2
12 of the Health – General Article.

13 (5) (i) An individual who is rehired under paragraph (4)(iv) of this
14 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
15 teacher mentor in a public school that:

16 1. is not making adequate yearly progress or is a school
17 in need of improvement as defined under the federal No Child Left Behind Act of 2001
18 and as implemented by the State Department of Education;

19 2. is receiving funds under Title 1 of the federal No
20 Child Left Behind Act of 2001; [or]

21 3. provides an alternative education program for
22 adjudicated youths or students who have been expelled, suspended, or identified for
23 suspension or expulsion from a public school; **OR**

24 **4. HAS A CRITICAL SHORTAGE IN AN ACADEMIC**
25 **FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION.**

26 (ii) An individual rehired at a school described under
27 subparagraph (i) of this paragraph shall teach:

28 1. in an area of critical shortage;

29 2. a special education class for students with special
30 needs; or

1 3. a class for students with limited English proficiency.

2 (6) An individual who is rehired under paragraph (4)(v) of this
3 subsection shall be employed as a principal at a public school that:

4 (i) is not making adequate yearly progress or is a school in need
5 of improvement as defined under the federal No Child Left Behind Act of 2001 and as
6 implemented by the State Department of Education;

7 (ii) is receiving funds under Title 1 of the federal No Child Left
8 Behind Act of 2001; [or]

9 (iii) provides an alternative education program for adjudicated
10 youths or students who have been expelled, suspended, or identified for suspension or
11 expulsion from a public school; **OR**

12 **(IV) HAS A CRITICAL SHORTAGE IN AN ACADEMIC FIELD AS**
13 **IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION.**

14 (7) An individual who is reemployed under paragraph (4)(iv) or (v) of
15 this subsection at a school described under paragraph (5) or (6) of this subsection may
16 not continue that reemployment after the school makes adequate yearly progress for 4
17 consecutive years.

18 (8) (i) Notwithstanding paragraph (5) of this subsection, each
19 superintendent of a local school system may rehire an additional number of
20 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

21 1. three; or

22 2. 0.1% of the total full-time equivalent instructional
23 teachers employed by that local school system, rounded up to the nearest whole
24 number not to exceed 10, as reported annually by the State Department of Education.

25 (ii) At any one time, the total number of individuals rehired by a
26 superintendent of a local school system under this paragraph may not exceed the
27 number determined under subparagraph (i) of this paragraph.

28 (iii) An individual rehired under this paragraph:

1 1. shall be reemployed at a school specified in paragraph
2 (5)(i) of this subsection; and

3 2. may teach any subject or class or provide educational
4 services assigned by the individual's superintendent.

5 (9) (i) The superintendent of the local school system rehiring an
6 individual under paragraph (4)(iv) or (v) of this subsection shall:

7 1. approve the rehiring of that individual; and

8 2. determine the school where the individual is to be
9 reemployed.

10 (ii) Within 30 days after rehiring an individual, the
11 superintendent of a local school system shall complete and file with the Board of
12 Trustees and the State Department of Education a form provided by the Board of
13 Trustees that certifies that the individual rehired by the local school system under
14 paragraph (4)(v) or (vi) of this subsection:

15 1. satisfied the criteria provided in paragraph (4)(iv) or
16 (v) of this subsection;

17 2. was reemployed at a school described under
18 paragraph (5)(i) or (6) of this subsection; and

19 3. if rehired under paragraph (4)(iv) of this subsection,
20 was:

21 A. teaching in an area specified in paragraph (5)(ii) of
22 this subsection; or

23 B. teaching in any class or subject or providing
24 educational services as provided under paragraph (8) of this subsection.

25 (iii) 1. On or before April 1 of each year, the Board of
26 Trustees and the State Department of Education shall jointly review any forms filed
27 by a superintendent of a local school system under subparagraph (ii) of this
28 paragraph.

29 2. If the Board of Trustees and the State Department of
30 Education agree that a superintendent of a local school system has rehired an

1 individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5),
2 (6), or (8) of this subsection:

3 A. on or before July 1 of the year of the finding, the
4 Board of Trustees shall notify the superintendent of the local school system of this
5 individual; and

6 B. the local school system shall reimburse the Board of
7 Trustees the amount equal to the reduction to the individual's retirement allowance
8 that would have been made in paragraph (2) of this subsection.

9 (iv) The local school system shall make the reimbursement on or
10 before December 31 of the year the local school system receives notice from the Board
11 of Trustees under subparagraph (iii)2A of this paragraph.

12 (10) On or before August 1 of each year, the local superintendent shall
13 report to the State Department of Education for the previous school year:

14 (i) the number of individuals rehired under paragraph (4)(iv) or
15 (v) or (8) of this subsection;

16 (ii) 1. the school and school system where each individual
17 was rehired; and

18 2. whether the school:

19 A. was not making adequate yearly progress or was a
20 school in need of improvement as defined under the federal No Child Left Behind Act
21 of 2001 and as implemented by the State Department of Education;

22 B. was receiving funds under Title 1 of the federal No
23 Child Left Behind Act of 2001; [or]

24 C. provided an alternative education program for
25 adjudicated youths or students who have been expelled, suspended, or identified for
26 suspension or expulsion from a public school; **OR**

27 **D. HAS A CRITICAL SHORTAGE IN AN ACADEMIC**
28 **FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION;**

29 (iii) the original date of rehire for each individual;

1 (iv) the subject matter taught by each individual; and

2 (v) the annual salary of each individual.

3 (d) An individual who is rehired under this section may not be rehired within
4 45 days of the date the individual retired if:

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

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

13 (e) An individual who is receiving a service retirement allowance or a vested
14 allowance and who is reemployed by a participating employer may not receive
15 creditable service or eligibility service during the period of reemployment.

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

19 (g) The State Retirement Agency shall institute appropriate reporting
20 procedures with the affected payroll systems to ensure compliance with this section.

21 (h) (1) Immediately on the employment of any individual receiving a
22 service retirement allowance or a vested allowance, a participating employer shall
23 notify the State Retirement Agency of the type of employment and the anticipated
24 earnings of the individual.

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

29 (i) The State Department of Education shall adopt regulations to carry out
30 this section.

31 (j) At the request of the State Retirement Agency:

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

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

9 (k) The Department of Health and Mental Hygiene shall notify the State
10 Retirement Agency of any retirees who qualify under subsection (c)(4)(vi) of this
11 section.

12 (1) On or before September 1 of each year, the Secretary of Health and
13 Mental Hygiene shall submit a report in accordance with § 2-1246 of the State
14 Government Article to the Joint Committee on Pensions that provides:

15 (1) the number of rehired retirees under subsection (c)(4)(vi) of this
16 section;

17 (2) the annual salary of each rehired retiree at the time of retirement
18 and the current annual salary of each rehired retiree;

19 (3) the number of health care practitioners hired who are not retirees;
20 and

21 (4) the annual salary of each health care practitioner who is hired.

22 (m) An individual who is rehired under this section may not be rehired within
23 45 days of the date the individual retired if:

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

28 (2) the individual's current employer is any unit of State government
29 and the individual's employer at the time of the individual's last separation from
30 employment with the State before the individual commenced receiving a service
31 retirement allowance was also a unit of State government.

1 (n) On or before October 1 of each year, the State Superintendent of Schools
2 shall submit a report for the previous school year, to the Joint Committee on Pensions,
3 in accordance with § 2–1246 of the State Government Article, that provides:

4 (1) the number of rehired retirees under subsection (c)(4)(iv) and (v)
5 and (8) of this section;

6 (2) (i) the school and school system where each retiree was rehired;
7 and

8 (ii) whether the school:

9 1. was not making adequate yearly progress or was a
10 school in need of improvement as defined under the federal No Child Left Behind Act
11 of 2001 and as implemented by the State Department of Education;

12 2. was receiving funds under Title 1 of the federal No
13 Child Left Behind Act of 2001; [or]

14 3. provided an alternative education program for
15 adjudicated youths or students who have been expelled, suspended, or identified for
16 suspension or expulsion from a public school; **OR**

17 **4. HAS A CRITICAL SHORTAGE AREA IN AN**
18 **ACADEMIC FIELD AS IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION;**

19 (3) a copy of the annual staffing report generated by the State
20 Superintendent of Schools in accordance with § 18–703(g)(1) of the Education Article
21 certifying areas of critical shortage for the previous school year as evidenced by
22 projected employment vacancies substantially exceeding projected qualified graduates;

23 (4) the subject matter that each rehired retiree was teaching;

24 (5) the salary of each rehired retiree; and

25 (6) the total number of years each retiree has been reemployed at the
26 school where the retiree was rehired for the previous school year.

27 (o) On or before October 1 of each year, the Board of Trustees shall submit a
28 report for the previous calendar year to the Joint Committee on Pensions, in
29 accordance with § 2–1246 of the State Government Article, that provides:

1 (1) the number of individuals in each local school system that the
2 Board of Trustees and the State Department of Education agree were rehired and did
3 not satisfy the criteria provided in subsection (c)(4)(iv) or (v) and (5), (6), or (8) of this
4 section; and

5 (2) any reimbursements a local school system made under subsection
6 (c)(9)(ii) of this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2007.