

HOUSE BILL 1513

K4

(9lr0193)

ENROLLED BILL

—Appropriations / Budget and Taxation—

Introduced by **Chair, Appropriations Committee (By Request - Departmental - Health and Mental Hygiene)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Employees' Retirement and Pension Systems - Reemployment of Retirees -**
3 **Health Care Practitioners**

4 FOR the purpose of repealing a certain reemployment limitation on certain retirees of
5 the Employees' Retirement and Pension Systems who are reemployed on a
6 contractual basis by the Department of Health and Mental Hygiene as health
7 care practitioners; *providing for the termination of this Act*; and generally
8 relating to the reemployment of retirees in the Employees' Retirement and
9 Pension Systems.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 22-406(c)(4) and 23-407(c)(4)
13 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 (2004 Replacement Volume and 2008 Supplement)

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

4 **Article – State Personnel and Pensions**

5 22–406.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 3. based on the retiree's qualifications, has been hired as
10 a principal; and

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

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

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

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

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

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

26 4. a local health department subject to Title 3, Subtitle 2
27 of the Health – General Article; or

28 (ix) a retiree of the Employees' Retirement System and the
29 Judges' Retirement System who is temporarily assigned to sit in a court of this State
30 under the authority of Article IV, § 3A of the Maryland Constitution.

31 23-407.

32 (c) (4) Except for an individual whose allowance is subject to a reduction
33 as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
34 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;

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

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

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

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

7 4. a local health department subject to Title 3, Subtitle 2
8 of the Health – General Article; or

9 (vii) a retiree of the Employees’ Pension System and the Judges’
10 Retirement System who is temporarily assigned to sit in a court of this State under
11 the authority of Article IV, § 3A of the Maryland Constitution.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2009. It shall remain effective for a period of 2 years and, at the end of June 30,
14 2011, with no further action required by the General Assembly, this Act shall be
15 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.