

# HOUSE BILL 1513

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By: **Chair, Appropriations Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: March 5, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

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; and generally relating to the reemployment of retirees in the  
8 Employees' Retirement and Pension Systems.

9 BY repealing and reenacting, with amendments,  
10 Article – State Personnel and Pensions  
11 Section 22–406(c)(4) and 23–407(c)(4)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2008 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 (c) (4) Except for an individual whose allowance is subject to a reduction  
19 as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an  
20 allowance under this subsection does not apply to:

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 23-407.

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

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

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

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

30 (iv) 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  
33 in the last assignment prior to retirement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 July 1, 2009.