

# HOUSE BILL 630

K4

4r1557  
CF SB 576

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By: **Delegate Griffith (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 30, 2014

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment of Retirees –**  
3 **Penalty for Failure to Submit Certification**

4 FOR the purpose of altering the amount a local school system or the Maryland School  
5 for the Deaf must pay as a penalty for failing to submit to the Board of Trustees  
6 for the State Retirement and Pension System and the State Department of  
7 Education within a certain period of time a certain certification regarding  
8 certain retirees of the Teachers' Retirement System or the Teachers' Pension  
9 System who are employed by a local school system or the Maryland School for  
10 the Deaf and are exempt from a certain retirement allowance offset; and  
11 generally relating to the penalty for the failure to submit a certain certification  
12 regarding certain reemployed retirees in the teachers' retirement and pension  
13 systems.

14 BY repealing and reenacting, with amendments,  
15 Article – State Personnel and Pensions  
16 Section 22–406(c)(9) and 23–407(c)(9)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2013 Supplement)

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

21 **Article – State Personnel and Pensions**

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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.



1 22-406.

2 (c) (9) (i) The superintendent of the local school system or the  
3 superintendent of the Maryland School for the Deaf rehiring an individual under  
4 paragraph (4)(v) or (vi) of this subsection shall:

- 5 1. approve the rehiring of that individual; and  
6 2. determine the school where the individual is to be  
7 reemployed.

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

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

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

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

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

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

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

29 2. If the Board of Trustees and the State Department of  
30 Education agree that a superintendent of a local school system or the Maryland School  
31 for the Deaf has rehired an individual that does not satisfy the criteria provided in  
32 paragraphs (4)(v) and (5), paragraphs (4)(vi) and (6), or paragraph (8) of this  
33 subsection:

1                   A.     on or before July 1 of the year of the finding, the  
2 Board of Trustees shall notify the superintendent of the local school system or the  
3 Maryland School for the Deaf of this individual; and

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

8                   (iv)   If a superintendent of a local school system or the  
9 superintendent of the Maryland School for the Deaf rehires an individual that satisfies  
10 the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection  
11 and the Board of Trustees and the State Department of Education do not receive  
12 certification from the superintendent in the time required under subparagraph (ii) of  
13 this paragraph:

14                   1.     on or before July 1 of the year of the finding, the  
15 Board of Trustees shall notify the superintendent of the local school system or the  
16 superintendent of the Maryland School for the Deaf of this individual; and

17                   2.     the local school system or the Maryland School for the  
18 Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the  
19 individual's retirement allowance that would have been made in paragraph (2) of this  
20 subsection as a result of the superintendent's failure] **PAY THE BOARD OF**  
21 **TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS** to submit **THE**  
22 certification under subparagraph (ii) of this paragraph **IN THE TIME REQUIRED, NOT**  
23 **TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION**  
24 **IS NOT SUBMITTED IN THE TIME REQUIRED.**

25                   (v)   The local school system or the Maryland School for the Deaf  
26 shall make the reimbursement on or before December 31 of the year the local school  
27 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
28 under subparagraph (iii)2A of this paragraph.

29 23-407.

30                   (c)   (9)   (i)   The superintendent of the local school system or the  
31 superintendent of the Maryland School for the Deaf rehiring an individual under  
32 paragraph (4)(iv) or (v) of this subsection shall:

33                   1.     approve the rehiring of that individual; and

34                   2.     determine the school where the individual is to be  
35 reemployed.

1 (ii) Within 30 days after rehiring an individual, the  
2 superintendent of a local school system or the superintendent of the Maryland School  
3 for the Deaf shall complete and file with the Board of Trustees and the State  
4 Department of Education a form provided by the Board of Trustees that certifies that  
5 the individual rehired by the local school system or the Maryland School for the Deaf  
6 under paragraph (4)(iv) or (v) of this subsection:

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

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

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

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

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

17 (iii) 1. On or before April 1 of each year, the Board of  
18 Trustees and the State Department of Education shall jointly review any forms filed  
19 by a superintendent of a local school system or the superintendent of the Maryland  
20 School for the Deaf under subparagraph (ii) of this paragraph.

21 2. If the Board of Trustees and the State Department of  
22 Education agree that a superintendent of a local school system or the Maryland School  
23 for the Deaf has rehired an individual that does not satisfy the criteria provided in  
24 paragraphs (4)(iv) and (5), paragraphs (4)(v) and (6), or paragraph (8) of this  
25 subsection:

26 A. on or before July 1 of the year of the finding, the  
27 Board of Trustees shall notify the superintendent of the local school system or the  
28 Maryland School for the Deaf of this individual; and

29 B. the local school system or the Maryland School for the  
30 Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the  
31 individual's retirement allowance that would have been made in paragraph (2) of this  
32 subsection.

33 (iv) If a superintendent of a local school system or the  
34 superintendent of the Maryland School for the Deaf rehires an individual that satisfies  
35 the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection  
36 and the Board of Trustees and the State Department of Education do not receive

1 certification from the superintendent in the time required under subparagraph (ii) of  
2 this paragraph:

3 1. 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 or the  
5 superintendent of the Maryland School for the Deaf of this individual; and

6 2. the local school system or the Maryland School for the  
7 Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the  
8 individual's retirement allowance that would have been made in paragraph (2) of this  
9 subsection as a result of the superintendent's failure] **PAY THE BOARD OF**  
10 **TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS** to submit **THE**  
11 certification under subparagraph (ii) of this paragraph **IN THE TIME REQUIRED, NOT**  
12 **TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION**  
13 **IS NOT SUBMITTED IN THE TIME REQUIRED.**

14 (v) The local school system or the Maryland School for the Deaf  
15 shall make the reimbursement on or before December 31 of the year the local school  
16 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
17 under subparagraph (iii)2A of this paragraph.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.