

Chapter 381

**(House Bill 942)**

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings  
Offset – Clarification**

FOR the purpose of clarifying certain provisions of law pertaining to a certain reemployment earnings offset of a retirement allowance for certain retirees of the State Retirement and Pension System that are reemployed in certain positions; and generally relating to clarifying certain provisions of law pertaining to a reemployment earnings offset for certain retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22–406(c)(2)(i) and (iii), 23–407(c)(2)(i) and (iii), 24–405(c)(4), 25–403(b)(2),  
and 27–406(d)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 22–406(c)(2)(iv) and 23–407(c)(2)(iv)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

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

**Article – State Personnel and Pensions**

22–406.

(c) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual’s initial annual basic allowance and the individual’s annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree’s annual compensation and the retiree’s annual basic allowance at the time of retirement, including

the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

23-407.

(c) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

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

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less

than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

24-405.

(c) (4) (i) Any reduction taken to an allowance under paragraph (3) of this subsection may not [reduce the allowance to less than the amount required to be deducted] **REDUCE THE ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the individual's monthly State-approved medical insurance premiums.

(ii) [If a reduction for a calendar year taken under subparagraph (i) of this paragraph is less than the reduction required under paragraph (3) of this subsection, the] **THE** Board of Trustees shall recover from the individual [an amount equal to] **ANY DIFFERENCE BETWEEN** the reduction required under paragraph (3) of this subsection [less] **AND** the reduction taken under subparagraph (i) of this paragraph.

25-403.

(b) (2) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the reduction under paragraph (1) of this subsection shall equal the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(ii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less

than what is required to be deducted] **REDUCE THE RETIREE’S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree’s monthly State–approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree’s retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(III) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ~~LESS~~ AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

27–406.

(d) (1) Any reduction taken [to a retiree’s allowance] under subsection (c) of this section may not [exceed an amount that would reduce the retiree’s allowance to less than what is required to be deducted] **REDUCE THE RETIREE’S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the retiree’s monthly State–approved medical insurance premiums.

(2) [If a reduction for a calendar year taken under paragraph (1) of this subsection is less than the reduction required under subsection (c) of this section, the] **THE** Board of Trustees shall recover from the retiree [an amount equal to] **ANY DIFFERENCE BETWEEN** the reduction required under subsection (c) of this section ~~less~~ **AND** the reduction taken under paragraph (1) of this subsection.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2020.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**