

SENATE BILL 410

P6

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CF 2lr1817

By: **Senator Elfreth (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 24, 2022

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment**

3 FOR the purpose of providing an exemption from reemployment earnings offsets for
4 retirees of the Teachers' Retirement and Pension Systems for certain reemployment;
5 and generally relating to the reemployment of retirees of the Teachers' Retirement
6 and Pension Systems.

7 BY repealing and reenacting, without amendments,

8 Article – State Personnel and Pensions

9 Section 22–406(b), (c)(4)(xi), (d), and (m)(2) and 23–407(b), (c)(4)(ix), (d), and (m)(2)

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – State Personnel and Pensions

14 Section 22–406(c)(8) and 23–407(c)(8)

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – State Personnel and Pensions**

20 22–406.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (xi) a retiree of the Teachers' Retirement System who is reemployed
8 by a local school system or the Maryland School for the Deaf and is rehired in accordance
9 with paragraph (8) of this subsection; or

10 (8) (i) In addition to any individuals rehired in accordance with
11 paragraph (5) of this subsection, and subject to subparagraph (ii) of this paragraph, each
12 superintendent of a local school system and the superintendent of the Maryland School for
13 the Deaf may rehire a maximum of five individuals who are retirees of the Teachers'
14 Retirement System in any position at any school in the superintendent's local school system
15 or the Maryland School for the Deaf.

16 (ii) The number of individuals rehired under subparagraph (i) of this
17 paragraph for each local school system or the Maryland School for the Deaf may not exceed
18 a total of five retirees at any one time when added to the number of individuals rehired
19 under § 23-407(c)(8)(i) of this article for that same local school system or the Maryland
20 School for the Deaf.

21 **(III) IN ADDITION TO ANY INDIVIDUALS REHIRED IN**
22 **ACCORDANCE WITH SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, FROM JULY**
23 **1, 2022, THROUGH JUNE 30, 2024, EACH SUPERINTENDENT OF A LOCAL SCHOOL**
24 **SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF**
25 **MAY REHIRE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' RETIREMENT**
26 **SYSTEM AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR**
27 **THE MARYLAND SCHOOL FOR THE DEAF AS:**

28 **1. A CLASSROOM TEACHER;**

29 **2. A SUBSTITUTE CLASSROOM TEACHER;**

30 **3. A TEACHER MENTOR; OR**

31 **4. A PRINCIPAL.**

32 (d) An individual who is receiving a service retirement allowance under this title
33 may not be employed within 45 days of the date the individual retired, on a permanent,
34 temporary, or contractual basis, by:

1 (1) the State or other participating employer; or

2 (2) a withdrawn participating governmental unit, if the retiree was an
3 employee of the withdrawn participating governmental unit while the withdrawn
4 governmental unit was a participating employer.

5 (m) On or before October 1 of each year, the State Superintendent of Schools shall
6 submit a report for the previous school year, to the Joint Committee on Pensions, in
7 accordance with § 2–1257 of the State Government Article, that provides:

8 (2) the number of retirees rehired under subsection (c)(8) of this section.

9 23–407.

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

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

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

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

19 (ix) a retiree of the Teachers' Pension System who is reemployed by
20 a local school system or the Maryland School for the Deaf and is rehired in accordance with
21 paragraph (8) of this subsection; or

22 (8) (i) In addition to any individuals rehired in accordance with
23 paragraph (5) of this subsection, and subject to subparagraph (ii) of this paragraph, each
24 superintendent of a local school system and the superintendent of the Maryland School for
25 the Deaf may rehire a maximum of five individuals who are retirees of the Teachers'
26 Pension System in any position at any school in the superintendent's local school system or
27 the Maryland School for the Deaf.

28 (ii) The number of individuals rehired under subparagraph (i) of this
29 paragraph for each local school system or the Maryland School for the Deaf may not exceed
30 a total of five retirees at any one time when added to the number of individuals rehired
31 under § 22–406(c)(8)(i) of this article for that same local school system or the Maryland
32 School for the Deaf.

33 **(III) IN ADDITION TO ANY INDIVIDUALS REHIRED IN**
34 **ACCORDANCE WITH SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, FROM JULY**
35 **1, 2022, THROUGH JUNE 30, 2024, EACH SUPERINTENDENT OF A LOCAL SCHOOL**

1 **SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF**
2 **MAY REHIRE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' PENSION**
3 **SYSTEM AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR**
4 **THE MARYLAND SCHOOL FOR THE DEAF AS:**

- 5 **1. A CLASSROOM TEACHER;**
- 6 **2. A SUBSTITUTE CLASSROOM TEACHER;**
- 7 **3. A TEACHER MENTOR; OR**
- 8 **4. A PRINCIPAL.**

9 (d) An individual who is receiving a service retirement allowance under this title
10 may not be employed within 45 days of the date the individual retired, on a permanent,
11 temporary, or contractual basis, by:

12 (1) the State or other participating employer; or

13 (2) a withdrawn participating governmental unit, if the retiree was an
14 employee of the withdrawn participating governmental unit while the withdrawn
15 governmental unit was a participating employer.

16 (m) On or before October 1 of each year, the State Superintendent of Schools shall
17 submit a report for the previous school year, to the Joint Committee on Pensions, in
18 accordance with § 2-1257 of the State Government Article, that provides:

19 (2) the number of retirees rehired under subsection (c)(8) of this section.

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
21 **1, 2022. It shall remain effective for a period of 2 years and 1 month and, at the end of June**
22 **30, 2024, this Act, with no further action required by the General Assembly, shall be**
23 **abrogated and of no further force and effect.**