

Chapter 65

(Senate Bill 143)

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment

FOR the purpose of clarifying a certain exemption from a certain reemployment offset for retirees of the Teachers' Retirement System and Teachers' Pension System who are reemployed by a local school system under certain conditions; providing for the retroactive application of this Act; and generally relating to reemployment of retirees of the Teachers' Retirement System and Teachers' Pension System.

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section 22–406(c)(4)(xi) and (8)(ii) and 23–407(c)(4)(ix) and (8)(ii)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 22–406(c)(8)(i) and 23–407(c)(8)(i)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2023 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) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

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

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

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

23–407.

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

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

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

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

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect retirees of the Teachers' Retirement System or Teachers' Pension System reemployed on or after January 1, 2020:~~

(a) This section applies to a retiree of the Teachers' Pension System who:

(1) following retirement, was reemployed by the Harford County Board of Education in a position located within the Payroll Department of the Harford County Board of Education; and

(2) in calendar year 2022 or 2023, exceeded the retiree's earnings limitation as calculated under § 23–407 of the State Personnel and Pensions Article, as enacted by Section 1 of this Act.

(b) This Act shall be construed to apply retroactively and shall be applied to and interpreted to affect a retiree described under subsection (a) of this section.

(c) If, on or before July 1, 2024, the Board of Trustees for the State Retirement and Pension System has offset the retirement benefits of a retiree described under subsection (a) of this section during calendar years 2023 or 2024 due to the retiree exceeding the earnings limitation, the Board of Trustees shall refund the offset to the retiree on or before December 31, 2024.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, April 9, 2024.