

SENATE BILL 410

P6

2lr1818
CF HB 743

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

Introduced and read first time: January 24, 2022

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 15, 2022

CHAPTER _____

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.

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.



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

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

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

(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.

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

- 1. A CLASSROOM TEACHER;**
- 2. A SUBSTITUTE CLASSROOM TEACHER;**
- 3. A TEACHER MENTOR; OR**
- 4. A PRINCIPAL.**

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

(1) the State or other participating employer; or

(2) a withdrawn participating governmental unit, if the retiree was an employee of the withdrawn participating governmental unit while the withdrawn governmental unit was a participating employer.

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

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

23-407.

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

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

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

(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.

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

- 1. A CLASSROOM TEACHER;**
- 2. A SUBSTITUTE CLASSROOM TEACHER;**
- 3. A TEACHER MENTOR; OR**
- 4. A PRINCIPAL.**

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

(1) the State or other participating employer; or

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

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

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

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