

In subsection (b)(2) of this section, the word "annual" is added to modify "basic allowance" to clarify that the annual figure is used to compare to the annual compensation of the retiree.

Also in subsection (b)(2) of this section, the requirement that "[t]he Board of Trustees ... reduce a retiree's retirement allowance" is substituted for the limitation on the retirement allowance in the first sentences, and the determination of the allowable earnings of a retiree in the third sentences, of former Art. 73B, §§ 2-411(a)(3) and 3-408(a)(3) for clarity and to more accurately reflect current practice — i.e., when a retiree's salary exceeds the allowed amount, the Board of Trustees correspondingly offsets the service retirement allowance.

Defined terms: "Average final compensation" § 20-101

"Basic allowance" § 20-101

"Board of Trustees" § 20-101

"Participating employer" § 20-101

"Retiree" § 20-101

"Retirement allowance" § 20-101

22-407. SAME — AS PERMANENT EMPLOYEE.

(A) TERMINATION OF RETIREMENT; MEMBERSHIP REQUIRED.

IF A RETIREE WHO IS RECEIVING A SERVICE RETIREMENT ALLOWANCE IS REEMPLOYED IN A PERMANENT POSITION WITH A PARTICIPATING EMPLOYER, THE RETIREE'S RETIREMENT ENDS AND THE INDIVIDUAL SHALL BE RESTORED TO MEMBERSHIP IN THE STATE RETIREMENT SYSTEM APPROPRIATE FOR THE POSITION.

(B) RETIREMENT ALLOWANCE; CREDITABLE AND ELIGIBILITY SERVICE.

THE BOARD OF TRUSTEES SHALL:

(1) STOP RETIREMENT ALLOWANCE PAYMENTS AFTER THE LAST DAY OF THE MONTH BEFORE THE RETIREE RETURNS TO ACTIVE EMPLOYMENT;

(2) RESTORE PREVIOUS CREDITABLE SERVICE AND ELIGIBILITY SERVICE TO THE ACCOUNT OF THE MEMBER; AND

(3) CREDIT THE MEMBER WITH CREDITABLE SERVICE AND ELIGIBILITY SERVICE PERFORMED BEGINNING THE DATE OF REEMPLOYMENT.

(C) REDUCTION OF RESERVES.

IF THE MEMBER LATER RETIRES OR DIES WHILE EMPLOYED BY A PARTICIPATING EMPLOYER, THE BOARD OF TRUSTEES SHALL REDUCE THE MEMBER'S ANNUITY RESERVE AND PENSION RESERVE BY THE AMOUNT OF PAYMENTS MADE TO THE MEMBER DURING THE MEMBER'S EARLIER RETIREMENT UNLESS THE MEMBER HAD REIMBURSED THE STATE SYSTEM FOR THE PAYMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 2-411(b) and 3-408(b).