

(2) IS CREDITED WITH PRIOR ELIGIBILITY SERVICE; AND

(3) DOES NOT REPAY, WITH INTEREST TO THE DATE OF RETIREMENT, THE AMOUNT RECEIVED.

(B) AMOUNT OF REDUCTION.

A REDUCTION UNDER SUBSECTION (A) OF THIS SECTION SHALL EQUAL THE ACTUARIAL EQUIVALENT OF THE AMOUNT, INCLUDING INTEREST, THAT IS NOT REPAYED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B; §§ 4-408 and 5-408.

In subsection (a) of this section, the reference to the "Board of Trustees" is added for clarity.

In subsection (a)(1) of this section, the phrase "other than additional contributions" is added to clarify that since additional contributions result in an additional annuity and are not part of the reserves for a retirement allowance, there would not be a reduction if additional contributions are not repaid.

In subsection (a)(1) of this section, the former references to reducing a member's allowance because the member received a "lump sum settlement ... on the member's prior termination" of employment are deleted. The State Personnel and Pensions Article Review Committee was unable to envision any circumstances relevant to the calculation under this section in which a "lump sum settlement" is offered to a member. The Committee calls this deletion to the attention of the General Assembly.

Defined terms: "Accumulated contributions" § 20-101

"Additional contributions" § 20-101

"Allowance" § 20-101

"Board of Trustees" § 20-101

"Eligibility service" § 20-101

"Member" § 20-101

"Retirement" § 20-101

23-407. EFFECT OF EMPLOYMENT OF RETIREE — AS TEMPORARY OR CONTRACTUAL EMPLOYEE.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A RETIREE WHO IS RECEIVING A SERVICE RETIREMENT ALLOWANCE MAY ACCEPT EMPLOYMENT WITH A PARTICIPATING EMPLOYER ON A TEMPORARY OR CONTRACTUAL BASIS, WITHOUT ANY REDUCTION IN RETIREMENT ALLOWANCE, IF:

(1) THE RETIREE IMMEDIATELY NOTIFIES THE BOARD OF TRUSTEES OF THE RETIREE'S INTENTION TO ACCEPT THIS EMPLOYMENT;

(2) THE RETIREE SPECIFIES THE COMPENSATION TO BE RECEIVED; AND