

**Article - State Personnel and Pensions**

22-406.

(a) 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 permanent, temporary, or contractual basis, without any reduction in retirement allowance, if the retiree immediately notifies the Board of Trustees:

- (1) of the retiree's intention to accept the employment; and
- (2) of the compensation that the retiree will receive.

(b) (1) This subsection does not apply to:

- (i) a retiree who has been retired for more than 10 years;
- (ii) a retiree whose average final compensation was less than \$10,000 and who is reemployed on a temporary or contractual basis; or
- (iii) a retiree who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit.

(2) The Board of Trustees shall reduce a retiree's retirement allowance by the amount that the sum of the retiree's annual basic allowance, at the time of retirement, and the retiree's annual compensation exceeds the average final compensation used to compute the basic allowance.

(c) A reemployed retiree who is receiving a service retirement allowance may not receive creditable service or eligibility service during the period of reemployment.

(d) The retiree's compensation during the period of reemployment may not be subject to the employer pickup provisions of § 21-303 of this article or any reduction or deduction as a member contribution for pension or retirement purposes.

(e) The State Retirement Agency shall institute appropriate reporting procedures with the affected payroll systems to ensure compliance with this section.

(f) (1) Immediately on the employment of any retiree, a participating employer shall notify the State Retirement Agency of the type of employment and the anticipated earnings of the retiree.

(2) At least once each year, in a format specified by the State Retirement Agency, each participating employer shall provide the State Retirement Agency with a list of all employees included on any payroll of the employer, the social security numbers of the employees, and their earnings for that year.

22-406.1.

**(A) NOTWITHSTANDING § 22-406 OF THE STATE PERSONNEL AND PENSIONS ARTICLE AND CHAPTER 703 OF THE ACTS OF 1994, IF A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM WHO HAD AN AVERAGE FINAL COMPENSATION OF LESS THAN \$10,000, RETIRED FROM AN ELECTED POSITION AS AN OFFICIAL OF A PARTICIPATING**