

annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by this Act, exceeds the average final compensation used to compute the basic allowance;

(4) No more than 2% of the total number of employees retiring under this Act may be reemployed in a contractual or temporary position in any branch of State government;

(5) The Board of Public Works may not approve the reemployment in a temporary or contractual position in the Executive Branch of State government of an employee who retires under this Act, if that reemployment would result in more than 2% of the retirees who retired under this Act being reemployed in a temporary or contractual position with the State;

(6) The President of the Senate and the Speaker of the House of Delegates may not approve the reemployment in a temporary or contractual position in the Legislative Branch of State government of an employee who retires under this Act, if that reemployment would result in more than 2% of the retirees who retired under this Act being reemployed in a temporary or contractual position with the State;

(7) The Department of Budget and Fiscal Planning shall review the applications for reemployment as contractual or temporary employees under this Act and shall advise the Board of Public Works if the reemployment of an individual will cause the 2% limit under paragraph (4) of this section of this Act to be exceeded; and

(8) The Department of Fiscal Services shall review the applications for reemployment as contractual or temporary employees under this Act and shall advise the President of the Senate and the Speaker of the House of Delegates if the reemployment of an individual will cause the 2% limit under paragraph (4) of this section of this Act to be exceeded.]

Chapter 736 of the Acts of 1997, as amended by Chapter 733 of the Acts of 2001

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) This section of this Act does not apply to a retiree of the Employees' Retirement System or the Employees' Pension System who is reemployed on a contractual basis by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article in:

(i) A State residential center as defined in § 7-101 of the Health - General Article;

(ii) A chronic disease center subject to Title 19, Subtitle 5 of the Health - General Article;

(iii) A State facility as defined in § 10-101 of the Health - General Article; or