



128th MAINE LEGISLATURE

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Legislative Document

No. 354

H.P. 260

House of Representatives, February 2, 2017

An Act To Address the Shortage of School Administrative Professionals

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: ALLEY of Beals, CAMPBELL of Orrington, HANINGTON of Lincoln,
HUBBELL of Bar Harbor, McCREA of Fort Fairfield, PICCHIOTTI of Fairfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §17859**, as amended by PL 2015, c. 321, §1, is further amended
3 to read:

4 **§17859. Retiring and returning to work**

5 **1. Restoration to service.** Any state employee ~~or~~ teacher or school administrator
6 who has reached normal retirement age and who retires after September 1, 2011 may be
7 restored to service for up to 5 years. The decision to hire a retired state employee ~~or~~
8 retired teacher or retired school administrator under this section is at the discretion of the
9 appointing authority. The retired state employee ~~or~~ retired teacher or retired school
10 administrator must have had a bona fide termination of employment in accordance with
11 state and federal laws and rules, may not return to employment after retirement with the
12 same employer for at least 30 calendar days after the termination of employment and may
13 not return to employment before the effective date of the person's retirement. For the
14 purposes of this section, "school administrator" means a superintendent, assistant
15 superintendent, principal or assistant principal.

16 **1-A. Restoration to work of classroom-based employees.** Effective August 1,
17 2014, a classroom-based employee who has reached normal retirement age and who
18 retires after September 1, 2011 may be restored to service as a classroom-based employee
19 in a school in the unorganized territory or with a school administrative unit as defined in
20 Title 20-A, section 1, subsection 26:

21 A. In one-year contracts, which may be nonconsecutive. The maximum time that a
22 classroom-based employee may be restored to service with an individual school
23 administrative unit pursuant to this paragraph is 5 years;

24 B. Subject to the 5-year restriction specified in subsection 1 and the 75%
25 compensation limitation for retired state employees ~~and~~ retired teachers and retired
26 school administrators specified in subsection 2, paragraph A; or

27 C. In any combination of paragraphs A and B, as long as the total time the
28 classroom-based employee is restored to service does not exceed 10 years with an
29 individual school administrative unit.

30 The retired classroom-based employee must have had a bona fide termination of
31 employment in accordance with state and federal laws and rules, may not return to
32 employment after retirement with the same employer for at least 30 calendar days after
33 the termination of employment and may not return to employment before the effective
34 date of the person's retirement.

35 For purposes of this section, "classroom-based employee" means a teacher whose
36 principal function is to introduce new learning to students in the classroom or to provide
37 support in the classroom during the introduction of new learning to students.

38 **1-B. Restoration to work of school administrators.** Effective October 1, 2017, a
39 school administrator who has reached normal retirement age and who retires after
40 September 1, 2011 may be restored to service as a school administrator in a school in the

1 unorganized territory or with a school administrative unit as defined in Title 20-A, section
2 1, subsection 26:

3 A. In one-year contracts, which may be nonconsecutive. The maximum time that a
4 school administrator may be restored to service with an individual school
5 administrative unit pursuant to this paragraph is 5 years:

6 B. Subject to the 5-year restriction specified in subsection 1 and the 75%
7 compensation limitation for retired state employees, retired teachers and retired
8 school administrators specified in subsection 2, paragraph A; or

9 C. In any combination of paragraphs A and B, as long as the total time the school
10 administrator is restored to service does not exceed 10 years with an individual
11 school administrative unit.

12 The retired school administrator must have had a bona fide termination of employment in
13 accordance with state and federal laws and rules, may not return to employment after
14 retirement with the same employer for at least 30 calendar days after the termination of
15 employment and may not return to employment before the effective date of the person's
16 retirement.

17 **2. Compensation and benefits.** The compensation and benefits of the retired state
18 employee or retired teacher or retired school administrator who returns to service after
19 retirement as set out in subsection 1 is governed by this subsection.

20 A. The compensation of the retired state employee or retired teacher or retired
21 school administrator who returns to service must be set at 75% of the compensation
22 established for the position to be filled, at a step determined by the appointing
23 authority. The compensation of the retired classroom-based employee who returns to
24 service as a classroom-based employee pursuant to subsection 1-A, paragraph A must
25 be set at 100% of the compensation established for the position to be filled, at a step
26 determined by the school administrative unit, for up to the maximum 5-year period
27 that a classroom-based employee may contract with an individual school
28 administrative unit. The compensation of the retired school administrator who
29 returns to service as a school administrator pursuant to subsection 1-B, paragraph A
30 must be set at 100% of the compensation established for the position to be filled, at a
31 step determined by the school administrative unit, for up to the maximum 5-year
32 period that a school administrator may contract with an individual school
33 administrative unit.

34 B. The retired state employee or retired teacher or retired school administrator who
35 returns to service under this section is not a member and therefore may not accrue
36 additional creditable service or change the retired state employee's or retired
37 teacher's or retired school administrator's earnable compensation for benefit
38 calculation purposes.

39 C. During the period of reemployment, the retired state employee or retired teacher
40 or retired school administrator is not entitled to health insurance, dental insurance or
41 life insurance benefits. The retired state employee or retired teacher or retired school
42 administrator is entitled to all other benefits for the reemployment position under
43 collective bargaining agreements or civil service laws and rules. Health insurance

1 benefits must be provided under the provisions of section 285, subsection 1-A for
2 retired state employees or Title 20-A, section 13451 for retired teachers or retired
3 school administrators and life insurance benefits must be provided under the
4 provisions of section 18055.

5 **3. Contributions to the Maine Public Employees Retirement System and state**
6 **group health plan.** The portion of the employer contribution that goes to pay the
7 retirement system for the unfunded liability and the state group health plan for retiree
8 health care must be continued and based on the retired state employee's $\frac{1}{2}$ retired
9 teacher's or retired school administrator's compensation as provided under subsection 2
10 during the reemployment period.

11 **4. Notification requirements.** Employers under this section are required to identify
12 and report to the retirement system, in the manner specified by the retirement system,
13 each individual who is a retiree who becomes an employee of the employer under the
14 option provided in this section. Departments shall also report each retiree who becomes
15 an employee to the Bureau of the Budget in a manner specified by the bureau. The
16 employer shall report each such employee whenever and so long as the employee is the
17 employer's employee.

18 **5. Exclusion.** A retired state employee $\frac{1}{2}$ retired teacher or retired school
19 administrator who is hired as a substitute teacher is not subject to the restoration to
20 service 5-year limitation in subsection 1 or the compensation limitation in subsection 2,
21 paragraph A.

22 **SUMMARY**

23 This bill provides that limitations on conditions of restoration to service after
24 retirement enacted in 2011 for state employees and teachers apply to school
25 administrators. It also provides that, effective October 1, 2017, school administrators
26 who have reached normal retirement age and who have retired after September 1, 2011
27 may be restored to service as school administrators for a maximum of 10 years: 5 years
28 under one-year contracts with compensation set at 100% of the compensation established
29 for the position and 5 years with compensation set at 75%.