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Legislative Document

No. 1220

H.P. 880

House of Representatives, March 12, 2019

**An Act To Remove Certain Restrictions Imposed on Retired State
Employees Who Return to Work as Educators**

Reference to the Committee on Labor and Housing suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.
Cosponsored by Representatives: HIGGINS of Dover-Foxcroft, KORNFIELD of Bangor,
MILLETT of Waterford, Senator: DAVIS of Piscataquis.

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

14 **1-A. Restoration to work as classroom-based employees or administrators.**
15 Effective August 1, 2014, a ~~classroom-based state employee or teacher~~ who has reached
16 normal retirement age and who retires after September 1, 2011 may be restored to service
17 as a classroom-based employee or school administrator in a school in the unorganized
18 territory or with a school administrative unit as defined in Title 20-A, section 1,
19 subsection 26:

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

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

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

29 D. With the same compensation and health insurance, dental insurance and life
30 insurance benefits established for the position to be filled; and

31 E. At the same contribution rate of the employer and employee as described in
32 sections 17253 and 17701, respectively, as is required for the position if the position
33 were filled by an employee who is not a retired state employee or retired teacher.

34 The retired classroom-based state employee or retired teacher who returns to service
35 under this subsection must have had a bona fide termination of employment in
36 accordance with state and federal laws and rules, may not return to employment after
37 retirement with the same employer for at least 30 calendar days after the termination of
38 employment and may not return to employment before the effective date of the person's
39 retirement. The retired state employee or retired teacher who returns to service under this
40 subsection is not a member and therefore may not accrue additional creditable service or
41 change the retired state employee's or retired teacher's earnable compensation for benefit

1 calculation purposes. The provisions for health insurance benefits under section 285,
2 subsection 1-A for retired state employees or Title 20-A, section 13451 for retired
3 teachers and life insurance benefits under the provisions of section 18055 are suspended
4 for the reemployment period for a retired state employee or retired teacher who returns to
5 service under this subsection.

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

9 **2. Compensation and benefits.** The compensation and benefits of the retired state
10 employee or retired teacher who returns to service after retirement as set out in subsection
11 1 is governed by this subsection.

12 A. The compensation of the retired state employee or retired teacher who returns to
13 service must be set at 75% of the compensation established for the position to be
14 filled, at a step determined by the appointing authority. ~~The compensation of the~~
15 ~~retired classroom-based employee who returns to service as a classroom-based~~
16 ~~employee pursuant to subsection 1-A, paragraph A must be set at 100% of the~~
17 ~~compensation established for the position to be filled, at a step determined by the~~
18 ~~school administrative unit, for up to the maximum 5-year period that a classroom-~~
19 ~~based employee may contract with an individual school administrative unit.~~

20 B. The retired state employee or retired teacher who returns to service under this
21 section is not a member and therefore may not accrue additional creditable service or
22 change the retired state employee's or retired teacher's earnable compensation for
23 benefit calculation purposes.

24 C. During the period of reemployment, the retired state employee or retired teacher
25 is not entitled to health insurance, dental insurance or life insurance benefits. The
26 retired state employee or retired teacher is entitled to all other benefits for the
27 reemployment position under collective bargaining agreements or civil service laws
28 and rules. Health insurance benefits must be provided under the provisions of section
29 285, subsection 1-A for retired state employees or Title 20-A, section 13451 for
30 retired teachers and life insurance benefits must be provided under the provisions of
31 section 18055.

32 **3. Contributions to the Maine Public Employees Retirement System and state**
33 **group health plan.** ~~The~~ For a retired state employee or retired teacher under subsection
34 1-A, the portion of the employer and employee contribution that goes to pay the
35 retirement system for the unfunded liability and the state group health plan for health care
36 must be continued and based on the retired state employee's or retired teacher's
37 compensation as provided under subsection 1-A during the reemployment period. For a
38 retired state employee or retired teacher under subsection 2, the portion of the employer
39 contribution that goes to pay the retirement system for the unfunded liability and the state
40 group health plan for retiree health care must be continued and based on the retired state
41 employee's or retired teacher's compensation as provided under subsection 2 during the
42 reemployment period.

