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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 880, L.D. 1220, Bill, “An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work as Educators”

Amend the bill by striking out the title and substituting the following:

'An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work'

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

§17859. Retiring and returning to work

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

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

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

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

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

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

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

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

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

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

30 C. During the period of reemployment, the retired state employee or retired teacher
31 is not entitled to health insurance, dental insurance or life insurance benefits. The
32 retired state employee or retired teacher is entitled to all other benefits for the
33 reemployment position under collective bargaining agreements or civil service laws
34 and rules. Health insurance benefits must be provided under the provisions of section
35 285, subsection 1-A for retired state employees or Title 20-A, section 13451 for
36 retired teachers and life insurance benefits must be provided under the provisions of
37 section 18055.

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

