

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Abolish the 5-year Cap for Retired State Employees Who Return to Work**

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

**Sec. 1. 5 MRSA §17859, sub-§1**, as amended by PL 2011, c. 420, Pt. L, §1, is further amended to read:

**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.

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

**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 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;~~

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

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

The retired classroom-based employee 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.

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

**Sec. 3. 5 MRSA §17859, sub-§2, ¶A,** as amended by PL 2013, c. 486, Pt. A, §2, is further amended to read:

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

**Sec. 4. 5 MRSA §17859, sub-§5,** as enacted by PL 2011, c. 380, Pt. MMM, §1, is repealed.

### SUMMARY

Current law allows a state employee or teacher who retires after September 1, 2011 to return to service for up to 5 years. This bill eliminates that 5-year cap.