

MAINE STATE LEGISLATURE

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L.D. 39

Date:

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APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 34, L.D. 39, Bill, "An Act To Expand the Number of Qualified Educators"

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

PART A

Sec. A-1. 5 MRSA §17859, sub-§1-A is enacted 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 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.

COMMITTEE AMENDMENT

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

4 **Sec. A-2. 5 MRSA §17859, sub-§2, ¶A**, as enacted by PL 2011, c. 380, Pt.
5 MMM, §1, is amended to read:

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

14 PART B

15 **Sec. B-1. Working group.** The Commissioner of Administrative and Financial
16 Services or the commissioner's designee shall convene a working group to review the
17 impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted
18 by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an
19 employer, local school administrative units and the Maine Community College System
20 and invite interested parties including the Maine Community College System, statewide
21 associations representing teachers, school boards, principals, superintendents and state
22 employees to participate in the review. The working group shall identify the number of
23 state employees and teachers who have retired and returned to work pursuant to Title
24 20-A, section 17859 as originally enacted; the financial impact of that provision including
25 any savings to the State and local school administrative units; and any unintended or
26 unforeseen consequences that have occurred as a result of that provision.

27 **Sec. B-2. Report.** No later than January 8, 2015, the Commissioner of
28 Administrative and Financial Services shall report to the joint standing committee of the
29 Legislature having jurisdiction over appropriations and financial affairs and the joint
30 standing committee of the Legislature having jurisdiction over education and cultural
31 affairs the working group's findings and recommendations, as required by this Part,
32 including any implementing legislation. The joint standing committees are each
33 authorized to report out a bill related to the subject matter of the report to the First
34 Regular Session of the 127th Legislature following receipt of the report.'

35 SUMMARY

36 This amendment replaces the bill. It amends the law regarding the restoration of
37 service for state employees and teachers by providing that, effective August 1, 2014,
38 certain teachers, defined as "classroom-based employees," who have reached normal
39 retirement age and who have retired after September 1, 2011 may be restored to service
40 as classroom-based employees at 100% of the compensation established for the positions
41 to be filled through one-year contracts.

COMMITTEE AMENDMENT "A" to H.P. 34, L.D. 39

1 A classroom-based employee may be employed by an individual school
2 administrative unit for no more than 5 one-year contracts, which do not have to be
3 consecutive. The 5-year limit is per school administrative unit.

4 Under this amendment, a retired classroom-based employee may return to service at
5 the same school administrative unit for a maximum of 10 years: 5 years under one-year
6 contracts at 100% of the compensation for that position and 5 years at 75% of the
7 compensation for that position as specified in current law.

8 This amendment also establishes a working group to review the impact that the
9 Maine Revised Statutes, Title 20-A, section 17859, as originally enacted in Public Law
10 2011, chapter 380, Part MMM, section 1, has had on the State as an employer, local
11 school administrative units and the Maine Community College System and to provide for
12 a report to the joint standing committee of the Legislature having jurisdiction over
13 appropriations and financial affairs and the joint standing committee of the Legislature
14 having jurisdiction over education and cultural affairs describing the working group's
15 findings and recommendations, including any implementing legislation, no later than
16 January 8, 2015.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 39

LR 742(02)

An Act To Expand the Number of Qualified Educators

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-621)
Committee: Appropriations and Financial Affairs
Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact - school administrative units

Fiscal Detail and Notes

Allowing certain teachers, defined as classroom-based employees, who have reached normal retirement age and who retired after September 1, 2011 to be restored to service as classroom-based employees at 100% of the compensation established for the position to be filled for up to a maximum of 5 years with a school administrative unit effective August 1, 2014 will have no net fiscal impact on local school administrative units.

When limitations on conditions of restoration to service after retirement were enacted in 2011 no costs or savings were budgeted. It was assumed that limiting compensation to 75% would deter some retirees from returning to work and those positions would have to be filled by replacement workers. The State and school administrative units would have to pay health insurance costs and retirement costs for new replacement workers, which would offset the savings from the 25% reduction in compensation for those who would return at the lower pay.

The additional costs associated with the working group are expected to be minor.