

Floor Amendment to HB 561-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to part-time employment of a retirement system retiree by a participating
4 employer.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

9 XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire
10 retirement system but excepting per diem court security officers and court bailiffs, means
11 employment ~~[during a calendar year]~~ by one or more **participating** employers of the retired
12 member which shall not exceed ~~[32 hours in each normal calendar week. Employment in some~~
13 ~~instances may exceed 32 hours in any normal calendar week provided that in such case, the part-~~
14 ~~time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as~~
15 ~~such part-time employment does not occur outside of a 5 consecutive month period in any 12-month~~
16 ~~period.] 1,300 hours in a calendar year. Notwithstanding the foregoing, no retired member~~
17 ~~shall be employed on a part-time basis by any participating employer for a period of 28~~
18 ~~days from the member's effective date of retirement.~~

19 2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

20 100-A:7 ~~[Restoration to Service]~~ **Working After Retirement; Exceeding Part-Time Hourly**
21 **Limit.**

22 **I. ~~[If a disability beneficiary or any other beneficiary is]~~ Any retired member returning**
23 **to work for a participating employer in a position requiring mandatory membership**
24 **pursuant to RSA 100-A:3 shall be** restored to service~~;~~ **and** the ~~[beneficiary's]~~ **retiree's**
25 retirement allowance shall cease, the ~~[beneficiary]~~ **retiree** shall again become a member of the
26 retirement system, and the ~~[beneficiary]~~ **retiree** shall contribute at the percentage payable
27 pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for
28 membership service and for any prior service on the basis of which the ~~[beneficiary's]~~ **retired**
29 **member's** creditable service was computed at the time of ~~[the beneficiary's]~~ **his or her** former
30 retirement shall be restored to full force and effect; upon subsequent retirement, the ~~[beneficiary]~~
31 **retiree** shall receive a retirement allowance based on ~~[the beneficiary's]~~ **his or her** combined
32 creditable service and ~~[the member's]~~ average final compensation.

1 **II. Any retired member who, in any calendar year, works part-time for one or more**
2 **participating employers and exceeds the maximum permitted hours as provided in RSA**
3 **100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance,**
4 **and any allocable cost of living adjustments, with such forfeiture commencing as soon as**
5 **administratively feasible in the next calendar year and continuing for a period of 12**
6 **months.**

7 3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

8 100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall
9 annually provide written notice to all retired members of the retirement system of the [hourly]
10 limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that
11 exceeding such hourly limitations could have on the retired member's retirement benefits, including
12 restoration to service as required in RSA [100-A:7] **100-A:7, I and the forfeiture of the state**
13 **annuity portion of his or her retirement allowance for exceeding the maximum permitted**
14 **part-time hours under RSA 100-A:7, II.**

15 4 Certain Part-Time Employment; Emergency Exception. Amend RSA 100-A:7-b to read as
16 follows:

17 100-A:7-b Certain Part-Time Employment; Emergency Exception. The [hourly] **annual**
18 limitations on part-time employment as defined in RSA 100-A:1, XXXIV shall be modified for retired
19 members ~~[who exceed the 32-hour limit while providing assistance]~~ **to exclude any hours worked**
20 **during an emergency under this section. [While providing assistance during an emergency under**
21 **this section, a retired member may exceed the 32-hour limit in a calendar week provided that the**
22 **member has not exceeded 1300 hours in the current calendar year.]** For purposes of this section, an
23 emergency includes any event declared by the governor or while working under the direction of the
24 director of the division of forests and lands during woodland fire control. **Employers shall include**
25 **hours worked during an emergency as a separate entry in the report required in RSA 100-**
26 **A:16, VII(a).**

27 5 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

28 VII.(a) Every employer shall report to the retirement system [monthly] **annually**, in a
29 format provided by the retirement system, all compensation paid by, **and the total hours worked**
30 **for**, the employer ~~[to retired members]~~ **by each retired member** of the retirement system,
31 including the name of, and the total hours worked, for each retired member of the retirement
32 system, except that an employer shall not include in the report the compensation and hours worked
33 by a retiree for serving as an elected state official or as an elected official of a political subdivision in
34 either a group I or group II position.

35 6 Application to Existing Employment Contracts. The amendments to the provisions of RSA
36 100-A made by this act shall not apply to service after retirement by a retired member pursuant to a
37 valid employment contract effective as of the effective date of this act, but shall apply upon the

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- 1 expiration of such employment contract.
- 2 7 Effective Date. This act shall take effect January 1, 2019.

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AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,300 hourly limit and prohibits part-time employment in the first 28 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limit.