

Committee of Conference Report on HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment ~~[during a calendar year]~~ by one or more ***participating*** employers of the retired member which shall not exceed ~~[32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5 consecutive month period in any 12-month period.]~~ ***1,352 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

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

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

I. [If a disability beneficiary or any other beneficiary is] Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be restored to service[,] and the [beneficiary's] retiree's retirement allowance shall cease, the [beneficiary] retiree shall again become a member of the retirement system, and the [beneficiary] retiree shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [beneficiary's] retired member's creditable service was computed at the time of [the beneficiary's] his or her former

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retirement shall be restored to full force and effect; upon subsequent retirement, the ~~[beneficiary]~~ **retiree** shall receive a retirement allowance based on ~~[the beneficiary's]~~ **his or her** combined creditable service and ~~[the member's]~~ average final compensation.

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

III. The board of trustees of the retirement system shall adopt rules under RSA 541-A as necessary to administer and enforce the provisions of this section.

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

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

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

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

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

VII.(a) Every employer shall report to the retirement system ~~[monthly]~~ **annually, on or before February 15**, in a format provided by the retirement system, all compensation paid by, **and the total hours worked for**, the employer ~~[to retired members]~~ **by each retired member** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a

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73 political subdivision in either a group I or group II position.

74 6 Grandfathering of Existing Part-time Positions; Penalty; Reporting.

75 I. The amendments to the provisions of RSA 100-A made by this act shall not apply to a
76 retired member working in a part-time position for a participating employer for the position in
77 which the retired member is employed on the effective date of this act.

78 II. Any retired member working under the provisions of paragraph I who exceeds 1,664
79 hours shall forfeit the state annuity portion of his or her retirement allowance, and any allocable
80 cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in
81 the next calendar year and continuing for a period of 12 months.

82 III. In order to establish and maintain eligibility for the grandfathering exception provided
83 in paragraph I, on or before February 15, 2019, and annually thereafter, every employer shall
84 provide, in a format provided by the retirement system, the names and part-time position titles of
85 any retired members continuing to be employed by the employer as of the effective date of this act.

86 7 Effective Date. This act shall take effect January 1, 2019.

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The signatures below attest to the authenticity of this Report on HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. McGuire, Merr. 29

Sen. Bradley, Dist. 3

Rep. Sytek, Rock. 8

Sen. Soucy, Dist. 18

Rep. Proulx, Hills. 44

Rep. Goley, Hills. 8