

CHAPTER 23  
FORMERLY  
HOUSE BILL NO. 55

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO FINAL AVERAGE COMPENSATION FOR THE STATE EMPLOYEES' PENSION PLAN FOR RECIPIENTS OF CERTAIN AWARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5501, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5501. Definitions.

(g)(1) "Final average compensation" shall mean 1/36 of the compensation paid to an employee during any period of 36 consecutive months or any 36 months comprised of 3 periods of 12 consecutive months in that employee's years of service credited under paragraphs (e)(1), ~~(2)~~ (2), and (3) of this section in which that employee's compensation was highest, or the average monthly compensation paid to an employee during the period of that employee's service credited under paragraphs (e)(1), ~~(2)~~ (2), and (3) of this section if such period is less than 36 months.

(2) The compensation used in calculating "final average compensation" under paragraph (g)(1) of this section includes the dollar amount of the following awards, granted during an employee's employment:

a. Teachers who receive awards under the "Teacher of the Year" program under § 8903 of Title 14 and Chapter 89 of Title 14 for teacher of the year program.

b. Merit System employees who receive awards under the "Delaware Award for Excellence and Commitment in State Service" program shall have added to their compensation the dollar amount of such awards, granted during their employment, in determining the final average compensation to be used in the computation of their pension. program.

c. Educational support professionals who receive awards under Chapter 89D of Title 14, the educational support professional of the year program.

(3) Employees that receive a final lagged payment for credited service as defined under § 2712 of this title shall have added to their creditable compensation the amount of lag pay that is received in determining the final average compensation to be used in the computation of their pension.

Approved May 29, 2019