

CHAPTER 245
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 28

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS.

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

Section 1. Amend §5502(a), Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(a) An individual shall not receive a service or disability pension under this chapter for any month during which the individual is an employee unless the individual is:

- (1) An official elected by popular vote at a regular state election; or
- (2) An official appointed by the Governor;
- (3) A temporary, casual, seasonal or substitute employee as defined by the Board of Pension Trustees.
- (4) A substitute teacher employed by a school district in the State; or
- (5) A temporary justice of the peace appointed pursuant to § 9211 of Title 10; or
- (6) A per diem employee of the legislature.

(b) Nothing in this section shall prevent the State from employing an individual receiving a pension under this chapter as a registration or election official or as a juror. An individual so employed may receive the compensation provided by law without deduction from the individual's pension.

(c) Nothing in this section shall prevent an employee 55 years of age or older from receiving an elected official service or disability pension.

(d) Any employment under paragraph (a)(2), (a)(3) or (a)(4) of this section requires the individual to have a 6-month separation of service from their effective date of retirement if the individual is under age 65. Earnings from employment under paragraph (a)(3) or (a)(4) of this section will be subject to an annual earnings limit of \$19,240. If an individual does exceed the allowable earned income the individual's state pension benefit from this chapter shall be reduced, with a \$1.00 deduction for every \$2.00 earned over \$19,240. The deduction will begin in July of the year following the calendar year for which the earnings are reported, in a manner as determined by the Board.

Approved June 10, 2014