

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 150  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 52

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF STATE PENSIONERS.

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

Section 1. Amend § 5502, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5502. Employment of pensioners.

(a) An individual ~~shall~~ may not receive a service or disability pension under this chapter for any month during which the individual is an employee unless the individual ~~is:~~ is any of the following and eligible under paragraph (d)(1) of this section:

(1) An official elected by popular vote at a regular state ~~election;~~ election.

(2) An official appointed by the ~~Governor;~~ Governor.

(3) A temporary, casual, ~~seasonal~~ seasonal, or substitute employee as defined by the Board of Pension ~~Trustees;~~ Trustees.

(4) A substitute teacher employed by a school district or charter school in ~~the State;~~ this State.

(5) A temporary justice of the peace appointed pursuant to § 9211 of Title ~~10;~~ or 10.

(6) A per diem employee of the General Assembly.

(d) ~~Any employment under paragraph (a)(2), (a)(3) or (a)(4) of this section requires~~ (1) If an individual is less than 59 ½ years old, the individual is required to have a 6-month a bona fide 3-month separation of service from that individual's effective date of retirement if the individual is under age 65. Earnings before any employment under subsection (a) of this section.

(2) During calendar years 2023 and 2024, earnings from employment under paragraph (a)(3) or (a)(4) of this section will be are subject to an annual earnings limit of \$50,000, beginning in calendar year 2023. \$50,000. If an individual does exceed the exceeded this allowable earned income income, the individual's state pension benefit from this chapter shall be reduced, with a \$1.00 deduction for every \$2.00 earned over the annual earnings limit. 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 August 20, 2025