

Bill as
Introduced

HB 364 - AS INTRODUCED

2013 SESSION

13-0673

10/04

HOUSE BILL

364

AN ACT

requiring New Hampshire retirement system employers to notify prospective part-time employees who are retired members of the limitations on part-time employment.

SPONSORS:

Rep. Copeland, Rock 19; Rep. Turcotte, Merr 22; Rep. St. James, Rock 13

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill requires New Hampshire retirement system employers to notify prospective part-time employees who are retired members in the retirement system of the annual limitations on hours for part-time employment.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT requiring New Hampshire retirement system employers to notify prospective part-time employees who are retired members of the limitations on part-time employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Section; Retirement System; Part Time Employment; Notice to Prospective Employee.
- 2 Amend RSA 100-A by inserting after section 7 the following new section:
- 3 100-A:7-a Certain Part-time Employment; Notice by Employer Required. An employer shall
- 4 provide written notice to a prospective employee who is a retired member of the retirement system of
- 5 the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the effect of
- 6 exceeding such hourly limitations on the retired member's retirement benefits. The executive
- 7 director may make copies of such a written notice available to employers.
- 8 2 Effective Date. This act shall take effect 60 days after its passage.

HB 364 - AS AMENDED BY THE HOUSE

21Mar2013... 0678h

2013 SESSION

13-0673

10/04

HOUSE BILL

364

AN ACT

relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

SPONSORS:

Rep. Copeland, Rock 19; Rep. Turcotte, Merr 22; Rep. St.James, Rock 13

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill requires New Hampshire retirement system employers to notify existing and prospective part-time employees, who are retired members in the retirement system, of the annual limitations on hours for part-time employment. The bill also requires the retirement system to provide similar notice to all retired members.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Retirement System; Part Time Employment; Notices Required. Amend RSA
2 100-A by inserting after section 7 the following new section:

3 100-A:7-a Certain Part-time Employment; Notices Required.

4 I. An employer shall provide written notice of the hourly limitations on part-time
5 employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly
6 limitations could have on the retired member's retirement benefits because of restoration to service
7 as required in RSA 100-A:7, as follows:

8 (a) Prior to employment and as part of employment documentation, to any prospective
9 employee who is a retired member of the retirement system.

10 (b) Annually, to each existing part-time employee who is a retired member of the
11 retirement system.

12 II. The executive director shall provide employers the form of such notices required in
13 paragraph I.

14 III. An employer who provides the notices required in paragraph I shall not be held liable for
15 any consequences to the employee resulting from the employee's restoration of service due to
16 exceeding the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV.

17 IV. The retirement system shall annually provide written notice to all retired members of
18 the retirement system of the hourly limitations on part-time employment as defined in RSA 100-A:1,
19 XXXIV and the potential effect that exceeding such hourly limitations could have on the retired
20 member's retirement benefits because of restoration to service as required in RSA 100-A:7.

21 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0673
Amended 04/04/13

HB 364 FISCAL NOTE

AN ACT relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House (Amendment #2013-0678h), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2013 through 2017.

Committee Minutes

SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION

- ✓ Senator Sharon Carson Chairman
- ✓ Senator Sam Cataldo V Chairman - *out 9:45*
- ✓ Senator John Reagan *out 9:45*
- ✓ Senator Donna Soucy
- ✓ Senator David Watters ~~out 9:45~~

Close 10:12

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 3, 2013

HEARINGS

Wednesday

4/10/2013

EXECUTIVE DEPARTMENTS AND ADMINISTRATION	SH 100	9:00 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|----------|----------|--|
| 9:00 AM | HB599-FN | relative to establishing a single liquor commissioner. |
| 9:20 AM | HB364 | (New Title) relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment. |
| 9:40 AM | HB591 | relative to an abusive work environment and the health and safety of public employees. |
| 10:00 AM | HB313 | relative to the regulation of the compounding of drugs by pharmacists. |
| 10:15 AM | HB547 | establishing a commission to study permanent options for funding the veterinary diagnostic laboratory. |

Sponsors:

HB599-FN

Rep. Marilinda Garcia
Rep. Dan McGuire

Rep. Tara Sad
Sen. Sharon Carson

Rep. Shawn Jasper

Rep. Carol McGuire

HB364

Rep. Timothy Copeland

Rep. Alan Turcotte

Rep. Kevin St.James

HB591

Rep. Dianne Schuett
Rep. Susan Emerson

Rep. Janice Schmidt
Rep. Virginia Irwin

Rep. Frank Davis
Rep. Sylvia Gale

Rep. Alan Turcotte
Rep. Caroletta Alicea

HB313

Rep. Daniel Sullivan

HB547

Rep. Robert Haefner

Rep. Tara Sad

** Amended Fiscal note 4-4-13*

**SENATE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION
COMMITTEE**

Deb Chroniak, Legislative Aide

HB 364, (New Title) relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

Hearing Date: April 10, 2013

Time Opened: 9:20 a.m.

Time Closed: 10:12 a.m.

Members of the Committee Present: Senators Carson, Cataldo, Reagan, Soucy and Watters

Members of the Committee Absent: No one

Bill Analysis: This bill requires New Hampshire retirement system employers to notify existing and prospective part-time employees, who are retired members in the retirement system, of the annual limitations on hours for part-time employment. The bill also requires the retirement system to provide similar notice to all retired members.

Sponsors: Rep. Copeland, Rock 19; Rep. Turcotte, Merr 22; Rep. St. James, Rock 13

Who supports the bill: Rep. Lucy Weber, Chair, House ED & A; Rep. Daniel Sullivan; Rep. Jeff Goley; Rep. Dianne Schuett; Denis Parker, NEA-NH; Rep. Tim Copeland, Stratham; Diana Lacey, State Employees Association

Who opposes the bill: Rep. Frank Byron; Rep. Peter Hanson; Minot Granbery, Nottingham, NH; Dean Michener, NH School Boards Association, Barbara Reid, NH Municipal Association; Betsy Miller, NH Association of Counties (in part)

Neutral Position: Marty Karlon, Public Information Officer, New Hampshire Retirement System

Summary of testimony presented in support:

Rep. Timothy Copeland

- Full disclosure that he is a state retiree, and why he saw the necessity for this legislation.

- When retiring there is a process one needs to go through and impossible to retain all information at one meeting.

- If a retiree works for any municipality or for the state in a part-time capacity, this legislation would require the New Hampshire Retirement System to send documentation, annually, to all retirees reminding them that there is a cap on hours (1300) that they are allowed to work before it affects their pension.

- In disagreement with the NHRS statement that sending notification would cost the Retirement System more money.

Senator Cataldo asked how anyone would know if they exceeded the 1300 hour limit. **Rep. Copeland** said that individuals should be held accountable on how many hours they work. **Senator Watters** asked about Roman III, lines 14-16 saying that, **“an employer who provides the notices required in paragraph I shall not be held liable for any consequences to the employee resulting from the employee’s restoration of service due to exceeding the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV”**.

He received an email from the Town Administration in Derry who under this section questioned when an employer informs an employee and the employee states they did not receive the information which was suppose to be provided, and now the town may be liable. **Rep. Copeland** said that municipalities should be aware that their employee is a retiree and that there is a ceiling of 1300 hours for retired part-time workers, and that they should only employ those workers for those number of hours if working for one municipality. **Senator Cataldo** asked how you would maintain less than 1300 hours; **Rep. Copeland** stated that he would keep pay stubs showing hours worked.

Barbara Reid, New Hampshire Municipal Association (in support, but concerns where there is opposition)

- Having a notice to retirees from the NHRS on an annual basis makes sense.

- A concern is the liability created in this legislation on “employers” which does not exist under current law and would exist under this bill, which is the requirement of having the employers be responsible for providing notice on an annual basis.

- Questions arise: would employers have to prove if there was a challenge that the retirement system employee worked over the limit for one or more employers and the retirement system trying to recoup those benefits? Employer could be liable.

- No issue with retirees understanding what the limits are.

- Concern that they will not be able to prove that notice was given (Section III, Lines 14-16).

- HB 342 will require employers report monthly on hours and compensation paid to retirees who are working part-time. If this bill passes there will be more data available to the NHRS.

- The more of an opportunity to challenge makes liability on employers more significant.

- Believes that the responsibility for notification should be on the retirement system and not on employers.
- A concern is that of a retiree who works for more than one employer and being able to track those employees' hours. Individual employers would not have that information.
- **Senator Soucy** asked about the municipalities giving a single notification at the time of hire. **Ms. Reid** stated that if there was a retirement system audit on an employee issue, and it states that the employer was supposed to tell them, that could lead to a problem. **Senator Reagan** asked Ms. Reid, is it the position of the Association that the retirement system should tell member employers who they can employ and for how many hours? **Ms. Reid** stated that the municipalities, schools, state employer hiring a NHSE retiree, the state law limits the number of hours worked due to pension benefits. **Senator Carson** said a retiree who is receiving a check from the State of NH, and who are hired by a municipality receive a check from the municipality and asked if it would not be advantageous to simply have a statement on the paystub as a reminder to say, as a retired person drawing a state pension you are only allowed to work a number of hours? **Ms. Reid** stated that lots of people have their checks directly deposited and do not see a paystub. There are 50,000 active full-time employees and the number being discussed here is smaller and the notice would go to all, not just the smaller population. How to best focus on that group, the 25,000 retirees, she believes is through the NHRS.

Denis Parker, NEA-NH (in support)

- Views as educational, informative and precautionary.
- Makes sense this legislation is considered.
- There is no benefit to employee to not come forward to explain they have a job somewhere else because it would jeopardize their pension benefit.
- Similar to Social Security if you retire early, you are penalized.
- Legislation improves on the pension system for the employer and the employee.

Laura Hainey, President AFT-NH, and the NH Retirement Security Coalition (in support)

- Important to understand the rules and regulations when accepting a job (after retirement).
- This legislation shares responsibility of understanding the rules and regulations for part-time workers between the NHRS, the employees, and the employers.
- Does not hold employers liable; it asks to provide written notice.

Diana Lacey, President, State Employees Association (in support)

- Characterized as a relationship between a retiree and NHRS, could not be further from the truth. This is a relationship between the public employers of this state that are participating in the system.

- Not about a retiree and how many hours they work.
- This is about the solvency of the system.
- Tried to make reforms on the pension system over several years.
- Trying to work in good faith on addressing relational issues to solvency of the pension system; this is one of them.
- Public employees do not always know who is a retiree within the retirement system, and do have the financial liability if they exceed what the current law is.
- Public employers do have a responsibility.
- They have opposed the threshold of the hours for part-timers.
- They actively oppose this notice because they do not want to actively deal with this notice.
- Believes the liability issue raised is a red herring.
- The legislative record, i.e., this hearing provides background for the legislative intent that there is no liability for the employers/municipality.
- Asking the partners in this system to do a good faith notice.
- Asking for support on this legislation.

Senator Soucy asked about printing a notice on a pay stub and could this be done electronically? **Diana Lacy** said that not everyone does high tech. Employers presently have to comply with US Dept of Labor notices, NH Dept of Labor notices, stating notification is nothing new to the employers. **Senator Watters** said that this is an effort to ensure all parties have appropriate information, and to clarify what the responsibilities are, and what the implications are of part-time employment.

- Is there a way, in lines 14-16 to clarify (in terms of the liability issue) if this is an objection, could this be a way to maintain notification process while clarifying you are not trying to create a new liability? **Diana Lacey** said that in Paragraph 3, "Notwithstanding anything herein.....employers shall not be held liable for any consequences". Their intent is to have the employer required by law to provide this notice.

- **Senator Watters** said there is discussion surrounded about who would provide a standard for notification. One discussion was around the retirement system, but could it also be done in rulemaking. **Diana Lacy** was not sure if the retirement system had to do everything through rulemaking under 541:A, but knows that the retirement system does have a transparent process and believes that the Executive Director of the retirement system could come up with boiler plate language for this notification.

Harriett Spencer, ASFCME Council 93 (in support)

- All parties need to accept responsibility and stability of the retirement system to protect the system and the beneficiaries.
- The legislation does not hold the employer responsible.
- Ensure employer and employee fully understand what limitations are on part-time employees and part-time employment.

- Retirement system should have the responsibility of notifying retirees of changes annually because changes seem to be coming more frequently.
- This would be an additional notification ensuring all parties are aware and understand, and have an equal chance of falling in line with all the limitations that are out there.

Summary of testimony presented in opposition:

Rep. Frank Byron (in opposition) a selectman for nine years; currently a selectman for the town of Litchfield wanted to clarify his opposition. He is in favor of the notification for the NHRS going to retirees, but not for the towns to do the notification.

- Contract for retirement benefits is between the retiree and retirement system; municipalities do not play a role in that.
- Municipality is blind of the number of hours retirees work.
- Creating this municipal notification obligation creates potential liability owned by the municipality should a retiree violate the work limit requirements.
- Does not believe this was the legislative intent if it goes to court, to hold the municipality responsible.
- Municipalities have to prove they have given notice – do not have record keeping capabilities in smaller towns and they would be at a disadvantage.
- Does not address the question of what if a town hires an individual, but fails to give notice. Proper notice is a concern.
- HB 342 makes it clear, but it contains a sunset law in five years. If this is piggy backed on HB 342 this legislation will be scheduled to go away.
- Notification needs to be proper and if the retirement system sends this notification, all retirees will get the same identical notice.
- His suggestion to strip out the municipal requirement for notification and leave it in the hands of the NHRS.
- **Senator Watters** stated that the employer is required to give to the employee the general information of the number of hours that would trip the limits worked. The liability is not that the employee worked at that employer that many hours. He is hard pressed to see the liability issue. **Rep. Byron** stated that when a requirement is placed in legislation it carries a legal obligation for compliance, if the employee's legal requirement is not fulfilled, his opinion would be they could claim damage against the municipality for failure to fulfill their legal obligation within the legislation. **Senator Watters** said that he sees this as not a compliance issue but that the retiree received notification of what the rules are. **Rep. Byron** said that if an employee exceeded the 1300 hours and the town did not notify that employee, his opinion was it would go to court.

Dean Michener, NH School Boards Association (in opposition, as passed by the House)

- Agreement with comments previously made regarding the written notice requirement.
- A point not mentioned is if a notice was required of the local government it does not mention the "potential affect" of a NH retirement member's benefits.
- He echoes the liability issues for the personnel choices and what constitutes proof of notification.
- Information covered in Section IV, Lines 17-20 states that the retirement system provides annual notice. That meets the need.

Betsy Miller, Executive Director, New Hampshire Association of Counties (opposed – in part)

- Agrees with Barbara Reid and Dean Michener's testimony.
- Paragraph 3 raises a liability issue. What is in paragraph 3 makes it look like there is a liability. If that paragraph came out of the legislation they would not be so concerned about the liability.
- County Human Resource directors are more than willing to put a universal notice posting; also willing to put what the law states in the personnel manuals which is received by every employee, part-time and full-time.
 - No objection to Paragraph 4.

Rep. Copeland wanted to clarify the intent of the bill. Regarding the employer, in line 4 it states that the employer, meaning that someone has already hired you. Line 8 is documentation for hire, stating the hiring has already taken place.

Fiscal Note: N/A

Future Action: Pending

dac
Date hearing report completed: 4-12-13
[file: HB 0364 report]

Speakers

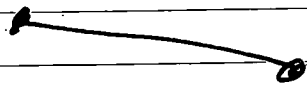
Testimony

Laura Hainey

#1

4-10-13
Senate ED&A

AFT-NIT & NLRSC supports
HB 364

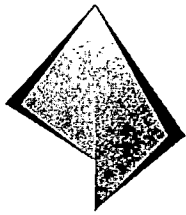


- it's important to understand the rules & regulation when accepting a job
- HB 364 shares this responsibility of understanding the rules and regulations for PT work between the NLRs, the employees & the employers.
- This bill doesn't hold employers liable ~~for employees who understand the~~
All it asks of them is to provide written notice so that both they and their employees understand the limitations
- ask that you support HB 364 and recommend that it "OTP"

4-10-13
Senate EDRA

HB 364

notification PT workers



NHRS
New Hampshire Retirement System

NH Retirement System
54 Regional Drive
Concord, NH 03301
Phone: (603) 410-3500
www.nhrs.org

NHRS Bill Brief: HB 364-FN (am 0678h)

Prepared for the Senate ED&A Committee

Summary: "AN ACT relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment."

Analysis: "This bill requires New Hampshire retirement system employers to notify existing and prospective part-time employees, who are retired members in the retirement system, of the annual limitations on hours for part-time employment. The bill also requires the retirement system to provide similar notice to all retired members."

Sponsors: Rep. Copeland, Rock 19; Rep. Turcotte, Merr 22; Rep. St. James, Rock 13.

Overview

House Bill 364, as amended and adopted by the House, requires NHRS-participating employers to notify existing and prospective part-time employees, who are NHRS retirees, of the statutory limitations part-time employment. The bill states that the "form of such notices" shall be provided by the retirement system. The bill also requires the retirement system to provide similar notice to all retired members on an annual basis.

Background

Retirement system members are full-time state, county and municipal workers. The membership consists of two groups, Group I (Employee and Teacher) and Group II (Police and Fire). The law governing the retirement system allows elected officials, officials appointed for fixed terms, unclassified state employees, and employees of the General Court who are eligible for membership in the retirement system to choose whether or not to participate (some limitations apply). For all others working in full-time positions as defined in RSA 100-A:1 and NHRS Administrative Rules, membership in the retirement system is mandatory.

In cases where a retiree returns to full-time work, RSA 100-A:7 requires restoration to active membership. In cases where a retiree is determined to be working in a full-time capacity after the fact, member and employer contributions are assessed retroactively and the member is subject to recoupment of any pension payments (and Medical Subsidy benefits, if applicable) made during the period of full-time employment.

NHRS Administrative Rules (Ret. 302.05 – Minimum Participation Standards) define the minimum hours worked to be eligible for NHRS membership as 30 hours or more per week for Group I teachers, and 35 hours or more per week for Group I political subdivision employees. Part-time for Group II political subdivision employees is defined by individual employers, but the definition has to be less than the employer's definition of full-time. Part-time for state employees is defined in RSA 98-A:1 as less than 37.5 or 40 hours per week, depending on the employee job classification.

Ret. 302.05 was superseded in 2011 by a new, statutory definition of part-time for all NHRS retirees working for NHRS-participating employers contained in House Bill 2 (Chapter 224, Laws of 2011). The statutory definition of part-time – RSA 100-A:1 XXXIV, which took effect July 1, 2011 – is 32 hours or less per week, with the exception that, "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

Note: The content provided above is for informational purposes; NHRS neither supports nor opposes this legislation.

Prepared by NHRS staff, April 10, 2013

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.”

Initially, the hourly limits were “per employer,” meaning a retiree could work for multiple employers as long as the retiree did not work more than 32 hours per week for any single employer. The statute also made a distinction between part-time hours worked in a Group I position and part-time hours worked in a Group II position.

The part-time statute was revised in Senate Bill 244 (Chapter 192, Laws of 2012) to limit NHRS retirees to a total of 32 hours per week, regardless of whether they work for one or more employers and regardless of whether some of the hours are in a Group I position and some of the hours are in a Group II position.

RSA 100-A:1 XXXIV does not identify consequences for retirees or employers in cases where a retiree is working in excess of 32 hours per week but not meeting the definition of full-time, which would trigger restoration to active service under RSA 100-A:7.

Note: RSA 100-A:1 XXXIV is currently being challenged in Merrimack County Superior Court by four NHRS Group II retirees who claim the law is unconstitutional to the extent it is applied to retirees who are currently receiving retirement benefits. (*Anderson v. NH Retirement System*)

Technical Considerations

1. Sections I. and IV. of the bill suggest restoration to service (RSA 100-A:7) is a remedy for non-compliance, even though the underlying statute (RSA 100-A:1, XXXIV) is silent on that point. Restoration to service applies to resumption of full-time, permanent employment. In some instances a retiree may exceed 32 hours per week and still not meet the definition of “full-time.”

2. In cases where a retiree returns to full-time employment, RSA 100-A:7 requires restoration to active membership. In cases where a retiree is determined to be working in a full-time capacity after the fact, member and employer contributions are assessed retroactively and the member is subject to recoupment of any pension payments made during the period of full-time employment. However, Section III. of this bill provides employers with protection from “any consequences to the employee.” If this language was construed to insulate an employer from responsibility for required retroactive contributions in cases where it is determined after the fact that a retiree returned to full-time service, this would constitute a significant departure from the long-standing application of the statute and applicable rule under Ret. 304 – Contribution Adjustment. It also leads to the question of how the necessary employer contribution payment will be made. If that is not the legislative intent, Section III. requires revision.

Note: The underlying confusion on both of the above points stems from the lack of statutory consequences – for the retiree and the employer – for violating RSA 100-A:1, XXXIV, but not working enough hours to trigger restoration to service (RSA 100-A:7).

3. Section III., Line 14, also states that “An employer who provides the notices required in paragraph I shall not be held liable . . .” but does not require employers to document the distribution of the notices.

Financial Considerations

The fiscal impact to NHRS for the annual written notice on part-time employment would be similar to the printing and mailing cost for the annual W-4P tax notice, which is mailed annually to all retirees and beneficiaries pursuant to federal regulations. The cost of sending that notice sent to more than 28,000 retirees and beneficiaries is approximately \$9,400 – \$1,200-printing, \$1,200-address and mailing services, and \$7,000-postage. This would be an annual cost and the source of funding would be the Pension Trust Fund. This bill may also have a fiscal impact for state, county, and local employers.

Note: The content provided above is for informational purposes; NHRS neither supports nor opposes this legislation.

Prepared by NHRS staff, April 10, 2013

Chroniak, Deborah

From: Larry Budreau [larrybudreau@derrynh.org]
Sent: Monday, April 08, 2013 1:50 PM
To: Carson, Sharon; Cataldo, Sam; Reagan, John; Soucy, Donna; Watters, David; Rausch, James
Cc: 'Association of New Hampshire Public Employer Human Resou' (anhpehra@lists.nhprimex.org); John Anderson; breid@nhlgc.org
Subject: HB364 - Retiree Notification Bill

Good Afternoon Senators,

HB 364 is scheduled for a hearing before the Senate Executive Departments and Administration Committee on Wednesday, April 10, 2013.

HB 364 places a new requirement on the New Hampshire Retirement System (NHRS) and employers to provide written notice annually about the maximum number of hours (generally 32 hours per week) that an NHRS retiree may work for one or more NHRS employers without jeopardizing pension benefits. The bill states that *"An employer who provides the notices required in paragraph 1 shall not be held liable for any consequences to the employee resulting from the employee's restoration of service due to exceeding the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV."* An employee could claim that the employer never provided such notice and that the employer, such as the Town of Derry, is therefore liable for any financial consequences imposed by the NHRS.

I believe that that an annual notice from the NHRS to its retirees reasonable and sufficient and that legislation should not create a new liability for public employers. The 32 hour restriction is imposed upon retirees; they should be responsible for their own schedules, particularly in view of the fact that the restriction applies to employees with multiple employers.

I ask that you oppose HB 364. Thank you.

Respectfully,

Larry

Larry Budreau
HR Director
Assistant Town Administrator
Town of Derry
603 845-5404
www.derry.nh.us

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 8, 2013

THE COMMITTEE ON Executive Departments and Administration
to which was referred House Bill 364

AN ACT (New Title) relative to notice required concerning
employment of a retired member of the New Hampshire
retirement system of the limitations on part-time
employment.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-1

Senator Sharon M. Carson
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of HB364

Docket Abbreviations

Bill Title: (New Title) relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

Official Docket of HB364:

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Executive Departments and Administration; HJ 12 , PG.193
1/31/2013	H	===CANCELLED=== Public Hearing: 2/7/2013 1:30 PM LOB 306
2/6/2013	H	Public Hearing: 2/12/2013 11:00 AM LOB 306
2/13/2013	H	Subcommittee Work Session: 2/26/2013 3:00 PM LOB 306
2/27/2013	H	Subcommittee Work Session: 3/4/2013 10:00 AM LOB 306
2/27/2013	H	Executive Session: 3/5/2013 1:00 PM LOB 306 ==RECESSED==
2/27/2013	H	Continued Executive Session: 3/7/2013 10:00 AM LOB 306
3/7/2013	H	Majority Committee Report: Ought to Pass with Amendment #0678h(NT) for Mar 20 (Vote 12-7; Part II, RC); HC 23 PG.591
3/7/2013	H	Proposed Majority Committee Amendment #2013-0678h (New Title); HC 23 PG.615
3/7/2013	H	Minority Committee Report: Inexpedient to Legislate; HC 23 PG.591
3/21/2013	H	Amendment #0678h(NT): AA DIV 242-38; HJ29 , PG.999
3/21/2013	H	Floor Amendment #2013-0898h (NT) (Rep Byron): AF DIV 120-162; HJ29 , PG.1000
3/21/2013	H	Ought to Pass with Amendment #0678h(NT): MA RC 194-89; HJ29 , PG.999-1002
3/21/2013	S	Introduced and Referred to Executive Dept. & Admin
4/3/2013	S	Hearing: 4/10/13, Room 100, SH, 9:20 a.m.; SC15
5/10/2013	S	Committee Report: Inexpedient to Legislate, 5/23/13; SC21
5/23/2013	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===;

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 364 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ - AMENDMENT # _____
____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): AMENDED FN 4-4-13

DATE DELIVERED TO SENATE CLERK

7-26-13



BY COMMITTEE AIDE