

POLICY

2010

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Personnel

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). Any earning limitations shall be as determined under the applicable law.

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law.

If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon [Retirement and Social Security Law (RSSL Section 211 and 212)]:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed the RSSL Section 212 limit. If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree.

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

RSSL Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a School Resource Officer whose calendar year earnings exceed the RSSL limit may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

(Continued)

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Personnel

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under the RSSL limit or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

- a) The District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.
- b) The District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8 NYCRR Section 80-5.5(b)

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