

You have identified yourself as a retiree of public employment within New York State. In an effort to comply with the Retirement and Social Security Law (RSSL), please be aware of the following information.

Sections 211 and 212 of the RSSL regulate the public re-employment of retirees receiving retirement benefits from a public retirement system within New York State. **Such re-employment is temporary. The intent of the law is to restrict the circumstances in which an individual can simultaneously receive both a salary and a pension from New York State.**

**Section 212** allows retired State or Local government employees under age 65 to **collectively earn up to \$35,000** (in 2023) on a calendar year basis from public re-employment, and continue to receive full pension benefits (though post-retirement benefits will not provide additional retirement benefits). If a retiree exceeds his/her earning limit under section 212 and does not receive approval under section 211, his/her retirement benefits may be reduced or suspended, or result in repayment obligation.

**Section 211** provides a **temporary**, limited waiver to the section 212 earnings limitation amount only when the re-employment of the public retiree is absolutely necessary; further, retirees may not return to work in the same or similar position for a period of one year following retirement.

Special rules apply to persons receiving a disability pension from a retirement system; they are not covered by sections 211 and 212. Other laws limit how much a disability pensioner may earn with a public employer.

Retired members of the New York State Employees' Retirement System (ERS) or the New York State Teachers' Retirement System (TRS) may elect to suspend their pension benefits, be reemployed without limitation, and may re-join the retirement system.

Retired members of the SUNY Optional Retirement Program (ORP) may elect to suspend their pension benefits by discontinuing any systematic or periodic withdrawals during the period of reemployment, which will allow them to return to the payroll without limitation, but they will not be allowed to re-join a retirement system. ORP members who have annuitized their contracts may not suspend their benefits since an annuity cannot be stopped once it has begun.

Retirees should contact their retirement systems to discuss options beyond these.

**As a public retiree, I am aware** that accepting public post-retirement employment within New York State may lead to the reduction or suspension of my retirement benefits, or may lead to repayment obligation if I exceed the earnings limitations under the RSSL.

**I am aware** that I have the option to suspend my retirement benefits in order to avoid an earnings limitation, and if I suspend my retirement benefits, I must provide proof of such.

**I am aware** that my re-employment as a public retiree is temporary and not of a permanent nature, and that if a qualified non-retiree applies for my position in the future, the law requires the University to choose the non-retiree over the "incumbent."

**I am aware** that if I will exceed the Section 212 annual earnings limit, I must request a waiver at least 30 days before the waiver period commences, and before the effective date of my contract. I understand that any waivers granted will be for one year only, will not be renewed, and may not extend throughout the duration of my appointment. Further, I understand that if employed under Section 211 of the RSSL, I am not returning to work in the same or a similar position for the one-year period following my retirement.

**I am aware** that if I am granted a 211 waiver, part of my duties and responsibilities will be to train a non-retiree coworker where applicable so that my position may be assumed by a non-retiree after the expiration of the initial 211 waiver.

**I am aware** that as a re-employed retiree, I should not participate in any hiring determinations when the candidate pool includes one or more retirees, or accept position as Chair of a department.

Name of my public retirement system in New York State \_\_\_\_\_

Membership # \_\_\_\_\_ Date of Retirement \_\_\_\_\_ Date of Birth \_\_\_\_\_

☐ I am / ☐ I am not receiving retirement benefits from my public retirement system in NYS.

Employer retired from \_\_\_\_\_

Position retired from \_\_\_\_\_

X	X	X	X	X				
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Name \_\_\_\_\_  
Last First Middle Initial

Social Security Number

Signature \_\_\_\_\_

Date \_\_\_\_\_