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# Post-Retirement Employment Summary

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<p><b>Earnings are limited if returning to public employment in New York State. Public employment includes:</b></p> <ul style="list-style-type: none"> <li>• State of New York</li> <li>• Political subdivision — County, City, Town, Village, School District, BOCES, etc.</li> <li>• Public authorities</li> </ul>	<p><b>Earnings are not limited for:</b></p> <ul style="list-style-type: none"> <li>• Self-employment</li> <li>• Private employer</li> <li>• Another state or its political subdivision</li> <li>• Federal government employment</li> <li>• During and after calendar year turn age 65</li> </ul>
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**Ways to Return to Post-Retirement Public Employment in New York State:**

**Section 212 of the Retirement and Social Security Law**

- Based on calendar year limit set by legislature
- Do not report these employees to Retirement System\*
- Not active members; no service credit

**Section 211 of the Retirement and Social Security Law**

- One-year wait period if returning to same/similar position
- Employer requests approval from New York State Civil Service Commission or other authority
- Earnings not limited except for former employer (paid salary during two years prior to employee’s retirement)
- Do not report these employees to Retirement System
- Not active members; no service credit

**Suspend pension and rejoin Retirement System, if eligible**

\* Schools and BOCES must report yearly

### **Limits for Elected Officials:**

If position not held prior to retirement, earnings not limited.

If return to same position as before retirement:

- If date of membership is before July 26, 1995, Section 212 limit applies until age 65.
- If date of membership is on or after July 26, 1995, Section 212 limit applies regardless of age.

### **Disability Pensioners**

Each pensioner has an individual earnings limitation. Earnings may be limited in both the public and private sectors. Contact the Post-Retirement Employment Unit for information.

### **Post-Retirement Reporting**

- School districts and BOCES must notify us of any retired employee who returned to work and exceeds the Section 212 limit.
- School districts and BOCES must annually certify any retired employee who has returned to work regardless of their income.