

When Employees Retire

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Filing Applications on Behalf of your Employees

Many documents, including applications for benefits, resolutions concerning benefit changes, notices of injury and change of beneficiary forms, must be filed with the Office of the State Comptroller to be effective. These documents can only be considered “filed with the Comptroller” when they are received by our Albany office, one of our consultation sites, or another Office of the State Comptroller.

A document submitted to you as a participating employer is **not** “filed with the Comptroller” until it is forwarded to and received by us. Status as a participating employer does not empower that employer to act as an agent for the Comptroller for filing purposes. **If you receive any items that must be filed with the Comptroller to be effective, they should be sent to us immediately.** The rights and benefits of your employees depend on such prompt action.

To meet a filing deadline, a member may email a form directly to NYSLRS using our secure contact form (www.emailNYSLRS.com), as long as the form does not require the member’s signature to be notarized. In addition, a member may also transmit a document to us by fax, including documents requiring signature notarization. We will consider emailed and faxed forms filed on the date of transmission but still require the original document to continue the process and properly complete the filing requirement.

However, any documents mailed via the United States Postal Service as registered or certified mail return receipt requested, or as express mail and ultimately received by us, will be considered “filed” as of the date they were mailed. Members and employers using this alternative filing method should retain their mailing receipts until the documents have been acknowledged by us as received and/or accepted.

Note: Employer payments to the system are not considered documents to be “filed” within the meaning of the RSSL filing provisions. Employer payments must actually be received by us **on or before** their due date to avoid the assessment of interest charges for late payment.

Processing Retirement Applications¹

When we receive a retirement application, both you and your employee will receive confirmation of the employee's retirement date.

In order for us to finalize your employee's retirement benefit, most employers will need to complete a Statement of Accrued Payments and Leave Credits (RS6221) form and submit it to NYSLRS. We use the information on this form to reconcile the member's reported earnings, ensure that allowable payments are included in the final average salary, and calculate any additional service credit that unused sick leave may provide.

If an RS6221 form is needed for a retiring employee, we will send you the form on or around the employee's retirement date. Please fill out the form and return it promptly to NYSLRS.

You can submit this form by mail or fax, but submitting the form through *Retirement Online* is the fastest, most efficient way to finalize the employee's retirement.

SUBMITTING THE RS6221 FORM IN RETIREMENT ONLINE

Employer contacts who have been assigned the Personnel security role can submit the form using *Retirement Online*. Your organization's Security Administrator is responsible for assigning security roles and should be able to answer any question you have about the status of assigned roles.

Here are the steps a contact with the Personnel security role would take to submit the form in *Retirement Online*:

1. Download the Statement of Accrued Payments and Leave Credits (RS6221) form.
2. Fill out the form in your web browser and then print and sign, or print the form, fill it out by hand and sign. Then, scan the form and save it to your computer.
3. Sign in to *Retirement Online*.
4. Select the "Upload a Member Document" link on the Employer Account Homepage.
5. Follow the steps to upload the saved version of the RS6221 form, specify the member's NYSLRS ID or registration number, and select submit.

QUESTIONS?

If you have questions about *Retirement Online*, please visit our *Retirement Online* for employers page. You can also call the *Retirement Online* Help Desk at 844-619-9614 between 8:00 am and 4:30 pm, or send an email using the *Retirement Online* Help Desk form.

¹Updated 11/18

Processing Disability Retirement Applications

When we receive a disability retirement application, we review it to determine if it meets all filing requirements. We then assemble a medical file for the member, which includes reports from the member's physicians, hospital records, accident reports and other pertinent documentation.

We may refer the member to one or more medical specialists to be examined. Once the specialist's report has been received, the case is reviewed. Retirement and Social Security Law requires that the board appointed by the Comptroller review the report(s) and recommend approval or disapproval.

As an employer, you will be required to provide certain necessary information for the member's disability file, including, but not limited to, the following information:

- Payroll status;
- Job description (detailed duty statement) including any restricted, light or limited duty assignments;
- General Municipal Law Sections 207-a and 207-c status;
- All medical records that you have in your possession;
- Overtime worked and description of duties performed;
- Workers' compensation documents and accident reports for all on-duty incidents; and
- Time records (may be required for on-duty status).

Once a determination has been made, both you and the member are notified.

The date of retirement for a disability retirement is the date the application is filed or the day after the last date for which the member receives salary, whichever is later. You will be asked to remove the member from your payroll within 30 days after the member's application is approved.

If the disability application is not approved, a written request for a hearing and a redetermination of the member's application may be filed with the Comptroller. This request must be received within four months of the date of the original denial. Only the member or his or her counsel may request a hearing if either filed the original application. However, if you, as the employer, filed the original application, then either you, the member or his or her counsel may file the hearing request.

ADDITIONAL DOCUMENTS SUBMITTED BY EMPLOYERS

You are encouraged to provide us with copies of any other documents, reports or records which pertain to a disability application, accident(s) alleged to have been sustained, and particularly to the physical or mental status of the member. After receiving notification of the disability application, all such items should be forwarded, as soon as possible to:

Disability Services Bureau
NYSLRS
110 State Street, Maildrop 7-1
Albany, NY 12244-0001

All relevant data and information you provide are submitted to the Medical Board when it meets to consider the disability application.

NOTICE TO EMPLOYER OF REQUEST FOR HEARING

In the event that a member or the member's counsel requests a hearing and redetermination to review a disability determination, we will notify you.

NOTICE OF ACCIDENT

To qualify for an accidental disability retirement, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member's injuries, and his or her alleged incapacity. If you are covered by Workers' Compensation Law, notice of accident may be satisfied by the member filing written notice with you within 30 days of the date of the accident.

Written notice is not required if the application for accidental disability is filed within one year of the date of the accident.

NOTICE OF OCCURRENCE

To qualify for a performance of duty disability retirement, the member must file written notice with us within 90 days of the occurrence. The notice must detail the time and place of the occurrence, the particulars thereof, the nature and extent of the member's injuries and his or her alleged incapacity. If you are covered by Workers' Compensation Law, notice of occurrence may be satisfied by the member filing notice with you within 30 days of the date of the occurrence.

Written notice is not required if the application for performance of duty disability is filed within one year of the date of the occurrence.

Hiring Public Retirees

SECTION 212

Under Section 212 (RSSL), a retiree collecting a service retirement benefit may be employed in public service and earn up to \$30,000 during a calendar year. This limit was effective January 1, 2007, and may be revised by legislation. Please refer to the *Employer Forum*, check our website or contact our Call Center for any changes.

Earnings in excess of this limit may require suspending the pension or obtaining approval for employment under Section 211 (RSSL). Failure to meet either of these conditions will require the member to pay back to NYSLRS an amount equal to the retirement benefit received after he or she reached the mandated limit. If the retiree continues to work, the retirement benefit will be suspended.

For most pensioners age 65 or older, there is no limit to yearly earnings. If the retiree later elects to become a member of the appropriate system, no service credit will be allowed for public employment while covered by Section 212 (RSSL). Section 212 employees are not active members and must not be reported on monthly reports to NYSLRS.

Note: Any reemployment in public service that does not conform to the requirements of Section 211 and/or 212 may result in reduction or suspension of the retiree's retirement benefit.

SECTION 211

If a retiree who is receiving a service retirement benefit returns to work for a public employer with the necessary Section 211 approval, he or she can continue to receive a retirement benefit. Earnings are not limited unless the retiree returns to work for a former employer. A "former employer" is any public employer that paid the retiree a salary or compensation during the last two years before retirement and the retirement benefit was based, in part, on that salary and/or service.

Earnings from work for a former employer are subject to a set limit. This is the difference between the Single Life allowance (Option 0) and final salary. If the retiree earns over the limit, we will recover any retirement benefit overpayment and/or suspend the benefit.

As the retiree's prospective employer, you must submit a request for Section 211 approval of employment to the appropriate agency. In most cases, this is the New York State Civil Service Commission. However, one of the following agencies may need to grant approval:

- The New York State Commissioner of Education
- The Chancellor of the State University of New York
- The Chancellor of the City University of New York
- The Chancellor of the New York City Department of Education
- The New York City Division of Citywide Personnel Services
- The Office of Court Administration

When requesting a waiver, you must prepare a detailed recruitment plan and show either that:

- There is an urgent need, as the result of an unplanned, unpredictable and unexpected vacancy, where sufficient time is not available to recruit any available non-retired personnel, or
- Extensive recruitment efforts did not find any available qualified non-retired persons.

The hiring must also be deemed to be temporary, rather than a final filling of the position.

In addition, effective October 7, 2008, retirees are prohibited from returning to work under Section 211 in the same or similar position for a period of one year following retirement. This does not apply to individuals for whom waivers were previously granted, nor does it affect a retiree's ability to return to public employment under Section 212.

Employment may begin **after** approval has been obtained. Approval is granted for a specific period of time, up to a maximum of two years, after which time you may seek a renewal. If the retiree later elects to become a member of the appropriate retirement system, **no** service credit will be allowed for public service performed under Section 211 approval.

Section 211 employees are not considered active members and must not be reported on monthly reports to NYSLRS.

Note: Any reemployment in public service that does not conform to the requirements of Section 211 and/or 212 may result in reduction or suspension of the retiree's retirement benefit.

ELECTIVE OFFICE

If a retiree is elected or appointed to an elective position that he or she did not hold before retirement, the earnings are unlimited and will not affect the pension. For example: a member retired from a full-time school bus driving job a year ago and is collecting a pension. This year, the member was elected to city council. The council member salary is not limited and will not affect the pension.

However, if a retiree continues to work in the same elected office held before retiring, and his or her date of membership is on or after July 26, 1995, Section 212 limits will apply to earnings regardless of age. If the retiree's date of membership is before July 26, 1995, Section 212 limits will apply to earnings only until he or she turns 65.

REJOINING NYSLRS

If a retiree from one of the New York State public retirement systems returns to employment, he or she may join NYSLRS under Section 101 or 401 (RSSL) only if his or her retirement benefit is suspended. The retiree will then be assigned the same tier status in the new system as was held prior to retirement. Tier 1 and 2 retirees must have one year of new service to be eligible for an active member death benefit. Therefore, the retiree may elect to either:

- Defer NYSLRS membership for one year. During that year, the retiree will keep the death benefit protection if he or she elected a retirement option that pays a beneficiary. He or she will receive credit for service rendered during the year, upon enrollment; or
- Join the appropriate system on the date employment begins if he or she did not select an option which provides beneficiary protection.