



Office of the State Comptroller

PAYROLL BULLETIN

Subject Employment Restrictions Pertaining to Retirees of Public Retirement Systems in New York State	Bulletin No. P-975
	Date January 12, 1998

In recent years there have been numerous instances where retirees of public retirement systems in New York State worked for State agencies and received wages above those authorized by law, but without benefit of earnings waivers required by Section 211 of the New York State Retirement and Social Security Law.

To avoid the above violations and resulting financial hardships for employees, it is important to identify any new appointees who are retirees or deferred retirees of any of the public retirement systems in New York State. These systems include:

- New York State and Local Employees' Retirement System
- New York State and Local Police and Fire Retirement System
- New York State Teachers' Retirement System
- New York City Board of Education Retirement System
- New York City Fire Department Pension Fund
- New York City Employees' Retirement System
- New York City Police Pension Fund

Individuals currently receiving a retirement allowance based on their own public employment are not eligible for membership in the Retirement System.

There are also laws regulating the post-retirement earnings of retirees. If employee earnings exceed statutory limitations, their retirement allowance may be suspended or terminated. Undetected excess earning over time can result in the retiree/employee being liable for the return of thousands of dollars of overpaid benefits.

Retirees under age 70 may return to public employment and earn up to \$14,500 in calendar year 1998. This limit is established by Section 212 of the Retirement Law. Except for retirees elected or appointed to elective office they held before retirement, there is no earnings limit for persons receiving a service (non-disability) allowance beginning in the year they attain age 70.

If you appoint an under age 70 service retiree whose earnings will exceed the Section 212 limit, the employer must obtain approval under Section 211 of the Retirement and Social Security Law to avoid suspension or reduction of the retirement allowance. The approving authorities are:

Executive Agencies, Legislature and SUNY Classified - NYS Civil Service Commission
SUNY Unclassified - Chancellor of the State University
Judicial - Chief Administrator of the Courts
CUNY Classified - NYC Municipal Civil Service Commission
CUNY Unclassified - NYC Board of Higher Education

The limitations affecting appointees receiving a disability retirement allowance are more complex. Those questions pertaining to the NYS and Local Employees' or NYS and Local Police and Fire Retirement Systems should be referred to the Post Retirement Review and Adjustment Unit at (518) 474-4449. Similar questions pertaining to other retirement systems should be directed to those systems.

Please ensure employees involved in the hire/appointment process are aware of these restrictions and, in turn, convey them to new appointees.