
Post-Retirement Employment Summary

<p>Earnings are limited if returning to public employment in New York State. Public employment includes:</p> <ul style="list-style-type: none">• State of New York• Political subdivision — County, City, Town, Village, School District, BOCES, etc.• Public authorities	<p>For service (not disability) retirees, earnings are not limited for:</p> <ul style="list-style-type: none">• Self-employment• Private employer• Another state or its political subdivision• Federal government employment• During and after calendar year retiree turns age 65, except for certain elected officials (see next page)
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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, earnings 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 via post-retirement reporting on the web.

Limits for Elected Officials:

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

If returning to same position as before retirement and:

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

Disability Retirees

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

- By phone: 518-474-5606
- By email: PostRetirementReporting@osc.state.ny.us

Post-Retirement Reporting

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