

OPERATING PROCEDURE NO. 20-22
EMPLOYMENT OF PUBLIC SERVICE RETIREES

Effective Date*: June 13, 2018 approved by Mitchell Katz, MD President and CEO 

Responsible Department: Human Resources

Sub-Department(s): Employee Retirement Plans

Regulatory Requirement(s):

Required Date of Review: June 30, 2020

I. PURPOSE:

To set forth the policy and procedure for the employment of public service retirees.

II. SCOPE:

1. This procedure applies to individuals who retired, and receive a pension (other than disability retirees), from the public service of New York State or any political subdivision thereof, including New York City service who are seeking employment with the NYC Health + Hospitals ("the System").
2. This procedure does not apply to retirees who participated in the Early Retirement Incentive Program of 2002/2003.

III. POLICY:

1. Public service retirees may only be considered for positions within the System upon finding that:
 - a. other persons (non-retirees) are not available to perform the same function;
 - b. there is a need for the retiree's services;
 - c. the retiree is qualified; and
 - d. the employment is in the best interests of the System.
2. No commitment to hire a public service retiree shall be made, unless prior written approval is received from the Corporate Officer responsible for Human Resources.
3. Retiree shall not be reinstated to their original date of hire.

* This Operating Procedure supersedes Operating Procedure 20-22, Employment of Public Service Retirees, dated December 11, 2002 and 1995

IV. **CATEGORY OF RETIREE:**

1. **New York City and Public Benefits Corporations Retirees:**

Retirees from New York City pension systems (Appendix A) and Public Benefits Corporation retirees (Appendix B) may be hired by the System without loss or diminution of pension and without a cap on salary.

2. **NYCERS Retirees Under the Age of 55**

Public Service Retirees, under the age of 55 who receive a pension from the New York City Employees' Retirement System (NYCERS), may be mandated back into the NYCERS pension system upon employment with the System, and could be subject to loss of pension and any Early Retirement benefits they may have received upon retirement, and should therefore, seek the advice of NYCERS before considering employment with the System.

3. **All Other Public Service Retirees**

Public service retirees who receive a pension from a retirement system other than one of the New York City Retirement Systems must obtain authorization under New York State Retirement and Social Security Law (RSSL), Section 211 as described below.

Section 211

The New York State Civil Service Commission may approve requests to hire public service retirees (other than disability retirees) for periods of up to two years without suspension or diminution of pension. Under this option employees receive their full pensions and have no salary caps. Upon request, Section 211 waivers may be renewed by the State Civil Service Commission.

V. **PROCEDURE:**

Prior to any commitment to employ a public service retiree receiving a retirement allowance, other than disability, the following is required:

1. Authorization from the Executive Director/Senior Vice President/Vice President.
2. Review from the Director of Human Resources supporting that the documents and justification are sufficient to support the request.
3. **New York City and Public Benefits Corporations Retirees** must complete the following:
 - i. Form HHC 2366, "Request to Employ Retiree".
 - ii. Form HHC 2366 must be submitted to the Executive Director and Corporate Officer responsible for Human Resources
 - iii. No commitment to hire a retiree may be made until written approval is received from the Corporate Officer responsible for Human Resources.

4. **All other Public Service Retirees**, in conjunction with the Human Resources Department, must apply under the following section of the New York State Retirement and Social Security Law (RSSL), (§§211):

Section 211 Waiver - Employment of public service retirees without diminution of retirement allowance or earnings limitation.

- i. The Director of Human Resources in conjunction with the retiree completes the State of New York Civil Service Commission form CSC-1 "Section 211 Application for Pension Waiver"
- ii. The State of New York Civil Service Commission upon approving employment of a retired person shall certify such approval to the requesting employer and retirement system or pension plan from which such person is receiving a retirement allowance.
- iii. Approvals may be granted for periods not exceeding two years.

There are no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

VI. **RESPONSIBILITY:**

The following staff are responsible:

1. **Director of Human Resources:**
 - a. Monitors compliance with this operating procedure.
 - b. Obtains approval from the Corporate Officer responsible for Human Resources prior to employment of retiree, when required.
 - c. Ensures approval from the State of New York Civil Service Commission prior to employment of retiree under Section 211 of the RSSL, when required.
 - d. Maintain records and duration of public service retirees, including name, compensation, type of clearance; System approval, Section 211 Approval.
2. **Corporate Officer Responsible for Human Resources:**
 - a. Reviews and determines requests for hiring retiree for New York City and Public Benefits Corporations Retirees based on objective criteria and the needs of the System.
 - b. May waive policy requirements for specific title(s). However, the System does not have the authority to waive NYS Retirement and Social Security Law.
 - c. Determines if the System has the resources and continuous need to employ retirees from the NY State Retirement System.

Attachments:

Appendix A

CSC-1 Section 211 Application for Pension Waiver

Form HHC 2366 (May 2018) Request for Approval of Retiree Employment

APPENDIX A

List of New York City Pension Systems

June 2018

1. New York City Employees' Retirement System (NYCERS)
2. Teachers' Retirement System of the City of New York
3. New York City Board of Education Retirement System
4. New York City Police Department Pension Fund
5. New York City Fire Department Pension Fund

APPENDIX B-SAMPLE

List of Public Benefits Corporations:

- New York Convention Operating Corporation
- NYC Health + Hospitals
- NYC Housing Authority
- NYC Housing Development Corporation
- Metropolitan Transportation Authority
- NYC Municipal Water Finance Authority
- NYC School Construction Authority
- State Dormitory Authority
- Transitional Finance Authority
- Transit Authority
- MTA Bridges and Tunnels (Tri-borough Bridge and Tunnel Authority)
- (TBTA) Urban Development
- Waterfront Commission