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Newsletter of the Employees Retirement System of Rhode Island

SPECIAL POST-RETIREMENT EDITION

WORKING AFTER RETIREMENT - KNOW WHAT YOU CAN AND CAN'T DO

If you're collecting a benefit from the Employees Retirement System (ERS) or the Municipal Employees Retirement System (MERS), you are subject to restrictions on employment with the State of Rhode Island, any RI public school, or any RI municipality participating in MERS. If you intend to return to work for one of these entities after you retire - or already have - you should be familiar with the provisions of the post-retirement statutes.

Your re-employment restrictions differ depending on the type of employment: teacher, state, or municipal. Also, the restrictions can vary year-to-year depending upon amendments to the retirement statutes. If you've been offered the greatest part-time position of your retired career, make sure it won't jeopardize your retirement benefit before accepting.

The following is a synopsis of what you can and cannot do for post-retirement employment according to the most recent (July, 2002) amendments to the statutes. Please read this information carefully. It is your responsibility to ensure that while collecting a retirement benefit your employment does not violate any statutory restrictions.

What you can do, and still collect your benefit:

Teacher/Certified Re-Employment (includes teachers, administrators, guidance counselors, coaches, tutors)

- You may substitute in a RI public school for up to 90 days (or 180 half-days of 3 hours or less) in the school year. The literal meaning of "substitute" is utilized; you must be working in place of a regular employee who is absent.

OR,

- You may be hired to fill a vacant position. The position may not be for more than 90 days (or 180 half-days of 3 hours or less), or more than 2/5 if it is an appointment for the entire school year. You may be employed in such a vacant position, which includes teaching, coaching, or tutoring, if the school certifies in writing to its collective bargaining units and to the Retirement Office they have made a "good faith effort" to fill the position with a non-retiree.

NOTE: ERSRI counts a school year, for post-retirement purposes, from September 1 - August 31, for all positions.

OR,

- You may be employed by a state school or college to teach a course, advise students, coach, or teach driver or motorcycle education for wages not to exceed \$12,000 in the calendar year.

Participating (MERS unit) Municipal Re-Employment

- You may work in a municipal position for a participating RI municipality for up to 75 days (or 150 half-days of 3 hours or less) in a calendar year. If you work in a municipal (non-certified) position in a school department, the 75 days will be counted on a school year basis, September 1-August 31, for ease of reporting.

Exception: You may work full time in a participating municipality in the position of mayor, town or city administrator, town or city manager, chief administrative or executive officer of the city or town, without suspension of your benefit, provided you did not retire from that position.

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Retirement contributions will not be deducted from your wages and you will not earn any additional retirement service credit for this employment.

Non-MERS Employment

There are no longer any limitations for working in a municipality that is not part of MERS.

Registered Nurses

If you retired from the state as a registered nurse, you may work on a per-diem basis for MHRH as a registered nurse, with gross wages not to exceed \$12,000 per calendar year.

What you cannot do

- There is no “mixing and matching.” You cannot work under the provisions of more than one statute, i.e. only one of the several employment possibilities is allowed. For example: you cannot substitute 90 days in a public school, and teach a course at CCRI, or substitute 90 days in a public school and also be hired as a coach. Or, If you're working 2 days a week in a hired 2/5 teaching position, you cannot also substitute per-diem for 90 days. Or, if you're working 75 days for a municipality, you cannot also coach at a public school.
- You cannot do as a corporation, consultant, or as an employee hired by another party what you cannot do as an

individual. Thus, if you are a consultant working in the school, you are still subject to the employment limitations and reporting requirements of any other retiree. While collecting your ERSRI or MERS benefit, you may only be employed in a RI public school, state school or college, or participating municipality if there is a provision for that re-employment in the retirement statutes.

What you must do

If you return to work in any capacity allowed by the retirement statutes, both you and your employer must notify this office monthly of your employment. We provide the reporting forms to all schools and participating municipalities, and they are also available on the ERSRI website, www.ersri.org Forms are updated yearly, or as the provisions for post-retirement employment change.

This information is provided as a summary of the statutory restrictions affecting the majority of retired members, and is not intended as a substitute for prevailing Rhode Island Generals Laws. Disability retirees are also subject to additional statutory wage limitations.

If you have a question on post-retirement employment, please submit it in writing to ERSRI, 40 Fountain St., Providence RI 02903-1854 for a written reply.

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