



STATE OF NEW YORK  
 CIVIL SERVICE COMMISSION  
 THE STATE CAMPUS  
 ALBANY, NEW YORK 12239

APPOINTING AUTHORITY APPLICATION FOR PENSION  
 WAIVER FOR RETIRED PUBLIC EMPLOYEE  
 Pursuant to Section 211 of N.Y.S. Retirement and Social Security Law

CSC-1 (4/04) (w)

<b>SECTION A</b>	Requesting Agency		Title of Position to be Filled by Retiree	
	Mailing Address (Street, City, State and Zip)		Jurisdictional Classification of Position	
			<input type="checkbox"/> Competitive <input type="checkbox"/> Labor <input type="checkbox"/> Unclass. <input type="checkbox"/> Non-Comp. <input type="checkbox"/> Exempt <input type="checkbox"/> Other	
		Appointment Type		Anticipated Annual Earnings
		<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary		
		Duration of Waiver (Two Year Max.)		
		From _____ To _____		\$ _____

<b>SECTION B</b>	Retiree's Last Name, First Name, Middle Initial		Social Security Number	Date of Birth	Date Retired	Final Salary
						\$ _____
	Agency Retired From	Title Retired From	Retirement System Name			Retiree's Number
Retiree's Mailing Address (Street, City, State and Zip)		Retirement System Mailing Address (Street, City, State and Zip)				
<b>Number of years retiree has been employed pursuant to Section 211</b> _____						

<b>SECTION C</b>	Description of Duties and Minimum Qualifications—Attach additional sheets if more space is needed	

<b>SECTION D</b>	Justification for Hiring Retiree—Describe your Agency's Recruitment Efforts (See reverse)—Attach additional sheets if more space is needed	

<b>SECTION E</b>	Will Retiree's Salary Exceed Section 212 limit? <input type="checkbox"/> No: Notify appropriate Retirement System <input type="checkbox"/> Yes: Submit CSC-1 Year in which retiree attains age 65 _____ Is retiree receiving disability benefits? <input type="checkbox"/> Yes— <i>Not</i> Waiver eligible for 211 <input type="checkbox"/> No		<b>NOTE:</b> Questions concerning whether or not an individual may be employed in Public Service in a calendar year pursuant to both Sections 211 and 212 should be directed to the employee's retirement system(s).	
			Has retiree been employed in public service this calendar year? <input type="checkbox"/> No <input type="checkbox"/> Yes: Pursuant to Section 211 <input type="checkbox"/> Pursuant to Section 212 <input type="checkbox"/> Name of Public Employer _____ Earnings \$ _____	

**Certification By Appointing Authority or Designee**

I, the appointing authority, hereby affirm under penalties of perjury as provided for in Section 210 of the Penal Law, that the statements made herein (and on attached papers) are true and correct and that I have determined that the retiree is duly qualified and competent to perform the duties assigned and that there are not readily available for recruitment non-retired persons qualified to perform the duties of such position.

Signature of Appointing Authority or Designee	Print Name	Telephone Number
	Title	Date

**CIVIL SERVICE COMMISSION OPERATIONS USE ONLY**

Comments/Recommendations	Final Determination by NYS Civil Service Commission:	
	<input type="checkbox"/> Approve From _____ To _____ <input type="checkbox"/> Disapprove	
Signature	Date	

DISTRIBUTION OF COPIES:  Payroll Division, Office of the State Comptroller  Requesting Agency  Retirement System

**IMPORTANT: READ INSTRUCTIONS ON PAGE/SIDE 2**

**DISABILITY RETIREES ARE NOT ELIGIBLE FOR EMPLOYMENT UNDER SECTION 211**

**GENERAL INFORMATION**

**Section 150** of the Civil Service Law provides, generally, that a retiree's pension shall be suspended during periods of reemployment in the public service. **Section 211** of the Retirement and Social Security Law provides for the reemployment of a retiree on an exceptional basis without loss or diminution of pension. Section 211 does not apply to disability retirees. This Law has several requirements which are reviewed by the Civil Service Commission in reaching a determination; **an important requirement is that there not be other qualified non-retirees available to fill the position.**

**Section 212** of the Retirement and Social Security Law provides for the reemployment of a retired public employee, with an earnings limitation (current limitation effective in 2004, is \$27,500 in any calendar year), without loss or diminution of pension. However, there are no earnings limitations on or after the calendar year in which the retiree attains age sixty-five. Information on current limitation and procedures for approval are available from the NYS Retirement System.

Prior to employing the retiree, prepare **an original and three(3) copies of this form**, and mail them to the Office of New York State Civil Service Commission Operations, The State Campus, Albany, New York 12239. The form will be presented to the Civil Service Commission for review of the request. When the review is completed a copy of the form will be returned indicating disposition of the request.

Commission approval is not approval of an appointment; for agencies subject to the Civil Service Law, the appointment must meet the requirements of applicable Laws, Rules and Regulations, and policies. Questions about appointments under **Section 211** should be directed to the Office of Civil Service Commission Operations.

**EARNINGS LIMITATIONS**

If the retiree returns to work for a former employer, the earnings may be subject to earnings limitations. (The term "former employer" means the state or a political subdivision, public corporation, school district, board of cooperative educational services, county vocational education and extension board, or an agency or organization which contributes as a participating employer in a retirement system or pension plan administered by the state or any of its civil divisions, which directly paid the salary or compensation of a retired person at any time during the two years immediately preceding his/her retirement and who paid the salary on which the retiree's retirement allowance is based.

Questions concerning earnings limitations should be directed to the employee's retirement system(s). If earnings limitations are necessary, the employee's retirement system will notify the requesting agency.

The results of the **Civil Service Commission** review are recorded on the form and copies distributed as indicated.

**HOW TO PREPARE THIS FORM**

The **employing agency** completes Section A through Section E, and the appointing authority or designee must sign the Certification.

**Section A** is information about the proposed appointment.

**Section B** is information about the retiree and appropriate retirement system.

**Section C** requires a description of the duties of the position and the advertised minimum qualifications for performing those duties. (Attach additional sheets as necessary.) Note that the retiree must be qualified to perform the duties of the position, and this fact must be affirmed by signing the Certification.

**Section D** requires a description of the recruitment efforts used to find a qualified individual to perform the duties. This should include such efforts as conspicuous posting of the employment opportunity within the organization, a reasonable level of public advertising for at least 30 days, and evidence that the NYS Community Service Centers has been used in the recruitment effort. For requests involving promotion level titles in the organization, describe why recruitment outside the organization was appropriate. Comment on the impact of the hiring decision on the organization's affirmative action goals. (Attach additional sheets as necessary.) Please attach a copy of the recruitment announcement/advertisement, noting how long announcement or advertisement was posted and where. In addition, provide details of candidate responses to recruitment efforts, results of interviews and availability of non-retirees.

**Section E** following completion of Section E, this form and three (3) copies should be forwarded to the Office of Civil Service Commission Operations.