

Important health insurance information for New York State retirees who are enrolled in NYSHIP and plan to return to work for New York State in the Classified Service of the Executive Branch or for State retirees who plan to return to work in the SUNY Unclassified Service.



**NYSHIP**  
New York State  
Health Insurance Program

# Back to Work

for New York State



This publication is designed to help you understand how your New York State Health Insurance Program (NYSHIP) retiree benefits (and Medicare if applicable) might be affected if you return to work as an active employee in a benefits eligible position.

**Note:** For the purposes of this publication, New York State employment means employment in the Executive, Judicial and/or Legislative branches of State government.

If, after retiring from State service, you return to work in a benefits-eligible position with New York State, your enrollment status in NYSHIP and other benefit programs may change. Your health insurance benefits, sick leave credit and coordination with Medicare may be affected.

If you return to work in a position that is not benefits eligible with the same employer, or an employer other than New York State, your NYSHIP status does not change.

The information in this report applies to former employees who are rehired by the same employer

from which they retired. If you retired from a Participating Employer or are a State retiree planning to work for a Participating Employer, talk with the agency that is hiring you to determine if your benefits vary from those described here.

If you are considering returning to work with New York State: Read the following information and talk with the State agency that is hiring you. Contact the Employee Benefits Division if you have questions at 518-457-5754 or 1-800-833-4344 (United States, Canada, Puerto Rico, Virgin Islands).

After you are rehired: Be sure to talk with your Health Benefits Administrator (HBA). Discuss your status as a retiree in NYSHIP and, if applicable, that you are Medicare-primary for claims purposes. The agency will notify the Employee Benefits Division of your return to work and update your status.

If you are hired as a seasonal employee, you must clarify your health insurance status with your HBA each time you go on or off the payroll.

## NYSHIP Coverage as an Active Employee or as a Retiree

If you return to State service in a position that meets NYSHIP eligibility requirements for benefits, you may:

- Reenroll in NYSHIP as an active employee, or
- Continue your NYSHIP benefits in retiree status.

If you return to work in a position in the Executive Branch Classified Service you must work at least half-time on a regular schedule for a minimum of six-biweekly pay periods to be eligible to reenroll as an active employee.

If you work part-time in a position in the SUNY Unclassified Service or are a UUP enrollee, contact your HBA.

If you continue your NYSHIP benefits in retiree status, you may continue to use the sick leave credit earned at the time of your retirement to reduce your share of the monthly health insurance premium.

If you reenroll in NYSHIP as an active employee, you must pay the employee share of the premium, without any sick leave credit applied. However, you may resume retiree health insurance status at any time and once again apply your sick leave credit to reduce premium costs.

If you change your status for NYSHIP benefits purposes from retiree to active, there may be a change in your share of the premium. Also, your NYSHIP benefits may change:

- The Empire Plan: Certain copayments, Basic Medical annual deductible and coinsurance maximum, and other benefits may change.
- HMO: If you are Medicare-eligible, ask your HMO if your benefits will change if you become covered as an active employee.



## Sick Leave Credits

Under the Attendance Rules for the Classified Service, and under SUNY rules for SUNY Unclassified Service, the sick leave balance at the time of retirement is restored in full for former employees who return to State service within one year of separation. It is not reduced by either the retirement service credit or the health insurance premium credit the employee may have received at the time of retirement. Credits may also be restored to employees who are reinstated after one year by the New York State Civil Service Commission. (Restoration of sick leave may vary in the Legislative or Judicial Branch.)

Employees who do not stop their State pensions and employees who have begun withdrawing funds under a SUNY Optional Retirement Program (ORP) such as TIAA, and work as retirees, do not have their lifetime monthly credit for sick leave recalculated when they stop working. (This sick leave credit is calculated only at retirement.) Employees who stop their State pensions or have not begun withdrawing SUNY ORP funds may have their lifetime monthly credit recalculated when they retire again, as shown in the following chart.

### Sick Leave for Rehired Retirees in the Classified Service of the Executive Branch and SUNY Unclassified Service

#### Return *within* one year and...

#### 1. Suspend State pension, or have not been collecting a State pension (although eligible) or have not begun withdrawing funds under the SUNY Optional Retirement Program

Sick leave accruals restored

Choose health insurance as active or retired:

- If active and eligible, pay employee rate
- If retired, use sick leave credit to reduce your premium

Can use restored and newly earned sick leave accruals for absences from work due to illness

When employee retires again:

- New sick leave credit calculated (actuarial table, sick leave accrual balance and salary at time of this retirement up to a maximum of 200 days, or 165 days for PBA and PIA)
- New pension calculated (check with your Retirement System)
- New health insurance contribution rate

#### 2. Continue State pension or have begun withdrawing funds under the SUNY Optional Retirement Program (return under Retirement and Social Security Law sections 211/212)

Sick leave accruals restored

Choose health insurance as active or retired:

- If active and eligible, pay employee rate
- If retired, use sick leave credit to reduce your premium

Can use restored and newly earned sick leave accruals for absences from work due to illness

When employment ends:

- No change in previously calculated sick leave credit (even if accruals were used during period of reemployment)
- No change in pension
- No change in health insurance contribution rate

## Sick Leave for Rehired Retirees in the Classified Service of the Executive Branch and SUNY Unclassified Service

Return *after one year\** and...

### 1. Suspend State pension, or have not been collecting a State pension (although eligible) or have not begun withdrawing funds under the SUNY Optional Retirement Program

No sick leave accruals restored

Choose health insurance as active or retired:

- If active and eligible, pay employee rate
- If retired, use sick leave credit to reduce your premium

Can use newly earned sick leave accruals for absences from work due to illness

When employee retires again:

- New sick leave credit calculated (actuarial table, sick leave accrual balance at time of this retirement converted to a monthly value added to the monthly sick leave credit (if any) at time of previous retirement, up to a maximum of 200 days, or 165 days for PBA and PIA)
- New pension calculated (check with your Retirement System)
- New health insurance contribution rate

### 2. Continue State pension or have begun withdrawing funds under the SUNY Optional Retirement Program (return under Retirement and Social Security Law sections 211/212)

No sick leave accruals restored

Choose health insurance as active or retired:

- If active and eligible, pay employee rate
- If retired, use sick leave credit to reduce your premium

Can use newly earned sick leave accruals for absences from work due to illness

When employment ends:

- No change in previously calculated sick leave credit
- No change in pension
- No change in health insurance contribution rate

**\*Exception:** Executive branch classified employees reinstated by the Civil Service Commission after a break of more than one year are treated in the same way as employees who return within one year.

## Vestee Coverage in NYSHIP

If you have continued your NYSHIP coverage in vestee status and you are rehired and once again eligible for benefits, you will no longer have to pay the full cost of the premium. As an active employee, you will pay only the employee share. You will have active, not vestee, benefits. Be sure to tell your HBA that you are a vestee who is returning to work. If you later retire directly from active

employment instead of from vestee status and were entitled to accumulate sick leave, you may apply your unused sick leave at the time of retirement toward your premium. If you still are not eligible for retiree coverage when you stop working, and you return to vestee status, you will not be eligible to apply sick leave credits toward your premium in retirement.

## Coordination with Medicare

**NYSHIP will provide primary coverage for you and your covered dependents when you return to the payroll and are eligible for health insurance as an active employee.** If you or your Medicare-primary dependents are enrolled in a NYSHIP HMO Medicare Advantage plan, you and/or your dependents will be moved from the Medicare Advantage plan into the HMO's NYSHIP commercial plan. You may see some differences in your HMO coverage; for example, the copayments, provider networks and prescription drug formulary may be different.

Medicare will pay secondary to NYSHIP while you are working in a benefits-eligible position. The State will stop reimbursing you for the Medicare Part B premium for you and/or your spouse while you are working for New York State. You may choose to stay enrolled in Medicare and pay the Medicare Part B premium yourself. Or, you may cancel your Medicare Part B coverage and reenroll in Medicare Part B to be effective when you stop working for New York State. Be sure to reenroll prior to leaving the payroll. Contact Social Security at 1-800-772-1213 for information about reenrolling in Medicare Part B.

Please note: If you have enrolled a domestic partner, Medicare remains primary for the domestic partner age 65 and over. The State will continue to reimburse you for the Medicare Part B premium. If you or a dependent is eligible for Medicare due to end-stage renal disease, NYSHIP pays primary through the 30-month coordination period and then Medicare assumes primary liability regardless of employment status.

When you leave State service again or no longer meet the health benefits eligibility requirements for active employees, Medicare will once again become your primary coverage. A health insurance plan provides "primary" coverage when it is responsible for paying health benefits before any other group health insurance.

Ask your HBA for a copy of the publication *Medicare & NYSHIP* or visit NYSHIP online at [www.cs.ny.gov/employee-benefits](http://www.cs.ny.gov/employee-benefits).

## Keep Your Coverage Up to Date

Be sure to tell your HBA that you are a State retiree who is returning to work. They will update your health insurance enrollment record to show your new status. The Empire Plan administrators or your HMO will then know your correct benefits.

If your record is not updated, your claims will not be paid correctly. You may also continue to receive reimbursement for your Medicare Part B standard premium that you are not entitled to receive. You will be required to repay any overpayment of Medicare Part B premium.

When you again leave State service, or no longer meet health benefits eligibility requirements as an active employee, your HBA will update your record to show retiree benefits. Medicare will again be primary to NYSHIP and you will receive reimbursement for the Medicare Part B standard premium.



## Other Benefits

### Dental and Vision Coverage

If you return to work in a position eligible for dental and vision coverage provided by New York State, you may enroll even if you continue your health insurance as a retiree. To enroll for dental and vision coverage, file *NYS Health Insurance Transaction Form* (PS-404) with your HBA. If you return to work in a position eligible for dental and vision coverage provided through a union Employee Benefit Fund, contact the fund to enroll.

### M/C Life Insurance Program

If you were enrolled in M/C Life Insurance and are returning to work, please contact your HBA.

### Income Protection Plan

If you return to work in a position eligible for Short Term Disability Insurance and/or Long Term Disability Insurance under an Income Protection Plan (IPP) provided by New York State, the amount of disability benefits paid will be reduced by the amount of the pension you receive.

### New York State Pension and Social Security

Know what to do about your State pension before you go back to work. Call your State Retirement System for information on post-retirement employment.

For information on Social Security limits on earnings, call Social Security at 1-800-772-1213 to ask for the fact sheet, *How Work Affects Your Benefits* (Publication No. 05-10069). Teletypewriter (TTY) is available for callers using a TTY device because of a hearing or speech disability: 1-800-325-0778 for TTY only. Information may also be found on the Social Security website at [www.ssa.gov](http://www.ssa.gov).

It is the policy of the New York State Department of Civil Service to provide reasonable accommodation to ensure effective communication of information in benefits publications to individuals with disabilities. These publications are also available on the Department of Civil Service website ([www.cs.ny.gov](http://www.cs.ny.gov)). Check the website for timely information that meets universal accessibility standards adopted by New York State for NYS agency websites. If you need an auxiliary aid or service to make benefits information available to you, please contact the Employee Benefits Division at 518-457-5754 or 1-800-833-4344 (United States, Canada, Puerto Rico, Virgin Islands).

*Back to Work* is published by the Employee Benefits Division of the New York State Department of Civil Service. The Employee Benefits Division administers NYSHIP. NYSHIP provides your health insurance benefits through The Empire Plan or a NYSHIP-approved HMO.



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