

Back to Work

for New York State



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. SUNY follows the same rules for State retirees who plan to return to work in the SUNY Unclassified Service.





Back to Work for New York State

If, after retiring from State service, you return to work in a benefits-eligible position with New York State, your enrollment status in the New York State Health Insurance Program (NYSHIP) and other benefit programs may change. Your health insurance benefits,

sick leave credit, and coordination with Medicare may be affected.

If you go to work for 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: 518-457-5754 (Albany area) or 1-800-833-4344 (U.S., Canada, Puerto Rico, Virgin Islands).

After you are rehired: Be sure to talk with your agency Health Benefits Administrator (usually in the Personnel Office). Discuss your status as a retiree in NYSHIP and, if applicable, Medicare. The agency will notify the Employee Benefits Division of your return to work.

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

NYSHIP Coverage as an Active Employee and as a Retiree

If you return to State service on a full-time schedule or meet the New York State Health Insurance Program (NYSHIP) eligibility requirements for part-time employees, you may:

- reenroll in NYSHIP as an active employee, or
- continue your NYSHIP benefits in retiree status.

If you work part-time in a position in the Executive Branch Classified Service, you must work at least half-time to be eligible to reenroll as an active employee. If you work less than half-time, you will continue your retiree coverage.

If you work part-time in a position in the SUNY Unclassified Service, you must meet the compensation requirements explained in the Eligibility section of your *NYSHIP General Information Book* to be eligible to reenroll as an active employee. If you do not meet the compensation requirements, you will continue your retiree coverage.

If you continue your NYSHIP benefits in retiree status, you may continue to use sick leave credit 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. 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 from retiree benefits to an active employee's benefit package, there will be a change in your share of the premium. Other benefits may also change:

- The Empire Plan—Certain copayments, Basic Medical annual deductible and coinsurance maximum, and other benefits may change.
- HMO—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-CREF, 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 <i>Within One Year And...</i>	
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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • New sick leave credit calculated (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)
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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • No change in previously calculated sick leave credit (even if accruals were used during period of reemployment) • No change in pension

Sick Leave for Rehired Retirees in the Classified Service of the Executive Branch and SUNY Unclassified Service (continued)

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 (sick leave accrual balance at time of this retirement added to the monthly sick leave credit 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)

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

*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 employee health insurance, you will no longer have to pay the employer share 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 the agency Health Benefits Administrator that you are a vestee who is returning to work.

If you later retire directly from active employment, instead of from vestee status, 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. This is true whether you continue your coverage as a retiree or reenroll in active status.

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 base 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 again three months before you stop working for New York State.

Please note, however, if you have enrolled a domestic partner, Medicare remains primary for the domestic partner age 65 and over.

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.

Important Note: If you are eligible for active employee health insurance and also eligible for Medicare due to age or disability, you can choose Medicare as your primary insurer only by canceling your enrollment in NYSHIP. *If you do so, there will be no further coverage for you and your dependents under NYSHIP. Your benefits will be drastically reduced with only Medicare coverage.*

While you are an active employee, your spouse or other dependent who becomes eligible for Medicare due to age or disability also may choose Medicare as primary insurer only by canceling enrollment in NYSHIP. *However, benefits for the dependent would be drastically reduced because no benefits would be available through NYSHIP.*

Refer to your *NYSHIP General Information Book* and *Empire Plan Reports* or *NYSHIP HMO Reports* for information on Medicare coverage when eligibility is due to end-stage renal disease. Also see the November 2009 publication, *Medicare & NYSHIP* for NY/PE Retirees. Ask your agency Health Benefits Administrator or call the Employee Benefits Division at 518-457-5754 (Albany area) or 1-800-833-4344 (U.S., Canada, Puerto Rico, Virgin Islands) for publications or more details.

Keep Your Coverage Up to Date

Be sure to tell the agency Health Benefits Administrator that you are a State retiree who is returning to work. Your agency Health Benefits Administrator will update your health insurance enrollment record to show your new status. The Empire Plan carriers or your HMO will then know your correct benefits.

If your record is not updated, your benefits will not be correct. Also, you may incorrectly continue to receive only secondary benefits from NYSHIP and incorrectly continue to receive reimbursement for your Medicare Part B base

premium. You will eventually have to repay the Medicare credit provided to you in error while you were working in a benefits-eligible position.

When you again leave State service, or work less than half-time (or for the SUNY Unclassified Service, do not meet health benefits eligibility requirements), your agency Health Benefits Administrator 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 base 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 form PS-404 with your agency Health Benefits Administrator. If you return to work in a position eligible for dental and vision coverage provided through a union Employee Benefit Fund, contact your union to enroll.

M/C Life Insurance Program

Your return to work will not affect your benefits or premium in the M/C Life Insurance Program.

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 web site at www.ssa.gov.

It is the policy of the State of New York 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 web site (<https://www.cs.state.ny.us>). Check the web site for timely information that meets universal accessibility standards adopted by New York State for NYS agency web sites. 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 (Albany area) or 1-800-833-4344 (U.S., Canada, Puerto Rico, Virgin Islands).

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



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