



Civil Service Commission

Albany, NY 12239

SECTION 211 APPLICATION

Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law

CSC-1 (8/16)

NOTE: THIS FORM IS TO BE COMPLETED IN DETAIL AND SUBMITTED BY THE APPOINTING AUTHORITY. USE THIS FORM ONLY FOR EMPLOYMENT UNDER SECTION 211. DO NOT USE FOR EMPLOYMENT UNDER SECTION 212. DISABILITY RETIREES ARE NOT ELIGIBLE FOR EMPLOYMENT UNDER SECTION 211.

Form with sections A and B. Section A includes fields for Requesting Employer, Retiree's Name, Address, Position, Appointment Type, and Retirement System. Section B includes questions about previous waivers and recruitment efforts.

5. Fully discuss how the individual is duly qualified, competent and physically fit to perform the duties. (Note that the retiree must be qualified to perform the duties of the position, and this fact must be affirmed by signing the Certification.)
6. Describe how employment of the retiree is in the best interest of government service.

NOTE 2 – Post-October 7, 2008 criteria (attach all documentation and additional sheets as necessary):

1. Is the retiree seeking re-employment within one year of retirement Yes No (If no, skip ahead to question #3.)
If yes, what is the date of retirement? _____,
Title of position retired from: _____.
2. If within one year of the date of retirement, the retiree is barred from having the same duties and responsibilities. Fully explain how retiree will have different duties and responsibilities than performed in the prior position.
3. Fully explain the minimum qualifications of the position. Official civil service qualifications must be used for recruitment. **NOTE:** Where minimum qualifications are established by the agency (unclassified service, exempt and other) they must be included in the recruitment advertising.
4. **YOU MUST** select **ONE** of the following and provide detailed documentation and explanation that (attach additional sheets as necessary):
- a) There is an urgent need for his or her services in such position as a result of an unplanned, unpredictable, and unexpected vacancy where sufficient time is not available to recruit a qualified individual and that such hiring shall be deemed as non-permanent rather than a final filling of such position. An explanation must be provided on the circumstances which created the unplanned, unpredictable, and unexpected vacancy for which a retiree is needed (for example, did the previous incumbent resign, transfer to another position, etc.) or that recruitment efforts are fruitless, such as hard to recruit or unique appointment process.
- OR**
- b) I have undertaken extensive recruitment efforts to fill such vacancy and as a result thereof, have determined that there are no available non-retired persons qualified to perform the duties of such position. Documentation that the employer has undertaken extensive recruitment efforts to fill such vacancy must be provided. The documentation must support the fact that there are no available non-retired persons qualified to perform the duties of such position.
- Check that you have completed and provided the following documentation:
- Fully describe your recruitment efforts such as, conspicuous posting of the employment opportunity within the organization, public advertising, and evidence that the New York State Job Service has been contacted in the recruitment effort.
 - Aside from 211 experience, if any, indicate if retiree has unique skill sets and/or if the position requires unique skill sets.
 - YOU MUST** post for a reasonable duration and explain how you determined the appropriate posting period. Fully describe where you posted as well as the expected volume of circulation. Consider factors such as salary of position and location when determining the duration of posting.
 - YOU MUST** advertise for the salary you offer or explain why the salary is commensurate with experience.
 - Attach a copy of the recruitment announcement and advertisement.
 - You must specify the results of your recruitment effort and supply details regarding candidate responses to advertisements, interviews, and available candidates.

SECTION B

	5. Fully describe, in detail, your future recruitment plan to fill this position on a permanent basis with a qualified non-retiree.
	6. Fully describe how the individual is duly qualified, competent and physically fit to perform the duties of such position.
	7. Fully explain how employment of the retiree is in the best interest of government service.

NOTE 3

SECTION A	Certification By Appointing Authority				
	I, the appointing authority, hereby affirm under penalties of perjury as provided for in Article 210 of the Penal Law, that the statements made herein (and on attached papers) are true and correct, to the best of my knowledge, and that I have determined that the applicable criteria prescribed for approval under section 211 have been satisfied and appropriate documentation has been provided.				
	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">* Signature of Appointing Authority</td> <td style="border: none;">Date</td> <td style="border: none;">Print Name and Title</td> <td style="border: none;">Telephone Number</td> </tr> </table>	* Signature of Appointing Authority	Date	Print Name and Title	Telephone Number
* Signature of Appointing Authority	Date	Print Name and Title	Telephone Number		
	*NOTE: Only persons with the lawful authority to appoint may certify this form. Appointing Authorities comprised of boards or commissions must attach a current resolution which certifies the information requested in NOTE 3.				

SECTION B	Certification By Retiree		
	I hereby affirm that under penalties of perjury as provided for in Article 210 of the Penal Law, that the statements made in this application are true and correct, to the best of my knowledge, and <u>if applicable</u> , I acknowledge that I am barred from performing the same duties and responsibilities that I performed in the position from which I retired for one year following my retirement.		
	Fully describe how prior duties of the position differ (attach additional sheets as necessary).		
	X		
	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">Signature of Retiree</td> <td style="border: none;">Date</td> </tr> </table>	Signature of Retiree	Date
Signature of Retiree	Date		

SECTION C	E-mail Notification – Distribution of final determination will be sent through e-mail. Please provide current e-mail addresses.	
	Requesting Employer	E-mail Address
	Retiree	E-mail Address
	Retirement System	E-mail Address
	Disbursing Officer	E-mail Address

SECTION D	For Civil Service Commission Operations Use Only	
	Final Determination <input type="checkbox"/> Approve From _____ To _____ <input type="checkbox"/> Disapprove	Comments/Recommendations
	X	
	Signature	Date

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 under certain circumstances without loss or diminution of pension. This Law has several requirements which are reviewed by the State Civil Service Commission in reaching a determination. **Section 212** of the Retirement and Social Security Law provides for the reemployment of a retired public employee, with an earnings limitation (currently \$30,000), 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 is available from the New York State Retirement System. <http://www.osc.state.ny.us/retire/>

Commission approval is not approval of an appointment. For agencies subject to the Civil Service Law, the appointment must meet the requirements of all applicable laws, including the Civil Service Law, rules and regulations, and policies for that agency. Questions about civil service appointments should be directed to the agency having jurisdiction. For further information regarding the New York State Civil Service Commission please visit our web site at <http://www.cs.ny.gov/commission/>.

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.**

Please see Retirement and Social Security Law §211 for details regarding these earning limitations.

Return form to:

**Office of Commission Operations & Municipal Assistance
New York State Civil Service Commission
Albany, New York 12239**