**Section 211 Waiver Applications**

**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/**](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.