

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**OFFICE OF COMMISSION OPERATIONS & MUNICIPAL ASSISTANCE**  
**GENERAL INFORMATION BULLETIN No. 09-07**

TO: Department and Agency Human Resource and Personnel and Affirmative Action Officers

FROM: Richard Ciprioni, Director of Commission Operations & Municipal Assistance

SUBJECT: New Application Requirements to Employ Retirees Pursuant to Section 211 of the Retirement and Social Security Law

DATE: June 15, 2009

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Section 211 of the Retirement and Social Security Law (RSSL) authorizes the State Civil Service Commission to grant waivers, under certain circumstances, to allow public service retirees to accept government employment and earn compensation in excess of the statutory cap in RSSL section 212, without the suspension of pension benefits earned through prior service.

The State Civil Service Commission at its meeting on November 4, 2008 adopted *Guidelines for Approval of Requests* under section 211. This Bulletin transmits a new application form (CSC-1) for submission when requesting approval under section 211. The form is available on the web site at:  
<http://www.cs.state.ny.us/businesssuite/Publications-and-Forms/forms.cfm>

The new application form contains several clarifying amendments pertaining to the post-October 7, 2008 requirements resulting from the enactment of Chapter 640 of the Laws of 2008. These amendments are designed to assist appointing authorities by clarifying the necessary justification needed to support the application.

Please note that a new requirement on the form is that only the lawful appointing authority, and **not a designee**, provides the certification that the application satisfies the requirements of section 211. Where a board or commission constitutes the appointing authority, a current resolution of that body with the certification for the retiree must be submitted. While this step is a departure from current practice, it is necessary to ensure that appointing authorities are aware of and supportive of the request.

Finally, appointing authorities should be reminded that approval under section 211 must be secured prior to the effective date of employment. Similarly, should an appointing authority anticipate submitting another waiver for a retiree, the application must be secured prior to expiration. In both instances, the appointing authority needs to submit the application at least 90 days in advance to allow sufficient time for staff analysis and State Civil Service Commission action. This will serve to avoid possible financial liability to the retiree if the application is denied by the State Civil Service Commission.

Any questions concerning approvals under section 211 should be directed to (518) 473-5055.