

4419

2009-2010 Regular Sessions

I N   S E N A T E

April 23, 2009

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Introduced by Sen. O. JOHNSON -- read twice and ordered printed, and  
when printed to be committed to the Committee on Civil Service and  
Pensions

AN ACT to amend the civil service law, in relation to certain suspension  
of pensions and annuities during public employment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 150 of the civil service law, as amended by chapter  
2     211 of the laws of 1995, is amended to read as follows:  
3     S 150. Suspension of pension and annuity during public employment.  
4     Except as otherwise provided by sections one hundred one, two hundred  
5     eleven, and two hundred twelve of the retirement and social security  
6     law, section five hundred three of the education law, and except as now  
7     provided by any local law or charter, if any person subsequent to his or  
8     her retirement from the civil service of the state or of any municipal  
9     corporation or political subdivision of the state, shall accept any  
10    office, position or employment in the civil service of the state or of  
11    any municipal corporation or political subdivision of the state to which  
12    any salary or emolument is attached, except jury duty or the office of  
13    inspector of election, poll clerk or ballot clerk under the election  
14    law, or the office of notary public or commissioner of deeds, or an  
15    elective public office, any pension or annuity awarded or allotted to  
16    him or her upon retirement, and payable by the state, by such municipal  
17    corporation or political subdivision, or out of any fund established by  
18    or pursuant to law, shall be suspended during such service or employment  
19    and while such person is receiving any salary or emolument therefor  
20    except reimbursement for traveling expenses. Notwithstanding the forego-  
21    ing, if any person, subsequent to his or her retirement from an elective  
22    public office, accepts appointment, is re-elected or takes a new oath of  
23    office to the same elective public office from which he or she retired,  
24    his or her retirement allowance shall be suspended until the date he or

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 she vacates such elective public office, unless the amount earned for  
2 any calendar year for that elective public office does not exceed the  
3 earning limitation provided for retired persons in section two hundred  
4 twelve of the retirement and social security law. However, for purposes  
5 of this section the age [seventy] SIXTY-FIVE unlimited earnings  
6 provision of section two hundred twelve of the retirement and social  
7 security law will not pertain to any person, subsequent to his or her  
8 retirement from an elective public office, if such person accepts  
9 appointment, is re-elected or takes a new oath of office to the same  
10 elective public office from which he or she retired. PROVIDED, FURTHER,  
11 THAT ANY EMPLOYEE WHO, AFTER RETIREMENT, IS HIRED TO THE SAME OR  
12 SUBSTANTIALLY SIMILAR POSITION FROM WHICH HE OR SHE RETIRED SHALL HAVE  
13 ANY PENSION OR ANNUITY AWARDED OR ALLOTTED TO HIM OR HER UPON RETIRE-  
14 MENT, AND PAYABLE BY THE STATE, OR BY A MUNICIPAL CORPORATION OR POLI-  
15 TICAL SUBDIVISION, OR OUT OF ANY FUND ESTABLISHED BY OR PURSUANT TO LAW,  
16 SUSPENDED DURING SUCH SERVICE OR EMPLOYMENT WHILE SUCH PERSON IS RECEIV-  
17 ING SUCH PENSION OR ANNUITY IN AN AMOUNT EQUAL TO OR IN EXCESS OF THE  
18 JOB RATE OF SG-24 AS SET FORTH IN PARAGRAPH A OF SUBDIVISION ONE OF  
19 SECTION ONE HUNDRED THIRTY OF THIS CHAPTER AS OF APRIL FIRST OF THE YEAR  
20 IN WHICH SUCH PERSON IS HIRED UNLESS THE AMOUNT EARNED FOR ANY CALENDAR  
21 YEAR FOR SUCH PERSON DOES NOT EXCEED THE EARNING LIMITATION PROVIDED FOR  
22 RETIRED PERSONS IN SECTION TWO HUNDRED TWELVE OF THE RETIREMENT AND  
23 SOCIAL SECURITY LAW. SUCH SUSPENSION SHALL REMAIN IN EFFECT UNTIL SUCH  
24 PERSON ATTAINS THE AGE OF SEVENTY.

25 S 2. This act shall take effect immediately.