

# STATE OF NEW YORK

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3552--A

Cal. No. 270

2017-2018 Regular Sessions

## IN SENATE

January 24, 2017

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to employment of retired persons without diminution of retirement allowance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 2 of section 211 of the  
2 retirement and social security law, as amended by chapter 640 of the  
3 laws of 2008, is amended to read as follows:

4 (b) Such approval may be granted only on the written request of the  
5 prospective employer of such retired person, which request shall state  
6 detailed reasons therefor related to the standards set forth herein, and  
7 on a finding, on evidence satisfactory to the appropriate officer or  
8 authority specified in paragraph (a) of this subdivision,

9 (1) that the retired person is duly qualified, competent and phys-  
10 ically fit for performance of the duties of the position in which he or  
11 she is to be employed and is properly certified where such certification  
12 is required;

13 (2) that he or she will earn more than one thousand dollars in one  
14 year, including compensation earned in such position under other  
15 provisions of this article that there are not readily available for  
16 recruitment persons qualified to perform the duties of such position;  
17 [~~and (4),~~]

18 (3) that the prospective employer has prepared a detailed recruitment  
19 plan to fill such vacancy on a permanent basis;

20 (4) that his or her employment is in the best interests of the govern-  
21 ment service; and

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

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1 (5)(i) that there is an urgent need for his or her services in such  
2 position as a result of an unplanned, unpredictable and unexpected  
3 vacancy where sufficient time is not available to recruit a qualified  
4 individual and that such hiring shall be deemed as non-permanent rather  
5 than a final filling of such position; or

6 (ii) that the prospective employer has undertaken extensive recruit-  
7 ment efforts to fill such vacancy and as a result thereof, has deter-  
8 mined that there are no available non-retired persons qualified to  
9 perform the duties of such position.

10 Such approvals may be granted for periods not exceeding two years  
11 each, provided that such person may not return to work in the same or  
12 similar position for a period of one year following retirement;  
13 provided, however, that when the approval is for such person to serve as  
14 a firefighter, police officer or emergency medical technician, the  
15 approval shall not be subject to the two year time limit and, shall be  
16 granted for a period of five years. The authority or officer specified  
17 in paragraph (a) of this subdivision, upon approving employment of a  
18 retired person under this section, shall certify such approval to the  
19 retirement system or pension plan from which such person is receiving a  
20 retirement allowance.

21 § 2. This act shall take effect immediately and shall apply to all  
22 applications pending approval on and after such date.