STATE OF NEW YORK

1947

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. AKSHAR, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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:

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

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

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

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

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

(4) that his or her employment is in the best interests of the government service; and

(5)(i) that there is an urgent need for his or her services in such position as a result of an unplanned, unpredictable and unexpected

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

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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; or

(ii) that the prospective employer has undertaken extensive recruitment efforts to fill such vacancy and as a result thereof, has determined that there are no available non-retired persons qualified to perform the duties of such position.

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

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