



# Certifying Employee Status Under Retirement Reemployment Laws

North Carolina Retirement Systems

Please print or type in black ink.

## Section A. Tell us about yourself.

FIRST NAME	MI	LAST NAME	SUFFIX	SSN (last 4 digits)
MAILING ADDRESS				MEMBER ID (if known)
CITY	STATE	ZIP CODE	DATE OF BIRTH	
POSITION TITLE				TELEPHONE NUMBER

## Section B. Please understand that retirees are subject to earnings restrictions.

Retirees may be subject to earnings restrictions upon returning to work. State return-to-work laws require suspension of retirement benefits when earnings from applicable employers exceed the allowable limit. Before returning to work, be sure that you understand the return-to-work laws that apply to the System from which you retired. For example, new retirees in the Teachers' and State Employees' Retirement System

(TSERS) may not work with a TSERS employer, or make arrangements for future work, until the first six months of retirement have passed. A summary of return-to-work laws for the Local Government Employees' Retirement System and the Teachers' and State Employees' Retirement System is located in Guides B, C, and D.

## Section C. Please tell us if you are receiving a monthly benefit from any of the systems below.

- YES, I am currently receiving a monthly benefit from the following: (check all that apply)
- Teachers' and State Employees' Retirement System (TSERS)
  - Local Governmental Employees' Retirement System (LGERS)
  - Consolidated Judicial Retirement System (CJRS)
  - Legislative Retirement System (LRS)
  - Disability Income Plan of North Carolina (DIPNC)

NO, I am not currently receiving a monthly benefit from any of the above listed systems.

## Section D. Please sign below.

I certify that I have read the Guides and the information I provided in Sections A and C is correct to the best of my knowledge. I understand that if my employment subsequently creates an overpayment of benefits from the Retirement Systems Division, I am fully responsible for the repayment of the said overpayment.

Member's Signature \_\_\_\_\_ Date \_\_\_\_\_

## Section E. Please submit this form to your employer.

Please do not send this form to the Retirement Systems Division (RSD). Your employer should retain this form.

## Thank you.

N.C. Department of State Treasurer, Retirement Systems Division  
 325 North Salisbury Street, Raleigh, North Carolina 27603-1385  
 (919) 807-3050 in the Raleigh area or (877) 627-3287 toll free  
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## Guide A. What is the purpose of this form and why does this form need to be completed?

Effective July 1, 2009, employers are required to report any rehired retirees to the Retirement Systems Division (RSD) or the employer will incur a penalty. In order for employers to avoid a potential penalty, RSD asks employers to take the following steps:

- Obtain signed documentation (Form ESRR) from the employee stating he/she is or is not currently receiving a monthly benefit from RSD.
- Report any known rehired retirees who may be subject to

the earnable allowance, or the 11.7% contribution under the exception for nursing instructors in TSERS, to RSD through the ORBIT system.

If a member falsifies this document (Form ESRR) by not reporting himself/herself as a benefit recipient, the employer will not be penalized. However, if the employee exceeds his/her earnable allowance, or violates other return-to-work laws, the employee will be held fully responsible for repaying any overpayment to RSD.

## Guide B. What are the return-to-work laws?

After you have officially retired and are receiving monthly benefits, if you perform work in any capacity for an employer under the same Retirement System from which you retired, you will be subject to the reemployment provisions described below. These provisions may require you to work under an earnings limitation or to reenroll as a contributing member of the Retirement System. You will be subject to reemployment provisions based on the nature of the particular work you perform for a covered employer, regardless of your job classification or your technical employment status (which may include being assigned to work for a covered employer by a private company such as a temporary agency).

If you retired from LGERS, see Guide C for more detailed information. If you retired from TSERS, see Guide D for more detailed information.

If you retired from the Consolidated Judicial Retirement System, or the Legislative Retirement System, or if you receive disability benefits from any System, please contact the Retirement Systems Division for information on reemployment provisions that apply to you.

## Guide C. Return-to-work laws for Local Governmental Employees' Retirement System retirees

**Reemployment After Receiving Early Or Service Retirement Benefits.** If you retire with monthly early or service retirement benefits from LGERS and are reemployed by an employer that participates in LGERS, the following applies:

If you are reemployed in an LGERS position, the duties of which require 1,000 hours or more per year, your monthly retirement payment must be stopped on the first day of the month following the month of reemployment and you will again become a contributing member in the month in which you are restored to service.

At any time you are reemployed and become a member of the Retirement System again, your retirement benefits will be greater at the time of your second early/service retirement. If you return to service and contribute for at least three additional years, your service from your first and second periods of employment will be combined and you can change the retirement payment plan and/or beneficiary you selected at the time of your original retirement. If you return to service for less than three years, your first retirement benefit will be reinstated upon re-retirement and you will have a choice of either receiving a lump sum refund of contributions or another (generally smaller) monthly benefit from your second period of employment.

If you are reemployed on a part-time, interim, temporary, or contractual basis, or are otherwise engaged to perform services on any basis that does not require membership in

LGERS, your retirement payment must be stopped if your earnings during the 12-month period immediately following the effective date of retirement or during any calendar year exceed your earnings limitation which is calculated as the greater of the following:

- \$28,080 (2009 amount), or
- 50% of your compensation, excluding termination payments, reported to the Retirement System during the 12 months of service preceding the effective date of your retirement.

The above amounts will be increased on January 1 each year by the percentage increase in the Consumer Price Index, which is a national measure of the increase in the cost of living from one year to the next.

Your retirement payment must be stopped for the remainder of the calendar year on the first day of the month following the month in which your earnings exceed the greater of the two limits stated above. Your retirement payment will start again on January 1 of the year after your benefit is stopped. If your earnings exceed the allowable amount in the month of December, your benefit will not be suspended.

Please note that retirement law requires your retirement date to be on the first day of the month, and for your retirement to become effective on the first day of a month, you must not work for a covered employer at any time during that month.

**Please continue to the next page.**



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## Guide D. Return-to-work laws for Teachers' and State Employees' Retirement System retirees

**Reemployment After Receiving Early Or Service Retirement Benefits.** If you retired **before November 1, 2005**, with monthly early or service retirement benefits from TSERS and are reemployed by an employer that participates in TSERS, the following apply:

If you are reemployed in a position that requires membership in the Teachers' and State Employees' Retirement System, your retirement payment must be stopped on the first day of the month following the month of reemployment and you will again become a contributing member in the month in which you are restored to service.

At any time you are reemployed and become a member of the Retirement System again, your retirement benefits will be greater at the time of your second early/service retirement. If you return to service and contribute for at least three additional years, your service from your first and second periods of employment will be combined and you can change the retirement payment plan and/or beneficiary you selected at the time of your original retirement. If you return to service for less than three years, your first retirement benefit will be reinstated and you will have a choice of either receiving a lump sum refund of contributions or another (generally smaller) monthly benefit from your second period of employment.

If you are reemployed on a part-time, interim, temporary, or contractual basis, or are otherwise engaged to perform services for a TSERS employer on any basis that does not require membership in TSERS, your retirement payment must be stopped if your earnings during the 12-month period immediately following the effective date of retirement or during any calendar year exceed your earnings limitation which is calculated as the greater of the following:

- \$28,080 (2009 amount), or
- 50% of your compensation, excluding termination payments, reported to the Retirement System during the 12 months of service preceding the effective date of your retirement.

The above amounts will be increased on January 1 each year by the percentage increase in the Consumer Price Index, which is a national measure of the increase in the cost of living from one year to the next.

Your retirement payment must be stopped for the remainder of the calendar year on the first day of the month following the month in which your earnings exceed the greater of the two limits stated above. Your retirement payment will start again on January 1 of the year after your benefit is stopped. If your earnings exceed the allowable amount in the month of December, your benefit will not be suspended.

Reemployment which causes suspension of your retirement allowance will also cause suspension of your health coverage under the retiree group of the State Health Plan. Before accepting such reemployment, you should ask the new employer if you will qualify for continued coverage under the active group of the State Health Plan, and if you will qualify for

the State's contribution toward your coverage. Upon restoration of your retirement allowance, your health coverage under the retiree group will be reinstated the first of the month following the month your retirement allowance is restored.

**If you retire on or after November 1, 2005**, in addition to the above provisions, the following applies:

A six-month period during which no work is performed for any employer in the Teachers' and State Employees' Retirement System must immediately precede a return to employment. A return to work earlier than six months will revoke your retirement benefit retroactively to your retirement date and all benefits paid to you must be repaid to the Retirement System. Establishing a pre-existing agreement for post-retirement employment with an employer in this System is prohibited and will cause retroactive revocation of retirement benefits, as well.

### Reemployment Exception for TSERS retirees who return to work as Nursing Instructors.

If you are a Teachers' and State Employees' Retirement System (TSERS) retiree who retired on or before June 1, 2009 with a reduced or unreduced benefit, or if you retired on or after July 1, 2009 with an unreduced benefit, and you wish to return to work as a nursing instructor exempt from the earnings limitations, you may do so provided you meet all of the following conditions:

- you have a six-month separation from service under the TSERS immediately preceding your return to employment as a nursing instructor, during which time no work is performed in any capacity with a State-supported community college or university;
- you return to work as a nursing instructor for a maximum of three years in a permanent full-time position, or a part-time position that exceeds fifty percent of the workweek, in a certified nursing program at a State-supported community college or university;
- you have been certified by your North Carolina Community College System or University of North Carolina System employer to teach as a nursing instructor; and
- your employer has certified to the TSERS that it has a shortage of qualified nursing instructors and has met all required conditions of making a good faith effort to hire non-retirees as nursing instructors.

Unless legislation extends this reemployment exception for nursing instructors, the above provisions are in effect through June 30, 2013.

### Reemployment under the Consolidated Judicial Retirement System (CJRS).

If you are retired from TSERS and are reemployed under CJRS, please contact the Retirement Systems Division for provisions that apply to you.

**These guides are subject to and governed by the General Statutes of the State of North Carolina.**