

If you are planning to hire an employee who previously retired from your municipality, there are several important things you should know. To get started, you must first determine what type of position they retired from.

## Retired from an elected or appointed position

What job is the retiree going to do when rehired?

**Elected, re-elected, appointed or re-appointed to the same elected or appointed office**

Their pension will be suspended during service in such office unless:

- (1) At least 24 calendar months have lapsed between the date the retiree terminated employment and the date the retiree was elected, re-elected, appointed, or re-appointed to the same elected or appointed office (whether in a new term of office or not), **and**
- (2) The re-employed retiree files the required certification.

**Re-employed in any job, including elected or appointed job except the one they retired from**

Their pension will be suspended during service in such office or other employment unless:

- (1) At least 60 days have elapsed between the date the retiree terminated employment and the date the retiree was re-employed, **and**
- (2) The re-employed retiree files the required certification **and**
- (3) The retiree does not exceed the following hours rules:
  - No limit if elected or appointed. If not,
  - 1,000 hours\* in a calendar year for employees who retire(d) after 1/2011.
  - Employees who retired before 1/2011 are bound by the limit in effect when they retired

## Retired from a non-elected or appointed position

What job is the retiree going to do when rehired?

**Re-employed either as an elected or appointed official**

Their pension will be suspended during any period(s) of re-employment, unless:

- (1) At least 60 calendar days have passed between the date the retiree terminated employment and the date the retiree was re-employed, **and**
  - (2) The re-employed retiree files the required certification.
- (no hours limit)

**Re-employed in any other position**

Their pension will be suspended during any period(s) of re-employment, unless:

- (1) At least 60 calendar days have passed between the date the retiree terminated employment and the date the retiree was re-employed **and**
- (2) The re-employed retiree files the required certification **and**
- (3) The re-employed retiree does not work more than 1,000 hours\* in a calendar year (for employees who retire(d) after 1/2011). Employees who retired before 1/2011 are bound by the limit in effect when they retired

### IMPORTANT POINTS

1. All of these rules assume that the retirement was a bona fide separation from service.
2. Rules apply whether or not the job is covered by MERS, and whether or not the work is done as an independent contractor (or via a temporary employment agency).
3. Judges covered by the Judges Retirement System (JRS) are not subject to these rules.
4. Rehired retirees cannot rejoin the MERS Defined Benefit or Hybrid Plan. They can join the MERS Defined Contribution, 457 or Health Care Savings Program, if the Plan is open for the division to which the rehired retiree belongs and they meet eligibility requirements.

\*The 1,000 hour limit rule has been suspended through December 31, 2027. This means that currently there is no limit to the amount of hours they may work each year.