



To: Chief School Administrators
College and University Presidents
District Contacts
Employer Secure Area Contacts

Administrative Bulletin

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Earnings Limit from NYS Public Employment After Retirement Increased to \$35,000 Effective Jan. 1, 2020

The amount a retired NYSTRS member under age 65 may earn in New York State public employment during a calendar year increased to \$35,000 effective Jan. 1, 2020, under new legislation signed recently by Gov. Andrew Cuomo.

The limit applicable to calendar year 2019 earnings was \$30,000.

The new legislation, Chapter 589 of the Laws of 2019, amends Section 212 of the Retirement and Social Security Law. This is the first increase in the retirement earnings limit since 2007.

Section 212 governs the amount of non-pension employment earnings NYSTRS retirees who have not yet turned 65 may receive from a New York State public employer without impacting their public pension. Employers are not billed on earnings for retirees working under Section 212.

The Section 212 limit applies even when an employer contracts with a private third-party entity to hire the retiree. For information on reporting earnings of retirees employed as consultants or independent contractors, see [Section 20: Earnings After Retirement](#) of the Employer Manual.

NYSTRS-participating employers are required to report monthly through the System's [Employer Secure Area](#) any earnings paid to NYSTRS retirees (including through consultant agreements). For details see sections [2](#), [3](#) and [20](#) of the [Employer Manual](#) at [NYSTRS.org](#). Retirees under age 65 are also responsible for reporting these earnings to NYSTRS.

A New York State public employer who wishes to employ NYSTRS retirees and allow them to earn more than the legislated limit may only do so if the employer obtains a waiver under Section 211 of the state's Retirement and Social Security Law prior to the start of employment. To obtain a Section 211 waiver, the employer must demonstrate that there is an urgent need for the retiree's services or that there are no available, qualified non-retired persons to fill the position. Waivers are generally limited to one year and, by law, have additional restrictions.

Waivers can be granted by the NYS education commissioner, NYC schools chancellor, NYC Board of Higher Education (which oversees City University of New York), State University of New York chancellor, SUNY and public community college presidents, the NYS or NYC Civil Service Commission and the chief administrator of the unified court system.

Timely employer reporting of retiree earnings is critical to ensuring a NYSTRS retiree does not exceed the earnings limit, which would result in the suspension of the retiree's pension and a mandatory payback to NYSTRS.

Administrative Bulletins dating from 2005 to the present are available on our website at [NYSTRS.org](#). Select Employers and visit the [Administrative Bulletins](#) page.