



## Certifying Employee Status Under Retirement Reemployment Laws



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  
3200 Atlantic Avenue, Raleigh, North Carolina 27604  
(919) 807-3050 in the Raleigh area or (877) 627-3287 toll free  
[www.myncretirement.com](http://www.myncretirement.com)

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**ESRR**  
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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 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 staffing agency).

Return-to-work laws apply differently to members of TSERS, LGERS, CJRS, and LRS. Following return-to-work laws will protect you from incurring financial penalties, possible loss of retirement benefits, and loss of health benefits received through the State Health Plan.

If you are retired under LGERS, see Guide C for more detailed information.

If you are retired under TSERS, see Guide D for more detailed information.

If you are retired under LRS and you perform work which requires you to be a contributing member of TSERS, CJRS or LRS, your LRS benefit will be suspended and you will be required to enroll or reenroll as a contributing member of the System under which you are working. A summary of LRS return-to-work laws is located in the LRS Handbook, *Your Retirement Benefits*, located on our website at [www.myncretirement.com](http://www.myncretirement.com).

If you are retired under CJRS and you perform work which requires you to be a contributing member of TSERS or CJRS, your CJRS benefit will be suspended and you will be required to enroll or reenroll as a contributing member of the System under which you are working. If you are retired under CJRS and you perform work in any capacity for a TSERS employer that does not require you to become a member of TSERS, you will be subject to an earnings limitation. A summary of CJRS return-to-work laws is located in the CJRS Handbook, *Your Retirement Benefits*, located on our website at [www.myncretirement.com](http://www.myncretirement.com).

If you receive a disability benefit 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

LGERS members cannot return to work for an LGERS employer during the month in which their retirement became effective. If you violate this law, your LGERS retirement benefit will be cancelled and all retirement benefits paid to you must be repaid to the Retirement System. If you have employer-provided health insurance, you may wish to discuss with your employer how the cancellation of your retirement benefit will affect the insurance coverage.

After a one-month break, if you wish to perform services for an LGERS employer and continue to receive your LGERS monthly retirement benefit, you must meet the following conditions:

- You must work in a position that does not require

(NOTE: if you are reemployed by an LGERS employer in a regular position which requires 1,000 or more hours of work per year, your retirement payment must be stopped and you will again become a contributing LGERS member.)

- You are subject to the earnings restrictions below. You can earn whichever is greater:

- (a) 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, or
- (b) \$31,140.00 (for 2014).

These earnings restrictions apply for the 12 months immediately following retirement and for each calendar year

**Please continue to the next page.**



## Guide C. Continued

Return-to-work laws are much more extensive than presented above. For information on LGERS return-to-work laws, please visit our web site at [www.myncretirement.com](http://www.myncretirement.com) to view:

- Return-to-Work laws in the "Benefit Recipients" section
- *Your Retirement Benefits Handbook*

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

TSERS members must be retired at least six months before returning to work for a TSERS employer in any capacity (except as a bona fide volunteer in a local school administrative unit, a school board member, a member of a board of trustees of a community college or of any constituent institution of the University of North Carolina, or an unpaid bona fide volunteer guardian ad litem in the Guardian ad Litem Program). If you violate this law, your TSERS retirement benefit must be cancelled and all TSERS retirement benefits paid to you must be repaid to the Retirement System. Your State Health Plan insurance also must be cancelled if your retirement benefit is cancelled.

After a six-month break, if you wish to return to work with a TSERS employer and continue to receive your TSERS monthly retirement benefit, you must meet the following conditions:

- You must work in a position that does not require membership in TSERS. (NOTE: If you are reemployed in a TSERS position which requires you to be a permanent employee who works at least 30 hours per week for nine months per year, your retirement payment must be stopped and you will again become a contributing TSERS member.)
- You are subject to the earning restrictions below. You can

- (a) 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, or
- (b) \$31,140.00 (for 2014)

These earnings restrictions apply for the 12 months immediately following retirement and for each calendar year following the year of retirement.

If you are retired under TSERS and you perform work which requires you to be a contributing member of CJRS, your TSERS benefit will be suspended and you will be required to enroll as a contributing member of CJRS.

Return-to-work laws are much more extensive than presented above. For information on TSERS return-to-work laws, please visit our web site at [www.myncretirement.com](http://www.myncretirement.com) to view:

- Return-to-Work laws in the "Benefit Recipients" section
- *Your Retirement Benefits Handbook*

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

**N.C. Department of State Treasurer, Retirement Systems Division**  
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