

Returning to Work After Retirement

Rehired Retiree Provision	The provisions describing when a retiree can return to work for a participating employer can be found in Wyoming Statute 9-3-415(g) through (j) and Chapter 12 of the Wyoming Retirement Board’s rules. A rehired retiree is a WRS retired member who returns to work for an employer <i>within the same plan</i> from which the retiree originally retired, filling a vacant full-time position. The rehired retiree provision is not a “plan” and was not designed so a member could supplement his salary with his retirement benefit. The objective is to provide a tool for the employer who is otherwise unable to find a suitable candidate to fill a vacant full-time position.
Plans with Rehired Retiree Provision	<p>A retiree of the Public Employee, Law Enforcement, or Guard Firefighter Plans who has met all of the requirements for retirement eligibility AND has had a bona fide break in service of not less than 30 days can return to work for a participating employer within the same plan and elect to either continue receiving retirement benefits and not contribute to the system or discontinue retirement benefits and begin making contributions to the system again.</p> <p>A retiree from a plan that does not have the rehired retiree provision can still return to work for an employer in that plan, but doesn’t have a choice as to whether or not his benefit will be stopped. Without the rehired retiree provision, the default is the retiree is required to stop his benefit and start contributing again. The retiree’s benefit will be affected when he retires a second time. (<i>See Retiree Elects to Stop Receiving Benefits section</i>)</p> <p><i>Note: A retiree who goes to work for an employer in a different plan is considered a new employee and would be treated the same as any other new employee in that position working for that employer.</i></p>
Retirement Eligibility Requirements	<p>Retired” or “retirement” means the member has terminated his working career for a salary and has met all of the requirements for eligibility to receive a retirement benefit.</p> <p>Eligibility requirements are:</p> <ul style="list-style-type: none">• The member must terminate employment with all employers. This means the member must sever all employment and be totally off the books for the employer.• The member must file his retirement application with WRS.• The member must have <i>not less than a 30-day break</i> in service and cannot have a pre-existing arrangement, whether formal or informal, with the same or a different employer to return to work. If the retiree is “volunteering” to get through the 30-day break in service period and then intends to return to work, this is considered a pre-existing agreement. The 30 days begin with the member’s retirement date as shown on his retirement application.• The employer must provide WRS with the applicable termination notice and submit the member’s final contributions.
Vacant Full-time Position	For rehired retirees, a vacant full-time position is defined as a position for which a full month of service credit is earned. In the Public Employee, Law Enforcement, and Guard Firefighter Plans, that is 86 hours a month (or 20 hours per week). This definition is not based on the EMPLOYER’S definition of full or part-time employment.
Retiree Returning to Work in ANY Capacity	<p>Basically it comes down to the POSITION the retiree is filling. It doesn’t matter if the rehired retiree is called a consultant or a contract employee. If the retiree will be responsible for the same duties as that of a regular contributing employee, the rehired retiree payment will be required.</p> <p>This includes:</p> <ul style="list-style-type: none">• The retiree filling a vacant full-time position that would typically pay into WRS• The retiree is responsible for the same duties as a regular full-time position employee• The position was a full-time position before the member retired• The employer doesn’t fill the vacant full-time position because the rehired retiree is now responsible for those duties• The position has been changed to a job-share being filled by two or more employees/retirees <p>WRS expects contributions on specific positions, so if the employer eliminates or changes the “type” of position to accommodate a retiree returning to work, it creates an unfunded liability for the system. The purpose of the law is to protect the actuarial soundness of the system by preventing an employer from filling a vacant full-time position with someone other than an employee for whom it would normally owe contributions.</p>
Elected Officials	For a retiree <u>running for office</u> , even if running unopposed, there’s no guarantee that the member will be elected. Someone running for election is dependent on the voters, not the employer. If the retiree is elected to the office, subsequently terminates employment and applies for a retirement benefit, we will process the retirement (if all the eligibility requirements are met), however, when the retiree assumes office, the retiree’s benefit may be stopped if it’s determined there was a pre-

	<p>existing agreement prior to applying for retirement.</p> <p>For a member who already holds an elected office:</p> <ul style="list-style-type: none"> • Reelection to the same office or another covered office without a bona fide break in service is considered continuous service. • If a <u>current</u> elected officer who is elected to another term for that same office or another covered office decides to resign or retire prior to commencement of that term for which elected, the break in service between the term date and the reemployment date is not considered a bona fide break in service for the purpose of the rehired retiree rule.
Retiree Election	<p>There are specific requirements a potential rehired retiree needs to be aware of prior to making an election whether or not to stop his benefit.</p>
Retiree Elects to Stop Receiving Benefits	<p>If the retiree stops his benefit and starts contributing again, it does not always result in a higher monthly benefit when the member retires a second time. The two employment histories will be combined when calculating the member's second retirement, but even though the months of service and possibly the highest average salary will increase, there are two factors that may negatively affect the new benefit when the member retires a second time:</p> <ul style="list-style-type: none"> • The new benefit will be reduced by the actuarial equivalent of the money paid out during the first retirement, and • Any COLAs that accumulated during the first retirement will be eliminated <p>For the highest average salary to change, the member must work, at a minimum, the number of continuous months associated with the appropriate tier or plan. Otherwise the highest average salary will remain the same as from the member's first retirement.</p> <p>The option and designated survivor (if a joint option was selected) from the member's first retirement will be carried forward to the second retirement.</p> <p>When the member retires a second time, if the new benefit is lower than the original retirement benefit, WRS will reactivate the original retirement benefit.</p> <ul style="list-style-type: none"> • The benefit will be effective from the member's second retirement date • No retroactive payment will be given for the period of reemployment • The member is not entitled to a refund of any contributions and interest made during the period of reemployment.
Retiree Elects to Continue Receiving Retirement Benefit	<p>If the member continues their benefit, no additional service credit will accrue during the period of the member's second employment. The employer is required to pay the rehired retiree payment to WRS for any rehired retiree hired in a vacant full-time position.</p> <p>If the rehired retiree hasn't complied with all components of the rehired retiree statute, his benefit will be stopped and he will be required to start contributing to the system again.</p>
Rehired Retiree Payment	<p>An employer that hires a retiree into a vacant full-time position within the same plan from which the retiree originally retired is required to pay the rehired retiree payment. The rehired retiree payment is equivalent to the normal employee and employer contributions for employees of that plan.</p>
Rehired Retiree Election Form	<p>Any WRS retired member who returns to work for an employer, within the same plan from which he originally retired, must complete the attached WRS-9 Rehired Retiree Election Form within 10 days of reemployment.</p>

WRS REHIRED RETIREE ELECTION FORM
To be Completed and Submitted to WRS by ALL Rehired Retirees
Within 10 days of Member's Reemployment

Please contact a Wyoming Retirement System benefit specialist for guidance in completing this form. All rehired retirees must complete this form, even if not filling a vacant full-time position.

Retiree's Name: _____ RAIN ID: _____

Original Retirement Date: _____ From (Employer Name): _____

Member's Election (please choose one option below):

I understand my options as a rehired retiree and have chosen to:

- DISCONTINUE** my retirement allowance and be reinstated as a contributing member of WRS.
 - I understand that by contributing again, it may not result in a higher monthly benefit when I retire a second time. After combining both employment histories, the factors below may negatively affect my new benefit:
 - My new benefit will be reduced by the actuarial equivalent of the money paid out during my first retirement
 - Any COLAs that accumulated during my first retirement will be eliminated
 - I understand that for my highest average salary to change, I must work at least the minimum number of continuous months associated with the appropriate tier or plan. Otherwise my highest average salary will remain the same as from my first retirement.
 - I understand the option and designated survivor (if a joint option was selected) from my first retirement will be carried forward to my second retirement.
 - I understand that if my new benefit is lower than the original retirement benefit, WRS will reactivate the original retirement benefit.
 - The benefit will be effective from my second retirement date
 - No retroactive payment will be given for the period of reemployment
 - I am not entitled to a refund of any contributions and interest made during the period of reemployment.
- CONTINUE** receiving my retirement allowance and not be reinstated as a contributing member of WRS.
 - I understand if either my employer or I do not follow the rehired retiree provision, the board shall immediately cancel my retirement benefit and I will be reinstated as a contributing member of WRS.

X _____
Signature of Rehired Member _____ Date _____

To be Completed by Employer (if member elects to discontinue benefits, a new registration must also be completed):

Employer Name: _____ Member's Job Title: _____

Reemployment Date: _____ Employment expected to last: _____ Salary: \$ _____ month/hour

The Employer shall pay the rehired retiree payment in any event where the Employer hires a retired member to fulfill the duties of a vacant full-time position of a regular contributing employee, in any capacity, including as a contract employee, an employee of a third party contractor, or a part-time employee of the Employer.

Based on the above:

- The Employer is required to pay the rehired retiree payment
- The Employer is not required to pay the rehired retiree payment

PLEASE MARK RETIREMENT PLAN:

- Public Employees Retirement Plan
- State AWEC
- Law Enforcement Plan
 - P.O.S.T. Certified
- Guard Firefighter
- Substitute Employee
- Contract Employee
- 3rd Party Contract Employee
- Temporary Employee - term of employment is less than six (6) months
- Other _____

WRS Office Use Only

Entered: _____

Verified: _____

X _____
Authorized Employer Signature _____ Date _____