

**DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES**  
**Bureau of Human Resources**  
June 19, 2009

**HUMAN RESOURCES MEMORANDUM 13-09**

TO: All Agency Heads, Agency Human Resource/EEO Representatives

SUBJECT: Reemployment of Retired State Employees

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Human Resources Memorandum 7-01 and 2-02 provided guidance regarding Public Law 2001, Chapter 442 which effectively eliminated the "earnings limitation" on retired State Employees, allowing them to return to State employment. The purpose of this memorandum is to restate and expand on some of that information.

**Termination for purposes of retirement is considered a break in service.**

This means that, if a retired employee is rehired into a state position, the retiree:

- must apply and compete for positions pursuant to Civil Service Rules;
- may not be treated as an "Agency Promotional" or "Statewide Promotional" candidate for purposes of certification from registers;
- will begin with a new date of hire;
- will be placed on initial probation;
- will not carry seniority forward. (*Seniority will begin with the new date of hire.*)
- may have previously accumulated and unused sick leave credits restored upon reemployment, pursuant to Civil Service Rules. (*Sick leave credits used toward the retirement benefit is not considered "unused."*); and
- may be reemployed at the same step if reemployed in a classification in which he or she was previously employed, pursuant to Civil Service Rules.

Additionally, for retired employees rehired into positions covered by a collective bargaining agreement, the retiree:

- will accrue vacation as though the employee were a new employee (that is, at the lower rate - 8 hours per month of service) in accordance with the collective bargaining agreement. (*Only after three years of continuous subsequent state service may the accrual rate will be adjusted to include state service prior to the new date of hire, in accordance with the collective bargaining agreement.*); and
- will not be eligible for longevity pay. (*Longevity is based on continuous state service.*)

For employees **not** covered by a collective bargaining agreement (commonly known as "Confidentials"), the vacation accrual rate and eligibility for longevity are based on total

state service (whether continuous or not). Therefore, retired employees hired into "Confidential" positions:

- will accrue vacation at the appropriate rate based on their total years of state service; and
- will be eligible for longevity pay\* based on their total years state service.

A retired employee cannot be re-employed prior to that employee's official retirement date. For example, if an employee terminated to retire effective September 7, that employee's official retirement date would be October 1. In such a situation, that retiree could not be re-employed before the October 1 retirement date.

**S/ Alicia Kellogg**

Alicia Kellogg, Director  
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*\*Since longevity is frozen from July 1, 2009 through June 30, 2011 (see HR Memorandum 12-09), employees will not be eligible for longevity until July 1, 2011.*