



# Return to Service Exceptions



## Summary of Changes

The Public School Employees' Retirement System (PSERS) is always seeking to improve its processes to better serve its members and employers to the extent permitted by law. Based on feedback received from members and employers, PSERS has revised its return to service guidelines to provide further clarification of the restrictions on hiring a retiree, and to simplify the return to service approval process.

We have provided examples of generally approved bona fide break in service scenarios, and included guidance on the timing of hiring a retiree for an extracurricular position.

We have further defined what constitutes a shortage of personnel, explaining that a shortage may be triggered by a vacancy or an absence, and streamlined the approval process for each. A vacancy is created when an existing employee has left the position with no intention of returning, or if a new position is created that did not previously exist. An absence is created when an existing employee will be leaving the position on a temporary basis, with the expectation that the employee will eventually return to the position. We have also simplified the terms of an "emergency" exception creating an increase in the workload.

To request an approval of an emergency exception from PSERS to hire a retiree, we have developed two processes – the School Year Approval Process and the Specific Member Approval Process. The School Year Approval Process, which is an approval of the employer's recruitment procedure rather than an approval of a specific retiree, may be used upon the occurrence of an absence, a vacancy with no advanced notice, or a vacancy stemming from a legal challenge occurs. The Specific Member Approval Process, which is an approval to return a specific retiree, must be used for all other instances that do not qualify under the School Year Approval Process, including other vacancies, an emergency increase in workload, or the return of a retiree who retired within the last school year and who is filling a similar position from which the retiree retired.

We have also clarified the terms of other exceptions when a retiree returns to service as an independent contractor, with a third party employer, under an alternate retirement plan, or with a charter school.



## Table of Contents

Break in Service.....	2
“Emergency” Exceptions:.....	3
Shortage of Personnel:.....	3
Vacancy.....	3
Absences: Short-Term and Long-Term.....	4
Emergency Creating an Increase in the Workload.....	4
Requesting Approval Under the “Emergency” Exceptions.....	5
“Extracurricular” Exception.....	8
“Independent Contractor” Exception.....	9
“Third Party Employer” Exception.....	10
“Alternate Retirement Plan” Exception.....	10
Returning to Service at a Pennsylvania Charter School.....	11
Returning to Service for Multiple Service Retirees.....	11
Other Resources.....	11
Return to Service (RTS) Exception Guidance.....	12

### *Disclaimer*

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*This document is designed solely to provide an overview of the return to service rules applicable to PSERS retirees and is not intended to serve as advice or a final determination.*



Employers and members often seek clarification regarding the ability of a Public School Employees' Retirement System (PSERS) retiree to be employed by a public school employer, including charter schools, community colleges, or public universities while receiving an annuity from PSERS.

The Retirement Code vests PSERS with the responsibility for administering a mandatory retirement system for public school employees. Some important principles to remember:

- Membership in PSERS is required for all “school employees.”
- Under the Retirement Code, “school service” is defined as service rendered as a “school employee.”
- A “school employee” is any person working for a “public school.” A “public school” is any school district, charter school, vocational-technical school, technical institute, intermediate unit, the State Board of Education, the Department of Education, State-owned educational institutions, community colleges, and the Pennsylvania State University.

The Retirement Code prohibits retirees from returning to “school service” for a “public school” in any capacity, full-time or part-time, qualifying or non-qualifying service, while receiving a PSERS retirement benefit. The Pennsylvania General Assembly has made the policy decision that a member will not be permitted to “double dip.” The rationale is that retirement benefits are designed to provide income for a retiree, not for someone who continues to work. If a retiree renders “school service” for a “public school” (or a multiple service retiree returns to state service with a state employer), the retiree’s retirement benefit ceases immediately and the retiree is re-enrolled as an active member of PSERS. 24 Pa.C.S. § 8346(a). A retiree may, however, work at any time in private employment for a private employer and still receive a PSERS annuity.

A retiree may be permitted to perform service for a “public school” without a loss of annuity under extremely limited exceptions, subject to review by PSERS at any time. The return to service exceptions, as discussed more fully in this publication, are:

1. Shortage of Personnel;
2. Emergency Creating an Increase in Workload;
3. Extracurricular Contract;
4. Independent Contractor;
5. Employment with a Third Party Employer; or
6. Enrollment in Alternate Retirement Plan.

**Before any retiree may return to service, however, he or she must first experience a bona fide break from “school service.”**

## Break in Service

### *“Good Faith Termination”*

PSERS is maintained as a qualified governmental plan under the Internal Revenue Code § 401(a). To protect that status and provide favorable tax treatment for members’ benefits, PSERS must ensure that a member experiences a bona fide break in service before beginning to receive a distribution from the retirement plan. A break in service occurs when a member terminates service from *all public school employers*.

The Retirement Code defines “date of termination of service” in pertinent part as: “the effective date of his resignation or the date his employment is formally discontinued by his employer or two years following the last day of service for which contributions were made, whichever is earliest.” 24 Pa.C.S. § 8102. An employee must cease to render paid services without any expectation by the employee or the employer that the employee will be rendering any future service. Regardless of the length of time between leaving employment, submitting an application for retirement, and returning to service, PSERS reserves the right to review the facts and circumstances surrounding the member’s termination of service to determine whether the member experienced a true break in service.

Whether an employee severs the employment connection with the employer is a question of fact. PSERS will consider the following factors when determining whether there has been a bona fide break in service, when necessary:

- i. whether the change in the employment relationship is more than a technical change, requiring the true severing of the employment connection with the employer;
- ii. whether there has been a reasonable anticipation or prearranged agreement between the member and the employer that a return to school service will occur;
- iii. the amount of time that has elapsed from the date the member becomes a retiree and the return to school service;
- iv. whether the services are a continuation of the retiree's previous service with the same employer; and
- v. any other factors that PSERS deems appropriate.

The following examples will *generally* be considered a break in service:

- A member formally terminates employment with a school district and begins subsequent employment with a community college and elects SERS or an alternate retirement plan.
- A member formally terminates employment with a school district and begins subsequent employment with a charter school and elects an alternate plan.
- A member formally terminates employment, then subsequently provides service through a bona fide third party vendor.
- A member formally terminates employment then, after such termination, enters into a bona fide independent contractor arrangement.

If an employee is retiring and is subsequently hired in an extracurricular position, the employer’s official decision to hire the retiree, as reflected in the board minutes, cannot be made prior to the retiree’s effective date of retirement.



## **“Emergency” Exceptions:**

*Shortage of Personnel / Emergency Creating an Increase in Work Load*

**A member can return to service and continue to receive a pension from PSERS if: (1) there is a shortage of personnel, or (2) an emergency creates a serious impairment of service. Both “Emergency” exceptions extend only for the length of the school year or until the emergency no longer exists. 24 Pa.C.S. §8346(b), whichever is earlier.**

### **Shortage of Personnel:**

A shortage of personnel can be triggered by a vacancy or an absence, either short-term or long-term. In either type of shortage, a shortage of personnel does not exist until the employer attempts to fill the position with someone who is not a PSERS retiree and is unsuccessful. Thus, a lack of candidates must be established before the PSERS retiree is hired.

*Did you know? An employer may request an exceptional case permit from the Pennsylvania Department of Education (PDE) that addresses potential staffing problems due to the lack of a qualified applicant. 22 Pa. Code § 49.32. Under this regulation, a person who does not have all the qualifications for the position, but whom the employer believes can fill the position on an emergency basis, may receive an emergency permit that will remain in place through the end of the school year (including summer school) which follows the date of issuance. 22 Pa. Code § 49.33.*

### **Vacancy**

A vacancy occurs when an existing or prior employee is not actively employed in his or her position and is not expected to return. A vacancy can also occur when an employer creates a position that did not previously exist.

If the employer did not receive advance notice of a permanent separation, then the employer may hire a retiree to fill the vacancy under the School Year Approval Process, but the employer must simultaneously begin an *Adequate and Good Faith Search* for a permanent employee who is not a PSERS retiree.

*Adequate and Good Faith Search* means that the employer must advertise the vacancy as quickly as possible. The advertisement cannot be geared at hiring only PSERS retirees and cannot be so specific to the employer that only a PSERS retiree, who previously performed the work, would qualify.

The advertisement should also be placed in a common and public location that is easily accessible to an appropriate pool of candidates. If only a PSERS retiree replies to the advertisement, then the advertisement must remain open and the employer must continue to actively recruit for the position. The employer should also review the advertisement to determine whether it should be revised to attract the appropriate candidate.

A shortage of personnel may exist if someone who is not a PSERS retiree does not apply for the position. If, however, the employer chooses to hire a PSERS retiree over a candidate who is not a PSERS retiree based on suitability, then a shortage of personnel will not exist. PSERS will consider whether there is a qualified replacement not whether there is a better replacement than the PSERS retiree.

An employer cannot claim a continuing shortage for the same position year after year without a continued bona fide effort each year to fill the position with someone who is not a PSERS retiree.

*Note: When an employer is prevented from advertising or replacing a terminated employee because of a legal challenge, the employer may fill the vacancy using the process for an absence identified below without beginning an Adequate and Good Faith Search.*

## **Absences: Short-Term and Long-Term**

An absence occurs when an existing employee is not actively employed in his or her position but is expected to return. A short-term absence is one that does not extend longer than one week. Any other length is deemed to be a long-term absence. A PSERS retiree filling an absence in one position can subsequently fill another absence in an entirely different position the following day or week, with each position constituting a separate absence, short-term or long-term.

An employer may maintain a candidate list that distinguishes between those who are not PSERS retirees and those who are PSERS retirees. Alternately, an employer may also use a third party vendor to temporarily place one of the vendor's employees with an employer. If a candidate cannot be hired from the employer's candidate list or the third party vendor, then the employer can hire a PSERS retiree.

An employer may determine that a subject-certified substitute is required to fill an absence. Although the employer has discretion to require a subject-certified substitute, nevertheless, the employer must still first attempt to fill the absence with a subject-certified substitute who is not a PSERS retiree before filling the absence with a PSERS retiree.

A school employer needing to fill multiple short-term or long-term absences throughout the school year may request a preapproval for the entire school year from PSERS, i.e. "School Year Approval Process." See the instructions in the "Requesting Approval Under the 'Emergency' Exceptions" section for the "School Year Approval Process."

## **Emergency Creating an Increase in the Workload**

An "emergency" for purposes of this exception refers to a situation that increases the workload in a sudden, unexpected, or unforeseen manner, and that requires immediate action by the employer to avoid a serious impairment of service to the public.

- An increase in workload is a required consequence of an emergency under the Retirement Code. The existing workload does not create an emergency.
- The termination, resignation, or retirement of an employee is not an "emergency." The workload remains the same; what changes is who is available to complete it.
- The need to train a replacement is not an emergency that increases the workload.
- PSERS will consider the scope and immediacy of the workload when determining whether the "increased workload" creates a "serious impairment of service to the public."

*Note that the emergency exceptions at a college or public university are not common because there are generally many qualified people to fill the vacancy. The college or public university may also choose not to offer the course that semester.*

## Requesting Approval Under the “Emergency” Exceptions

PSERS has established two processes to be used by employers to request an approval of an emergency exception. A quick reference table regarding these guidelines can be found in the appendix.

### School Year Approval Process

A school employer may use the School Year Approval Process under the following circumstances:

- Absences, short-term and long-term
- Vacancy with no advance notice of a permanent separation
- Vacancy when an employer is prevented from replacing a terminated employee because of a legal challenge

*Exception: The employer must use the Specific Member Approval Process if employing a PSERS retiree who retired within the last school year and who is filling a vacancy or absence in the position that he or she recently retired from or a vacancy in a similar position.*

To apply for a School Year Approval to use PSERS retirees, the school employer must submit a letter to PSERS requesting a general approval and certifying the process used to hire all PSERS retirees under the emergency exceptions provisions throughout that school year.

To submit a request to PSERS for the School Year Approval Process, a school employer must certify that:

- The school employer will establish and maintain a current candidate list that distinguishes between those who are PSERS retirees and those who are not.

*Note: If the employer does not maintain a candidate list, then the employer may use a third party vendor to fill the position before hiring a PSERS retiree. (See additional information below.) If the employer does not use a third party vendor and does not maintain a candidate list, then the Specific Member Approval Process must be used before hiring a PSERS retiree.*

- If the candidate list is established directly by the employer and the need for a candidate arises, the employer will first notify and exhaust a candidate list of those who are not PSERS retirees before employing a PSERS retiree.

*Note: Exhausting the candidate list means that someone who is not a PSERS retiree is not available or does not accept the assignment within a reasonable period of time.*

- If the employer uses a third party vendor to place candidates, then the employer confirms that: 1) the third party vendor employs the candidate directly, and 2) the employer will not employ a PSERS retiree until the third party vendor attempted, but was not able, to place a candidate.

- The school employer will make available to any PSERS retiree who will or could be employed by the employer, upon request by the retiree, a copy of the school employer's request to PSERS for the School Year Approval Process and PSERS' response to the school employer's request.
- The school employer will only use the School Year Approval Process for absences, short-term and long-term; a vacancy with no advance notice of a permanent separation; and a vacancy when an employer is prevented from replacing a terminated employee because of a legal challenge.
- If a school employer has a short-term absence that transitions to a long-term absence, the employer will repeat the search for a candidate who is not a PSERS retiree before offering it to a PSERS retiree.
- In filling a vacancy with no advance notice of a permanent separation, the school employer will immediately begin an *Adequate and Good Faith Search* for a permanent replacement.
- The school employer will use the Specific Member Approval Process when hiring a PSERS retiree who retired within the last school year and who is filling a vacancy or absence in the position that he or she recently retired from or a vacancy in a similar position.

### **Specific Member Approval Process**

A school employer must use the Specific Member Approval Process when there is a vacancy because:

- An existing employee is no longer employed in his or her position and is not expected to return.
- An employer creates a position that did not previously exist.
- An emergency increase in workload occurs.
- of any other instances that do not qualify under the School Year Approval Process.

To request approval to employ a PSERS retiree under this process, the employer must provide the following, as applicable:

1. The name and social security number of the PSERS retiree.
2. If the retiree retired within the last school year from the same employer, the employer must provide the following:
  - Copies of the formal notice of the termination/retirement, e.g., a resignation letter, internal memo, board minute documenting the notice, etc.
  - Copies and explanations of all relevant employment contracts and severance agreements (both oral and written).
  - If the retiree is filling the same position, provide an explanation of why the retiree could not have simply remained in his/her position instead of retiring.
3. An explanation of how and when the position became vacant, including copies of any notice of termination/retirement/leave resulting in the vacancy/absence.

4. An explanation of the Adequate and Good Faith Search taken by the employer to find someone who is not a PSERS retiree and the dates of each step in the process, including, but not limited to:
  - Documentation for each step in the candidate search, including copies of all outreach attempts (e.g., advertisements in newspapers or trade papers, web postings, emails, direct correspondence, etc.), copy of employment consultant or other agreement to perform a search for someone who is not a PSERS retiree. Include chronological documentation of these events.
  - Information pertaining to who is making the hiring decision.
  - A written list of the candidates who applied for the position and the reason(s) why each did not meet the written requirements for the position, or, if a job offer was made, a statement that the candidate did not accept the position.
  - A written description of the means by which the retiree indicated his or her interest and became a candidate for the position. Include in the description facts such as whether the retiree responded to a posting for the vacant position, or if the employer first contacted the retiree regarding the vacancy.
  - Documentation of when the employer made the decision to hire the retiree.
5. For an *Emergency Creating an Increase in the Workload*, identify what created the emergency, when the emergency was created, how long the school employer expects the workload to be at the increased level, and why the increase in duties cannot be performed by existing staff.

If the employer does not provide sufficient information and/or documentation to satisfy an emergency exception, the request will be denied and, if the retiree renders service, may result in the retiree being reenrolled in PSERS and the retiree's benefit being stopped retroactive to the date the retiree first began service.

## “Extracurricular” Exception

A retiree can return to service as an employee without loss of annuity if the retiree is employed under a separate contract in an extracurricular position, which is performed primarily outside the regular instructional hours and not part of the mandated curriculum. This type of employment is permitted in all public school entities, including community colleges and public universities. There is no requirement that an “emergency” exists to return under the “*Extracurricular*” exception. Unlike the emergency exceptions, there is no limitation on the amount of time a retiree can return under the extracurricular exception.

To meet the extracurricular exception, a retiree must:

- (1) have a written, separate contract with the public school employer; and
- (2) perform the duties primarily outside regular instructional hours and not as part of the mandated educational curriculum.

The contract must contain the following:

1. The terms and conditions of the extracurricular employment to adequately identify that the duties are performed primarily outside regular instructional hours and are not part of the mandated curriculum. This means that more than half of the extracurricular employment hours must be performed outside the school’s regularly scheduled class hours.
2. A waiver of any potential retirement benefits and a release of the employer and PSERS from any liability related to the waiver. The following is sample contract waiver language:

By entering into this contract, Retiree agrees that neither the Retiree, nor the public school employer, shall make any contributions to the Public School Employees’ Retirement System (PSERS) on account of any service performed under this contract. Retiree further agrees to waive all retirement benefits (including, but not limited to, benefits from a multiple service election) from PSERS that could arise from service performed under this contract, and shall release and hold harmless both the public school employer and PSERS from any liability for the payment of retirement benefits that could arise from service performed under this contract.

To ensure that the retiree is validly providing service under the extracurricular exception, a copy of the contract and the circumstances surrounding the contract should be submitted to PSERS for review.

***If an active member is being reported and contributing to PSERS for service that is primarily outside regular instructional hours and not part of the mandated educational curriculum, the active member must, like all other retirees, experience a bona fide break in service from all school service before returning under the extracurricular exception.*** If an employee is retiring and is subsequently hired in an extracurricular position, the employer’s official decision to hire the retiree, as reflected in the board minutes, cannot be made prior to the retiree’s effective date of retirement.

## “Independent Contractor” Exception

A retiree can work for a public school employer without loss of annuity if the retiree is validly employed as an “independent contractor.”

To determine whether a person is an independent contractor, PSERS must review *all of the circumstances surrounding the employment* of the person. Factors to be considered are: control of manner of work that is to be done; responsibility for result only; terms of agreement between the parties; the nature of the work or occupation; skill required for performance; whether one is engaged in a distinct occupation or business; which party supplied the tools; whether payment is by the time or by the job; whether work is part of the regular business of the employer; the right to terminate employment at any time; presence at the school employer’s site; and whether wages, working conditions, and fringe benefits are comparative to other employees of the school employer.

Although all of the factors are to be examined and analyzed, no single factor is dispositive of a person’s status as an independent contractor and each case must be decided according to its facts. **The mere existence of a contract, the terms of the contract, and the intent of the parties are not determinative factors.** PSERS is not bound by the terms of an agreement to which PSERS is not a party. Rather, the Retirement Code requires PSERS to look beyond the characterization of employment in a contract to determine whether a person is a “school employee” for retirement purposes. **A member’s position cannot be reclassified or outsourced simply by signing a contract or creating a third party employer through a shell company.**

***Break in Service:*** *The factor test contemplates a member establishing an independent contractor relationship after first formally terminating an existing employment relationship with the same employer. If a member terminates employment or retires and returns to service shortly thereafter as an “independent contractor,” or as an employee of an independent entity that the member holds a controlling interest in, with essentially the same job duties as before, PSERS will examine whether the member experienced a bona fide break in service. A break in service will not exist simply because the parties entered into a contract.*

## “Third Party Employer” Exception

A retiree can provide services to a public school employer without loss of annuity if the retiree is *validly* employed by, and providing such services through, a *legitimate* third party employer that is not a reporting unit of PSERS. A legitimate third party employer is a private entity retained by a school employer to provide personnel, perform duties, or perform services. The retiree must show that he or she is compensated, controlled, and engaged in work relating to a private, third party entity and not a school employer.

If, however, the third party employer was established or is controlled by a retiree, then PSERS will look through the third party employer to determine whether the company is a valid company or a phantom company created to allow the retiree to return to service. PSERS will consider such factors as: (1) when the company was established; (2) whether there are other employees who also provide service on behalf of the company; and (3) whether the company provides service to other entities.

Some common examples of legitimate third party employers are: transportation (bus drivers); substitute teaching services; and cafeteria services.

## “Alternate Retirement Plan” Exception

A retiree who becomes employed by any of the state’s community colleges, Penn State University, or the 14 state-owned universities following retirement may be eligible to elect membership into an alternate retirement plan without a suspension of PSERS annuity payments. Approved post-retirement employment with one of these employers is generally based on the member’s eligibility to elect an alternate retirement plan. Generally, a college or public university employee may select a retirement plan from among three choices:

1. PSERS
2. SERS (State Employees’ Retirement System)
3. Alternate retirement plan

If the retiree was employed by the college or university and enrolled in PSERS prior to retirement, then the retiree must experience a bona fide break in service from the college or university to be eligible to elect the alternate retirement plan. If a retiree does not, or is not eligible to, elect an alternate retirement plan or SERS, then the same return to service exceptions apply. To determine the minimum membership requirements for other retirement plans, retirees should contact those plans or their proposed employer.

Special rules apply for a multiple service retiree who returns to work in a college or university. Please refer to the section titled *Returning to Service for Multiple Service Retirees* for more information.



## Returning to Service at a Pennsylvania Charter School

A retiree can work for a Pennsylvania charter school without loss of annuity if the retiree is eligible and does elect into an alternate retirement plan or meets one of the other return to service exceptions.

The most common exception used is enrollment in an *Alternate Retirement Plan*. The Charter School Law (CSL) requires employees of a charter school to be enrolled in PSERS unless the employer provides an alternate retirement plan. The charter schools may also offer membership in PSERS to some of their employees and provide an alternate retirement plan to other employees.

## Returning to Service for Multiple Service Retirees

“Multiple service” is the combining of school and state service into a single pension upon retirement for those eligible retirees who previously worked for the Commonwealth of Pennsylvania or had credited service with the State Employees’ Retirement System (SERS) and had elected multiple service membership.

Generally, a multiple service retiree is subject to the same return to service rules as a PSERS retiree, except that the rules governing the post-retirement employment may differ depending on the employer.

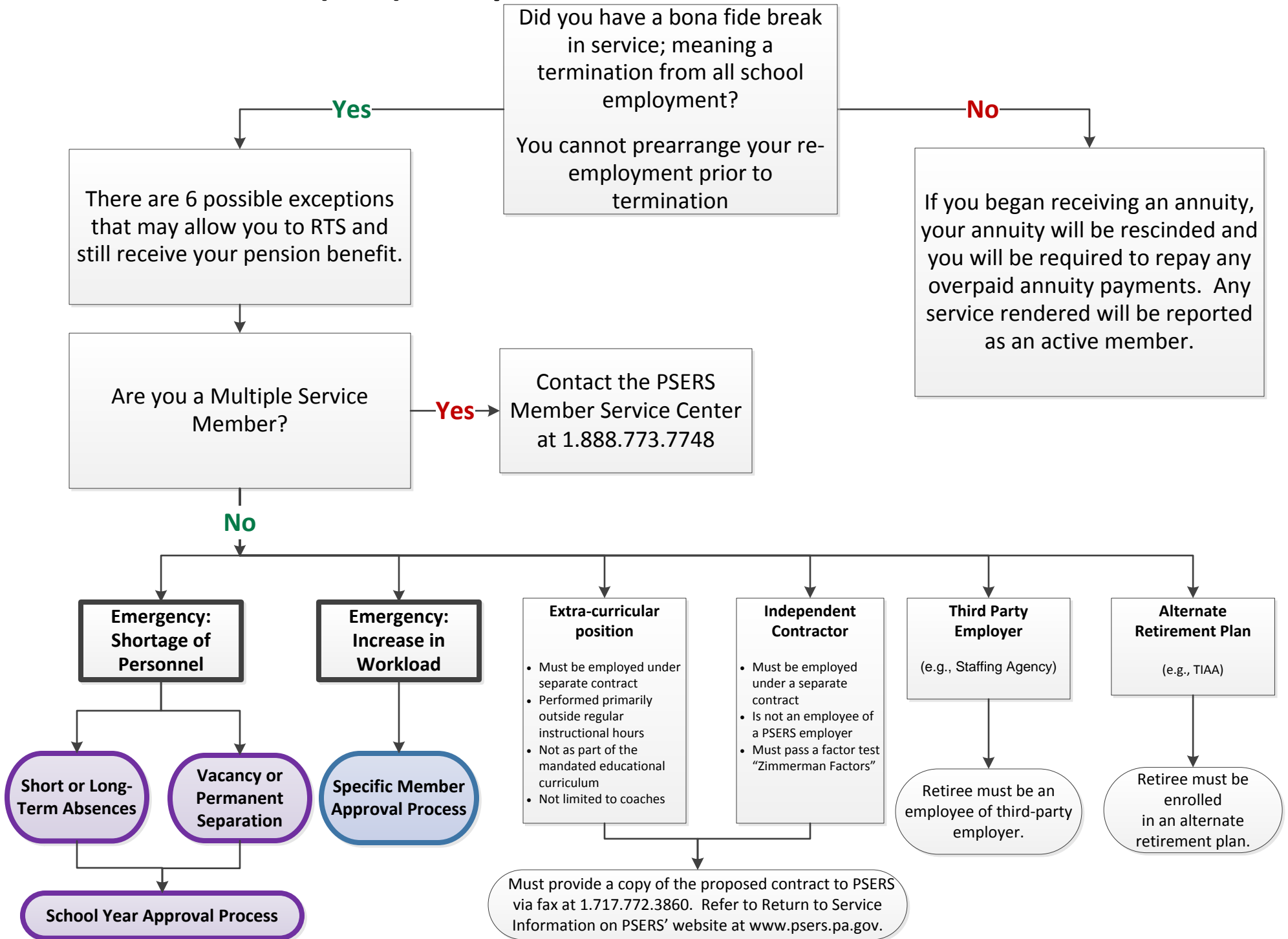
If a multiple service retiree is employed by a public school district, charter school, intermediate unit, or any employer that offers only PSERS as a retirement plan, then the retiree is subject to PSERS’ rules for return to service.

If a multiple service retiree is employed by a state-owned university, community college, Penn State University, or any employer that offers the State Employees’ Retirement System (SERS) as a retirement plan, then the retiree is subject to SERS’ rules for return to service.

## Other Resources

For additional information regarding returning to service for a member who has previously retired or is on a PSERS disability retirement benefit, see the PSERS *Retired Member Handbook* (Publication #9775) and the PSERS *Let’s Talk About Disability* (Publication #9540) pamphlet.

# Return to Service (RTS) Exception Guidance



### Emergency: Shortage of Personnel – School Year Approval Process

A school employer may use the School Year Approval Process under the following circumstances:

- Absences, short-term and long-term
- Vacancy with no advanced notice of a permanent separation
- Vacancy when an employer is prevented from replacing a terminated employee because of a legal challenge

**To apply for the School Year Approval Process to use PSERS retirees** - The school employer must submit a letter to PSERS requesting a general approval and certifying the process used to hire all PSERS retirees under the Emergency Exceptions provisions throughout that school year. The letter submitted to PSERS should confirm that:

- The school employer will establish and maintain a current candidate list that distinguishes between those who are PSERS retirees and those who are not.
- If the candidate list is established directly by the employer and the need for a candidate arises, the employer will first notify and exhaust a candidate list of those who are not PSERS retirees before employing a PSERS retiree.
- If the employer uses a third party vendor to place candidates, then the employer confirms that: 1) the third party vendor employs the candidate directly, and 2) the employer will not employ a PSERS retiree until the third party vendor attempted, but was not able, to place a candidate.
- The school employer will make available to any PSERS retiree who will or could be employed by the employer, upon request by the retiree, a copy of the school employer's request to PSERS for the School Year Approval Process and PSERS' response to the school employer's request.
- The school employer will only use the School Year Approval Process for absences, short-term and long-term; a vacancy with no advanced notice of a permanent separation; and a vacancy, when an employer is prevented from replacing a terminated employee because of a legal challenge.
- If a school employer has a short-term absence that transitions to a long-term absence the employer will repeat the search for a candidate who is not a PSERS retiree before offering it to a PSERS retiree.
- In filling a vacancy with no advanced notice of a permanent separation, the school employer will immediately begin an *Adequate and Good Faith Search* for a permanent replacement.
- The school employer will use the Specific Member Approval Process when hiring a PSERS retiree who retired within the last school year and who is filling a vacancy or absence in the position that they recently retired from or a vacancy in a similar position.

### Emergency: Shortage of Personnel – Specific Member Approval Process

A school employer must use the Specific Member Approval Process under the following circumstances:

- A vacancy because an existing employee is no longer employed in their position and is not expected to return
- An employer creates a position that did not previously exist
- An emergency increase in workload
- All other instances that do not qualify under the School Year Approval Process

To request approval to employ a PSERS retiree under this process, the employer must provide the following, as applicable:

- The name and social security number of the PSERS retiree.
- If the retiree retired within the last school year from the same employer, the employer must provide the following:
  - Copies of the formal notice of the termination/retirement, e.g., a resignation letter, internal memo, board minute documenting the notice, etc.
  - Copies and explanations of all relevant employment contracts and severance agreements (both oral and written).
  - If the retiree is filling the same position, provide an explanation of why the retiree could not have simply remained in his/her position instead of retiring.
- An explanation of how and when the position became vacant, including copies of any notice of termination/retirement/leave resulting in the vacancy/absence.
- An explanation of the *Adequate and Good Faith Search* taken by the employer to find someone who is not a PSERS retiree and the dates of each step in the process.
- For an *Emergency Creating an Increase in the Workload*, identify what created the emergency, when the emergency was created, how long the school employer expects the workload to be at the increased level, and why the increase in duties cannot be performed by existing staff.

If the employer does not provide sufficient information and/or documentation to satisfy an *Emergency* exception, the request will be denied and, if the retiree renders service, may result in the retiree being reenrolled in PSERS and the retiree's benefit being stopped retroactive to the date the retiree first began service.

Refer to the *PSERS Return to Service Exceptions* for more information.

*Disclaimer: The information contained in this publication is strictly meant to serve as a general aid to answering many of the typical circumstances or questions that may arise from a member considering a return to service. It is not intended to serve as the final answer. It is recognized that all circumstances are unique. When in doubt a member or employer should contact PSERS for additional clarification.*