

## **POST RETIREMENT EARNINGS**

### Frequently Asked Questions for MA retirees working for a governmental unit

- **I retired from the Commonwealth of MA; can I take employment with any city, town or other MA governmental employer?** *Yes, but there are two strict limitations on further public employment in the commonwealth following your retirement from a public service position. You will be limited to 960 hours in a calendar year and also your earnings will be limited during the calendar year. It applies to any public employment, regardless of whether or not it occurs in the same governmental unit from which the employee retired.*
- **I retired this past June, what can I earn in a calendar year from a public employer after retirement?** *Your public employment earnings for the period of post-retirement employment in any calendar year, when added to your retirement allowance, cannot be greater than the salary currently being paid for the position from which you retired plus \$15,000. However, the additional \$15,000 is not applied in the calculation for the first full calendar year following the retirement date but each calendar year thereafter.*
- **What happens if I reach 960 hours during a calendar year but I have not reached my earnings limit?** *Your public employment must cease when either limitation is reached for the remainder of the calendar year.*
- **Is this based on calendar year, fiscal year, or school year?** *The earnings and hourly limits on post-retirement public employment, MGL c.32, Sec.91(b), are based on calendar year period, January – December.*
- **Who will keep track of the hours and earnings amount?** *The responsibility of monitoring both the hours and the earnings amount lays with you the member and your employer. Enclosed is a spreadsheet to assist you in keeping track of your limitations.*
- **How do I find out the current salary, and what should be included in that amount?** *You must contact your former employer; from where you retired to find out what your salary would be had you remained in service. Any compensation that was considered pensionable at retirement, such as longevity and education incentives, should be included in the current salary amount.*
- **I work for more than one public employer, can I work 960 hours for each?** *No. All hours and earnings must be added together from all MA governmental units worked. Cumulatively they cannot exceed the 960 hours or earnings limits.*

- **Does my “retirement allowance” used in calculating my earnings limit include my annuity as well as my pension portion of my annual benefit?** *Yes, the “retirement allowance” used in calculating your earnings limit does include both your annuity amount as well as pension portion of the annual benefit.*
- **I pay child support and my ex-spouse received a portion of my retirement allowance, does that get included in the calculation of what I can earn?** *Yes, the gross retirement allowance is the figure used.*
- **What if the position that I retired from no longer exists?** *General normal increases will be added to the last paid salary that you received at the date of retirement.*
- **I retired and my employer privatized my position and I am now serving in such capacity as a private consultant or independent contractor; am I subject to these limitations?** *Yes, you are subject to public employment earnings limits. It is irrelevant whether an employee-retiree chooses to classify him or herself as a “consultant” or independent contractor” – the earnings limitations still apply if in fact the nature of the relationship is as an employee. This issue is case specific, please contact PERAC directly for more guidance.*
- **I am a surviving beneficiary of a public retiree, am I subject to public employment earnings limits?** *No, public employer earnings limitations apply only to retirees, not survivors or beneficiaries.*
- **I am a disabled retiree; can I add the additional \$15,000 to my earnings limit for public employment?** *Yes, you may add an additional \$15,000 to your total annual earnings from either public or private employment.*
- **I retired on December 3, 2010 from state government and since then have started my own engineering company and act as a consultant and independent contractor for the state and some municipalities. Am I subject to the public sector earnings limit?** *Yes, for persons who retire after July 1, 2009, earnings as a consultant or an independent contractor are limited. A retiree may not avoid the limitations by forming a company if the primary reason for the formation as to avoid the limitations.*