



WRS RETIREE RETURNING TO WORK

To be completed by all WRS Retirees Returning to Work for a Participating Employer and forwarded to WRS within ten days of reemployment

WRS-9 Retiree Returning to Work (updated 04/23)

MEMBER INFORMATION	MEMBER'S FIRST NAME		MEMBER'S LAST NAME		MIDDLE INITIAL	MEMBER'S RAIN ID
	ADDRESS				PHONE OR EMAIL	
	ORIGINAL RETIREMENT DATE	RETIRED FROM (EMPLOYER NAME):			POSITION TITLE/CLASSIFICATION	
	<p>All retired members of the Wyoming Retirement System (WRS) must meet the Retirement Eligibility Requirements shown on page 2 of this form, before returning to work for a participating employer in the Plan, in any capacity. Those requirements include a break in service of at least 30 days from the member's original retirement date before returning to work.</p> <p>I understand that if I have NOT met the Retirement Eligibility Requirements, including having a break in service of at least 30 days before returning to work for a participating employer in the Plan, then:</p> <ul style="list-style-type: none"> • My retirement application may be suspended; • My monthly benefit may be stopped; and/or • I may become an active contributing member of the Plan again. <p>If you have met all the Retirement Eligibility Requirements including:</p> <ul style="list-style-type: none"> • Not to have a prearranged agreement for employment with any employer participating in the plan; • A break in service of at least 30 days from your original retirement date; • Return to work for a participating employer in the Plan; and • Are hired to fill a vacant full-time contributing position in any capacity. <p>Please review your options as a rehired retiree on page 3 of this form and make an election below.</p> <p>I have read and understand my options as a Rehired Retiree and now make an election to:</p> <p><input type="checkbox"/> DISCONTINUE my retirement allowance and start as a contributing member of WRS again.</p> <p><input type="checkbox"/> CONTINUE receiving my retirement allowance and not contributing as a member of WRS.</p>					
	<p>Member's Signature: _____ Date _____</p>					
AGENCY INFORMATION	TO BE COMPLETED BY AGENCY:					
	Agency Name		Agency RAIN ID		Member's Job Title	
	Reemployment Date:	Length of Employment if known:			Salary	<input type="checkbox"/> Month
					\$	<input type="checkbox"/> Hour
	<p>According to Wyo. Stat. § 9-3-415(h), the Employer shall pay the rehired retiree payment in any event where the Employer hires a retired member to work, in any capacity, the duties of a vacant full-time position of a regular contributing employee, including as a contract employee or an employee of a third-party contractor. According to Chapter 12 of the Wyoming Retirement Board Rules and Wyo. Stat. § 9-3-417(b), for purposes of rehired retirees, full-time employment includes any position for which the retiree works 86 or more hours per month.</p> <p>Based on the above:</p> <p><input type="checkbox"/> The Employer is required to pay the rehired retiree payment</p> <p><input type="checkbox"/> The Employer is not required to pay the rehired retiree payment</p> <p>PLEASE MARK ONE RETIREMENT PLAN AND EMPLOYEE STATUS:</p> <p>Plan:</p> <p><input type="checkbox"/> Public Employee</p> <p><input type="checkbox"/> Law Enforcement</p> <p>Is employee POST Certified <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Guard Firefighter Plan</p> <p>Employee Status:</p> <p><input type="checkbox"/> Full-time Benefited</p> <p><input type="checkbox"/> State AWEC</p> <p><input type="checkbox"/> Substitute Employee</p> <p><input type="checkbox"/> Contract Employee/3rd Party Contract</p> <p><input type="checkbox"/> Temporary Employee</p>					
<p>Agency's Signature: _____ Date _____</p>						
AGENCY CONTACT PRINT NAME		PHONE NUMBER		EMAIL ADDRESS		

General Rule	The IRS requires that persons drawing a benefit from a tax-sheltered retirement plan like WRS indeed be retired from working within the Plan. The general rule is that a person cannot simultaneously be employed by an entity participating in a WRS plan and apply for or draw a retirement benefit related to employment in that same Plan. If retirees return to work within the Plan, the retirement benefit stops, contributions resume, and the benefit is recalculated when the person truly retires. The IRS allows WRS to have narrow exceptions to the general rule; still, it is helpful to understand why there is complexity in this area: WRS has to operate within IRS guidance to maintain the tax-qualified status of the Plan.
Rehired Retire Provision	The provision guidance for when a retiree can return to work for a participating employer is 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 within the same Plan from which the retiree initially retired by filling a vacant full-time position. The rehired retiree provision is not a "plan" and was not designed so a member could supplement their salary with their retirement benefit. The intent of the provision is to offer 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 no less than 30 days can:</p> <ul style="list-style-type: none"> • Return to work for a participating employer within the same Plan, and • Elect to either <ul style="list-style-type: none"> ➢ Continue receiving retirement benefits and not contribute to the system, or ➢ Discontinue retirement benefits and begin making contributions to the system again. <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 choose whether their benefit will stop. Without the rehired retiree provision, the retiree's default is to stop their 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>Note: A retiree who goes to work for an employer in a different plan is considered a new employee for that Employer.</p>
Retirement Eligibility Requirements	<p>"Retired" or "retirement" means the member has terminated their 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 separating all employment roles for the Employer. • The member must file their 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 on their 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 an entire month of service credit is earned. In the Public Employee, Law Enforcement, and Guard Firefighter Plans, that is 86 hours a month. This definition is not based on the EMPLOYER'S definition of full or part-time employment.
Retiree Returning to Work in ANY Capacity	<p>It comes down to the POSITION role and capacity the retiree is filling, no exceptions even if the rehired retiree is called a consultant or a contract employee. If the retiree is responsible for the same duties as a regular contributing employee, the rehired retiree payment will be required.</p> <p>Examples include:</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;

	<ul style="list-style-type: none"> The position has been changed to a job-share being filled by two or more employees/retirees; and 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. <i>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 typically owe contributions.</i>
Elected Officials	<p>In situations where a retiree is running unopposed <u>for office</u>, there is no guarantee that the member will be elected. Retirees running for an elected office are dependent on the voters, not the Employer. If a retiree is elected to an 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-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 official is elected to for another term for the same office or another Plan covered office, decides to resign or retire before the completion of the office term, the break in service between the term date and the reemployment date is not considered a bona fide break in service for the rehired retiree rule.
REHIRED RETIREE OPTIONS	
RETIREE ELECTION	There are specific requirements a potential rehired retiree needs to be aware of before making an election whether or not to stop their benefit.
Retiree Elects to Stop Receiving Benefits	<p>If the retiree stops their 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. Although the months of service and the highest average salary may increase, there are two factors which 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 initial 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; and 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 elects to continue their benefit, no additional service credit will accrue during the member's second employment period. The Employer will be required to pay the rehired retiree payment to WRS, a standard policy for any rehired retiree hired in a vacant full-time position.</p> <p>If the rehired retiree has not complied with all the requirements of the rehired retiree statute, their benefit will be stopped, and they may be required to start contributing to the system again.</p>
Rehired Retiree Payment	An employer that hires a "retiree" into a vacant full-time position within the same Plan from which the retiree retired initially, it is required to pay the rehired retiree payment. The rehired retiree payment is equivalent to a regular employee and employer contribution for traditional employees of that Plan.
Rehired Retiree Election Form	<u>ALL WRS retired members who are rehired with an employer participating in the same Plan from which they initially retired, must complete the attached WRS-9 Rehired Retiree Election Form within ten days of reemployment.</u>