

Regulations of Connecticut State Agencies

TITLE 7. Municipalities

Agency

State Employees Retirement Commission

Subject

Reemployment with state or participating municipality.

Section

§ 7-438-1

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(a) **Definitions.** As used in this section:

(1) “Member” has the same meaning as provided in section 7-425 of the Connecticut General Statutes.

(2) “Participating municipality” means any town, city, borough, school district, regional school district, taxing district, fire district, district department of health, probate district, housing authority, regional workforce development board established under section 31-3k of the Connecticut General Statutes, regional emergency telecommunications center, tourism district established under section 10-397 of the Connecticut General Statutes, flood commission or authority established by special act or regional council of governments, which has a department or unit that has employees who participate in the Municipal Employees Retirement System.

(3) “Retired” or “Retirement” means the status of a member of the Municipal Employees Retirement System who (A) has terminated his or her municipal employment without any agreement regarding future employment, (B) is eligible to receive a retirement allowance under sections 7-428 to 7-432, inclusive, of the Connecticut General Statutes, (C) has not been immediately reemployed, and (D) otherwise satisfies the requirements for a bona fide retirement as determined in accordance with the Internal Revenue Code, Title 26 of the United States Code, as amended from time to time, and any regulations and interpretations thereof.

(b) **Qualified status.** The Municipal Employees Retirement System shall maintain its status as a qualified governmental plan pursuant to the requirements of 26 USC 401(a) and 26 USC 414(d), and nothing in this section shall be construed in a way that would disqualify the system as such a plan.

(c) **Reemployment with the state.** Any retired member who accepts employment from the State of Connecticut shall continue to receive his or her retirement allowance while so employed, and, if such member is eligible to participate in the State Employees Retirement System, such member shall be entitled to credit in the state retirement system for the period of such state employment.

(d) **Reemployment with a participating municipality, collection of retirement allowance prohibited.** A member who retires from a participating municipality pursuant to section 7-431 or 7-432 of the Connecticut General Statutes shall not collect a retirement allowance from the Municipal Employees Retirement System while reemployed by the same or another participating municipality. Upon such reemployment, such member’s retirement allowance shall be suspended until such member ceases to be employed by such participating municipality. Notwithstanding the foregoing, and pursuant to 26 USC 401(a)(36), a member who (1) retired under section 7-431 or 7-432 of the Connecticut General Statutes and (2) has attained the age of fifty-nine and one-half (59½) may continue to collect his or her retirement allowance while reemployed, provided that at least one of the conditions set forth in subsection (e) of this section is satisfied.

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(e) **Reemployment with a participating municipality, collection of retirement allowance permitted.** Except as provided in subsection (d) of this section, a member who retires from a participating municipality, and who thereafter is reemployed by the same or another participating municipality, may continue to collect his or her retirement allowance while so reemployed if any of the following conditions is met:

- (1) the member's reemployment is for fewer than twenty (20) hours per week;
- (2) the member's services are rendered for not more than ninety (90) working days in any one calendar year; or
- (3) the member is reemployed in a position that is not eligible to participate in the Municipal Employees Retirement System, and the member does not participate in the Municipal Employees' Retirement System during the period of his or her reemployment.

(f) **Public Safety Positions.** The provisions of section 7-438(c) of the Connecticut General Statutes shall not apply to retired members who (1) retired pursuant to section 7-431 or 7-432 of the Connecticut General Statutes and (2) have not yet attained the age of fifty-nine and one-half (59½).

(g) **Overpayment of retirement allowance.** Any retired member who again accepts employment from the same municipality from which the member was retired or any other participating municipality shall reimburse the Municipal Employees' Retirement System for retirement income payments received during any calendar year in which the member received retirement income payments which were prohibited by the Connecticut General Statutes or by this section.

(Effective April 12, 2023)