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# THE RETIREMENT SYSTEMS OF ALABAMA

David G. Bronner, CEO  
Donald L. Yancey, Deputy Director

## MEMORANDUM

To: RSA Member Agencies

FROM: Donald L. Yancey  
Deputy Director 

DATE: December 2014

RE: **Post Retirement Employment Law**

Attached are instructions for implementation of Code of Alabama Sections 16-25-26 and 36-27-8.2(c) as amended April 2014. The changes are reflected in the instruction sheet and the attendant forms required for use by both agencies and retirees. **All retirees and employing agencies must submit new forms RETIREE NOTICE POSTRETIREMENT EMPLOYMENT (PRE RN) AND EMPLOYING AGENCY ANNUAL CERTIFICATION (PRE EAAC) no later than January 31, 2015, regardless of date of last/previous submission.**

One of the significant changes is the requirement that the retiree, in addition to the employing agency, notify RSA of any post retirement employment with a participating ERS or TRS agency. Additionally, the new law specifically states that independent contractors be required to comply with restrictions to avoid suspension of retirement benefits. It is strongly suggested that any contractor relationship be discussed with staff at TRS or ERS to ensure compliance with the law.

Some relationships are exempt from restrictions while others are not. It is incumbent upon the retiree and agency to determine the true definition of that relationship after discussion with a TRS or ERS representative to avoid suspension of retirement benefits.

Also attached is the form to be used by the agency when a retiree first enters on duty with the agency, EMPLOYING AGENCY INITIAL NOTICE (PRE EAIN), and the form to be used for the annual certification required by the agency, EMPLOYING AGENCY ANNUAL CERTIFICATION (PRE EAAC). As stated in the instructions, this annual certification form will be required in **January 2015** and again in **December 2015**. However, in subsequent years, this annual certification will only be required in **December of each calendar year**. In an effort to fully implement the new process, we are asking for a certification in January 2015 to use as a basis for the future annual requirement. Forms are also located in the *Employers* section of our website at [www.rsa-al.gov](http://www.rsa-al.gov).

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As stated above, the retiree will also be required to notify the RSA of their employment by completing the RETIREE NOTICE POSTRETIREMENT EMPLOYMENT (PRE RN). To best ensure that retirees complete and submit this notice, we are including it as part of your Postretirement Employment package. Please provide this form to retirees you are currently employing, and maintain the form on file as new retirees come on board. Please coordinate the submission of your EMPLOYING AGENCY INITIAL NOTICE for new hires with the RETIREE NOTICE POSTRETIREMENT EMPLOYMENT (PRE RN) form.

If you have any questions about the implementation of the new procedures, completion of the new forms, or any part of the Postretirement Employment Program, please call the Retirement Systems of Alabama at 877.517.0020.

Attachments: Postretirement Information for ERS and TRS agencies  
Retiree Notice of Postretirement Employment (PRE RN)  
Employing Agency Initial Notice (PRE EAIN)  
Employing Agency Annual Certification (PRE EAAC)