



RETURN TO WORK LIMITATIONS FOR ALL SURS ANNUITANTS

Number:	Effective Date: 08/01/2016
Next Review Date: This policy will be updated annually with a full review at least every three years or any new legislation.	Page Number(s): 4
Related Policy: Re-Employment and Reinstatement Policy	
Responsible Cabinet Member: VP of Human Resources	Responsible Department: Human Resources
Board Approved: N/A	Approval Date:

OVERVIEW:

Amendments to the Illinois Pension Code (HB 4996, PA 97-0968) that were signed into law (now [40 ILCS 5/15-139.5](#)), are of particular concern to SURS annuitants seeking re-employment with a SURS employer and to [SURS covered employers](#) who employ any SURS annuitant on or after the first day of the academic year beginning on or after August 1, 2013.

A SURS annuitant becomes an “affected annuitant” on the first day of the academic year **following** the academic year in which the annuitant initially meets **both** of the following conditions:

1. Works more than 18 paid weeks that occur after August 1, 2013. This condition is cumulative and not particular to any single academic year; **and**
2. Receives compensation during an academic year beginning aft August 1, 2013, that is greater than 40% of the highest annual rate of earnings earned prior to retirement.

Once both conditions above are met, an annuitant becomes an “[affected annuitant](#)” and remains in this status unless he/she suspends retirement annuity and again contributes to SURS towards future annuity/retirement benefit. These limitations operate independently of other SURS “return to work” restrictions for annuitants that impose a reduction in the annuity amount. **It is the responsibility of the retiree to monitor and comply with all SURS “return to work” restrictions.**

DEFINITION:

EMPLOYED AS AN ANNUITANT

If a re-employed annuitant is compensated solely from an exempted fund type: federal, corporate, foundation, or trust funds, or grants of State funds that identify the principal investigator is a SURS annuitant, then that portion of the employment period does not count towards the 18 weeks. Additionally, any portion of earnings paid from the stated exempted fund sources is exempted from the 40% criteria threshold.

EMPLOYED AS AN AFFECTED ANNUITANT

If an employer continues to employ, rehires, or hires a SURS annuitant beyond the academic year which causes the annuitant to become an “affected annuitant,” the employer will be obligated to pay a contribution to SURS equal to the annuitant’s monthly annuity multiplied by twelve, unless the employment after affected status is paid solely from exempted funds.

PROCEDURE:

60-DAY WAITING PERIOD

1. A SURS retiree may not be re-employed by a SURS covered employer, until after 60 days from the effective date of his/her retirement per Public Act 97-0968. If a person receives a lump sum annuity, he/she must wait 60 days from the date of the check to be re-employed. **Please note** – Due to the Affordable Care Act retirees must wait 6 months to be re-employed at ICC (see Re-Employment and Reinstatement Policy).

OBTAINING SURS CERTIFICATION

1. ICC cannot obtain the required information directly from SURS to make the determination of whether an annuitant (a SURS retiree receiving an annuity) is an “affected annuitant” before employing the retiree. Therefore, as a condition of employment, any retiree applying for employment must request from SURS and provide to the College an affidavit of the necessary certified information so that an informed determination can be made as to whether the retiree is or would be an “affected annuitant”. That certified information from SURS shall include:
 - a) The annuitant’s highest annual earnings prior to retirement; and
 - b) The annuitant’s earnings limitations specifying whether it is monthly or annual
2. If a former employee took a lump sum distribution or only participated in the SURS self-directed plan and is not collecting an annuity from SURS, then he/she shall not be considered an annuitant for purposes of determining if he/she is an affected annuitant.

EARNINGS LIMITATION

1. Employees receiving an annuity from SURS under the traditional or portable plans may be subject to an earnings limitation in addition to the one used to determine if an individual would be an “affected annuitant”. The exact amount of earnings limitation will be stated on the annuitant’s Certification of Retirement Annuity that is provided by SURS upon finalization of an individual’s retirement claim.
 - a) If an individual began receiving an annuity before age 60, there will be a monthly limitation on that person’s earnings from a SURS participating employer. That monthly amount will be increased by any applicable Automatic Annual Increase.
 - b) If the individual is over 60 when the annuity begins, the limitation is an annual amount and once the annual earnings limitation is calculated, it does not change.
2. All employees who are SURS annuitants must comply with all their earnings limitations as determined by SURS.

FINANCIAL OBLIGATION

1. Illinois Public Act 97-968 establishes that an employer(s) who employs “affected annuitants” after August 1, 2013, will be charged an employer contribution equal to the annuitant’s annual retirement annuity. The full annual amount of the employer’s contribution is due to SURS on the first day of employment of an “affected annuitant”
2. Once an annuitant has become “affected,” employers are obligated to pay the SURS contribution for EVERY year the “affected annuitant” is employed on any non-exempt fund, regardless of the length of employment or compensation amount.



STATEMENT OF SURS ANNUITY STATUS

This form must be completed by annuitant prior to each assignment. The Illinois General Assembly enacted a "Return to Work" law, [40 ILCS 5/15-139.5](#), effective August 1, 2013, requiring state universities and colleges to ascertain the retirement status of current and prospective employees as related to coverage by the State Universities Retirement System (SURS). Illinois Central College is requesting the following information to comply with this law.

NAME: _____ DATE: _____

CURRENT ASSIGNMENT: _____

LAST FOUR DIGITS OF SS# or SURS Member Number: _____

1. I am a SURS annuitant based on my own retirement record (annuitant status is not based on SURS survivor benefits or SURS disability benefits).

YES

NO

If no, go to question 11.

If yes, I became a SURS annuitant by retiring from the following SURS employers:

2. As a SURS annuitant, I am receiving/ received my annuity in the following form:

a. Self – Managed Plan*

b. Lump-Sum Payment*

c. Monthly Annuity Payments

* If answered a or b, please go to question 9.

3. My current SURS annual gross annuity amount is: \$ _____
(Annual amount of payments from SURS to you)

4. I am a former Illinois Central College employee:

YES

NO

If yes, my ICC ID Number is: _____

5. I understand I am responsible for monitoring my annual or monthly earnings limitation as determined by SURS, which is not the same as my 40% of highest annual rate of earnings limits used for the "Return to Work" legislation. I understand that exceeding my SURS personal earnings limitation may result in a loss in, or reduction of, annuity payments. **ICC is not responsible for any reduction in annuity caused by exceeding my personal earnings limitation.**

6. My highest annual rate of earnings earned prior to retirement, as provided by SURS, is :(*This number must come from SURS; it cannot be estimated or derived from the highest salary year. **Please provide a copy of the SURS Annual Highest Earnings Letter that you received at retirement***) \$ _____
7. Since becoming a SURS annuitant, list all places of employment or anticipated employment at [SURS covered employers](#) beginning on or after August 1, 2013. Because the criterion to becoming affected annuitant in the "Return to Work" legislation is based on your combine employment at all SURS covered employers, it is important that we have this information. Please add an additional sheet if necessary.

Employer	Number of Weeks Worked	Dates Worked*	Gross Pay for that Position	Position Vacation Eligible	Did funds come from, corporate, foundation, or trust funds or grants of State funds
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

*Any increment of time worked in a calendar week will make that week count as a week worked. Please count all weeks between the start and end date.

8. I am an [Affected Annuitant](#) under Illinois law [40 ILCS 5/15-139.5](#). Yes No
Please review the linked text to determine if you are affected. Not all SURS annuitants will be affected.
9. I am competent and an adult age 18 or over. YES NO

I certify that to the best of my knowledge the information provided to Illinois Central College in this form is true and complete as of this date. I understand that false answers, statements or omissions of any information requested here shall be sufficient grounds for disqualification from employment or immediate termination of employment.

I give Illinois Central College permission to investigate my SURS annuitant status, including earnings and employment status at other SURS covered employers. **If I accept additional employment with a SURS covered employer, I will notify Illinois Central College through another form within 10 days of accepting the new employment.**

Completing this form does not obligate Illinois Central College, the State Universities Civil Service System, or any institution or agency served by it, nor does it indicate that there are positions open.

Employee Signature: _____

Date: _____