



# Return-to-Work Checklist FOR EMPLOYERS

Refer to this checklist as you counsel employees getting ready to retire, if you are planning to hire a retiree or if an employee who previously retired is retiring again. See also [Service Retirement Checklist](#) and [WTA Retirement Checklist](#).

✓ <b>As You Counsel Pre-Retirees</b>	
	Are you considering bringing an employee back to non-covered employment after retirement? Be aware that before an employee retires, you cannot arrange, verbally or in writing, to hire the employee in a non-covered position, as certified on the <a href="#">Application for Service Retirement (VRS-5)</a> or the <a href="#">Application for Disability Retirement (VRS-6)</a> .
	Counsel the employee about the possible consequences of returning to work on the subsequent retirement benefit, including the impacts that different types of employment may have. In addition, an employee's retirement benefit may be less after a second retirement. See <a href="#">Retirees Returning to Work</a> on the VRS website.
	Inform employee of notable return-to-work exceptions, such as those for school resource or school security officers and critical shortage bus drivers or teachers, principals and vice-principals. See <a href="#">Hazardous Duty FAQ</a> , <a href="#">Hiring and Reporting School Resource Officers or School Security Officers</a> and the <a href="#">Service Retirement</a> chapter on the VRS employer website.
	If an employee is applying for disability retirement, disability retirement benefits will end if the employee returns to a position that requires the same or similar duties as those the employee performed before disability retirement. This includes positions with non-VRS participating employers as well as non-covered positions with VRS-participating employers.
✓ <b>Before Hiring Returning Retirees</b>	
	If you are considering hiring a retiree in a covered position, remind the retiree that retirement benefits must stop if hired.
	If the retiree is returning to a non-covered position with the employer from which that person retired, the retiree must have a bona fide break in service. Note that the Commonwealth of Virginia, including all state agencies and public colleges and universities, is considered the same employer. School divisions and political subdivisions are separate employers.
	If you are hiring a retiree in a non-covered position, will the retiree be working on a part-time basis? Retirees cannot return to work in covered (classified) part-time state positions. Part-time employment typically requires less than 80 percent of the hours of a comparable full-time position.
	If the retiree will be working in more than one non-covered part-time position for the same employer, the total number of hours must be equivalent to a part-time schedule. If the retiree works in a non-covered part-time position with one employer and a non-covered part-time position with another employer, the total hours for each position must be less than 80 percent of its comparable full-time position.
	If you wish to temporarily appoint a retiree to an interim position while you are recruiting for a full-time employee, you must discuss the hire with your <a href="#">VRS Employer Representative</a> . Interim appointments are evaluated on a case-by-case basis.
	If a disability retiree will be returning to a position requiring the same or similar duties as those performed before disability retirement, disability retirement benefits will end, even if the retiree is returning to a non-covered position.
	Employers may be liable for benefit overpayments if they do not comply with return-to-work provisions. Under Section 51.1-124.9(B) of the <i>Code of Virginia</i> , VRS is authorized to collect benefit overpayments from the employer, not the retiree, if: <ul style="list-style-type: none"> <li>• You hire a retiree in a position that would be considered covered but you do not report the retiree to VRS; and/or</li> <li>• You hire a retiree in a non-covered position with the employer from which that person retired and the retiree has not had a bona fide break in service.</li> </ul>
✓ <b>Employees Retiring Again</b>	
	The employee should call VRS to find out the estimated subsequent benefit amount. Note that the subsequent retirement benefits cannot be calculated through myVRS or myVRS Navigator.
	Ensure that the employee submits all <a href="#">retirement forms</a> and required documents and elects the same benefit payout option under which the employee previously retired.
	Inform employee that if any cost-of-living adjustments (COLAs) were received before returning to covered employment, the COLAs will not resume upon subsequent retirement. The employee will become eligible for a COLA effective July 1 of the second calendar year after subsequent retirement. The COLA will be calculated as if the employee is retiring for the first time.

**Questions?** Call VRS toll-free at 1-888-827-3847 and ask to speak with your [Employer Representative](#).