



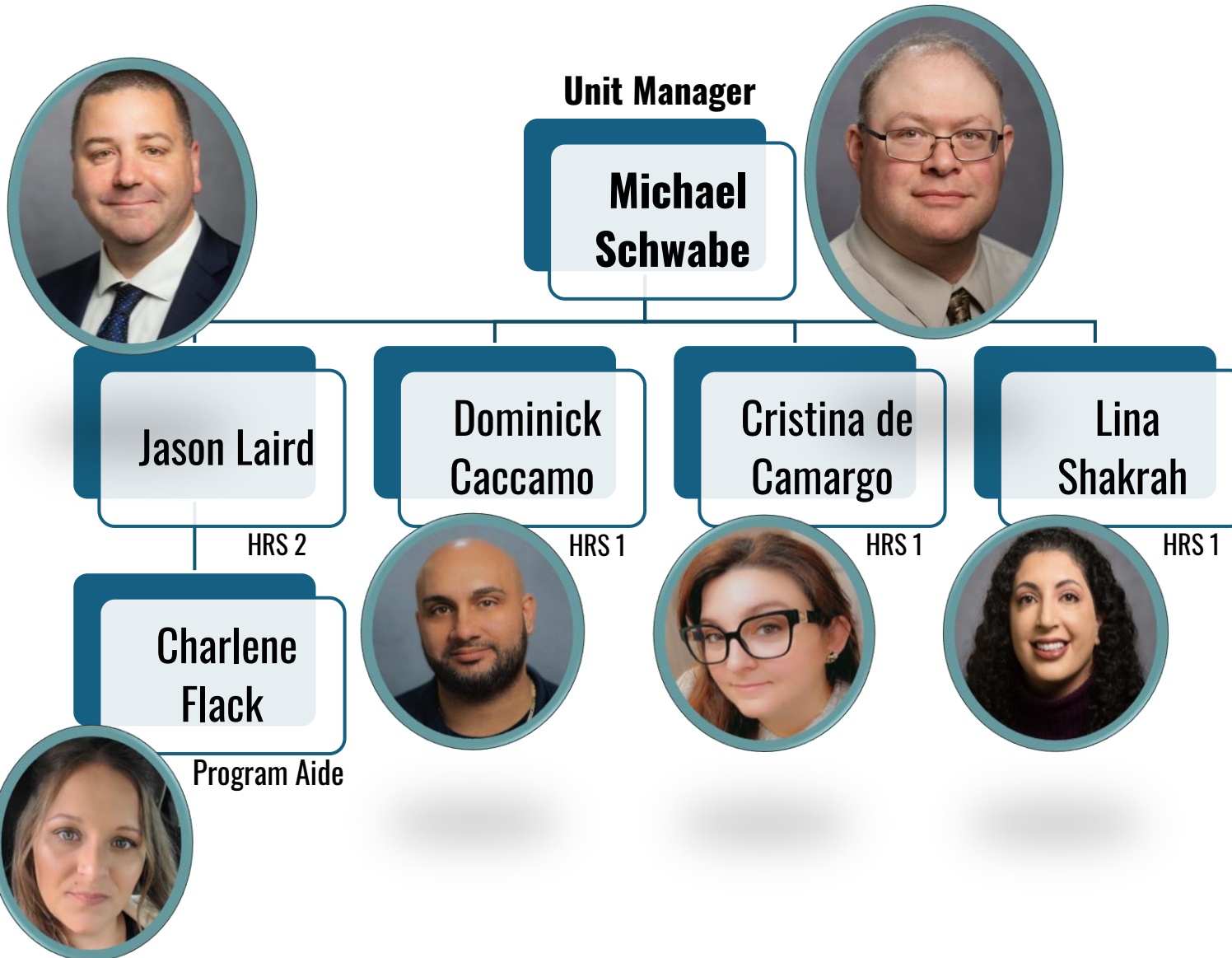
**Department of
Civil Service**

Navigating the 211 Waiver Application Process: An In-Depth Walkthrough and Relevant Law

JUNE 17, 2026

Municipal Services Division: Who We Are

211 Unit & MSD



Maria Kenneally
Director of Municipal Services

Introduction to Post-Retirement Employment

CSL §150

- Mandate periods

“[I]f any person subsequent to his or her retirement from the civil service [...] shall accept any [...] employment in the civil service [...] any pension or annuity [...] shall be suspended during such service or employment [...].”

RSSL §211

- Under Section 211, earnings from public employment are not limited for a retiree receiving a pension payment if the retiree returns to employment after having obtained the necessary approval.

*Additionally, RSSL 212 provides that there shall be **no earnings limitation** on or after the calendar year in which any retired person **attains the age of 65**.*

RSSL §212

- Under Section 212, a retiree may accept employment and receive a pension payment in the same calendar year. If the retiree obtains the necessary approval prior to the calendar year, prior approval under Section 212 is not needed.

- ❖ Section 211 Waivers allows service retirees under age 65 to earn more than the maximum earnings allowed under RSSL 212 and allows retirees to continue receiving pension payments (subject to certain restrictions).

Recruitment Difficulty



Urgent Need



"The state policy reflected in section 211 recognizes that 211 waivers play an important role in New York's workforce management, in the law enforcement arena as well as for filling other jobs such as nurses and school bus drivers. There are legitimate needs for hiring retirees including the transfer of knowledge to new hires, the need to keep vital work going until a permanent replacement can be hired, and the absence of non-retirees with the experience or qualifications required to perform the necessary government functions. While not a substitute for hiring and retaining new workers, in some cases hiring retirees may be necessary."

Prior to October 2008, prospective employers seeking a 211 waiver for retirees were required to demonstrate statutory criteria and have fewer than three candidates on an eligible list.

Additionally, retirees subject to the Post-October 7, 2008, statutory criteria are barred from returning to work "in the same or similar position for a period of one year following retirement."

The retired person is duly qualified, competent and physically fit to perform the duties of the position in which they are to be employed;

There is need for their services;

There are not readily available for recruitment other qualified persons if they are to earn more than \$1,000; and

Their employment is in the best interest of the government service.

In 2008, the Legislature enacted a series of reforms intended to crack down on pension double-dipping after an investigation of pension fraud in school districts. The new law included amendments designed to tighten the Section 211 waiver process.

Prospective employers are now required to “prepare a detailed recruitment plan” for positions in which they seek to temporarily place retirees.

The employment is in the best interest of government; and either

There is an urgent need for their services as a result of an unplanned, unpredictable, unexpected vacancy and sufficient time is not available to recruit a qualified individual and that such hiring shall be deemed as non-permanent rather than a final filling of such position; or

The prospective employer has undertaken extensive recruitment efforts and has determined that there are no available, qualified non-retirees.

If a retiree returns to work for a **former employer**, the earnings may be subject to earnings limitations under RSSL 212.

Within 1 year of retirement:

- The retiree **cannot** return to the same or a similar position or;
 - ❖ An identical title or;
 - ❖ The same tasks but a different title.

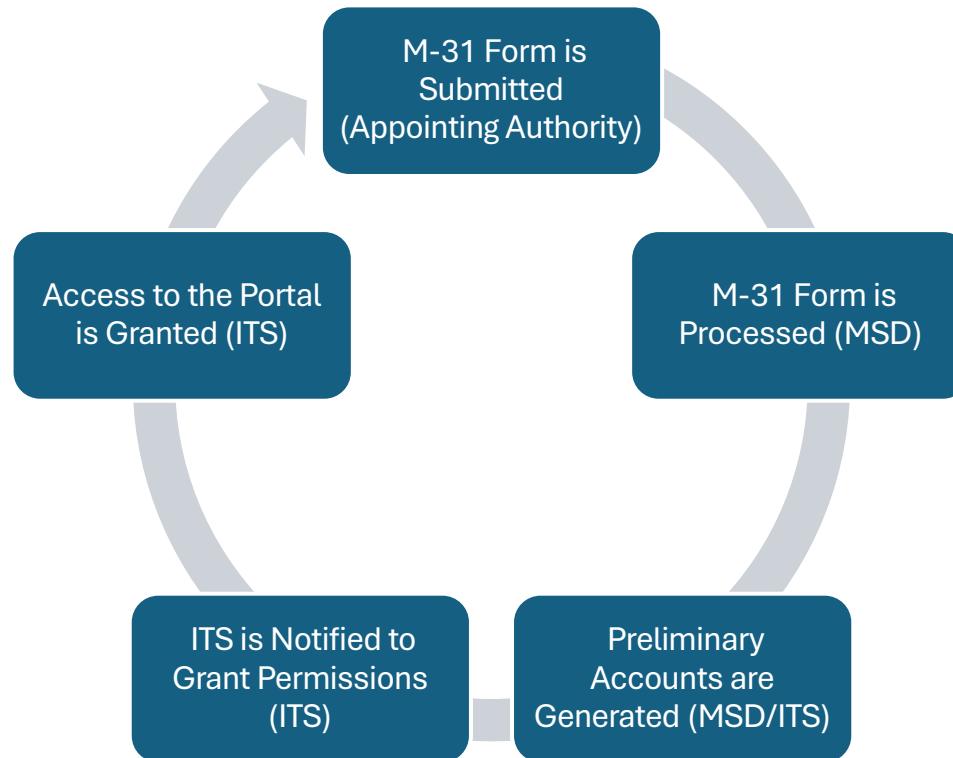


Submitting 211 Waiver Applications

Submitting 211 Waiver Applications

M-31 Form: Section 211 Application

- Request to access to the 211 Waiver Application online.



 NEW YORK STATE OF OPPORTUNITY.	Department of Civil Service Albany, NY 12239	MUNICIPAL SERVICES DIVISION Appointing Authority Request for Access to 211 System
		M-31 (2/2020 L)

User Information	SSN		Authorized Civil Service User ID	
	Last Name			Approved User ID
	First Name			
	MI			
	Title		DCS Authorization	
	Work Phone			
	Email Address			

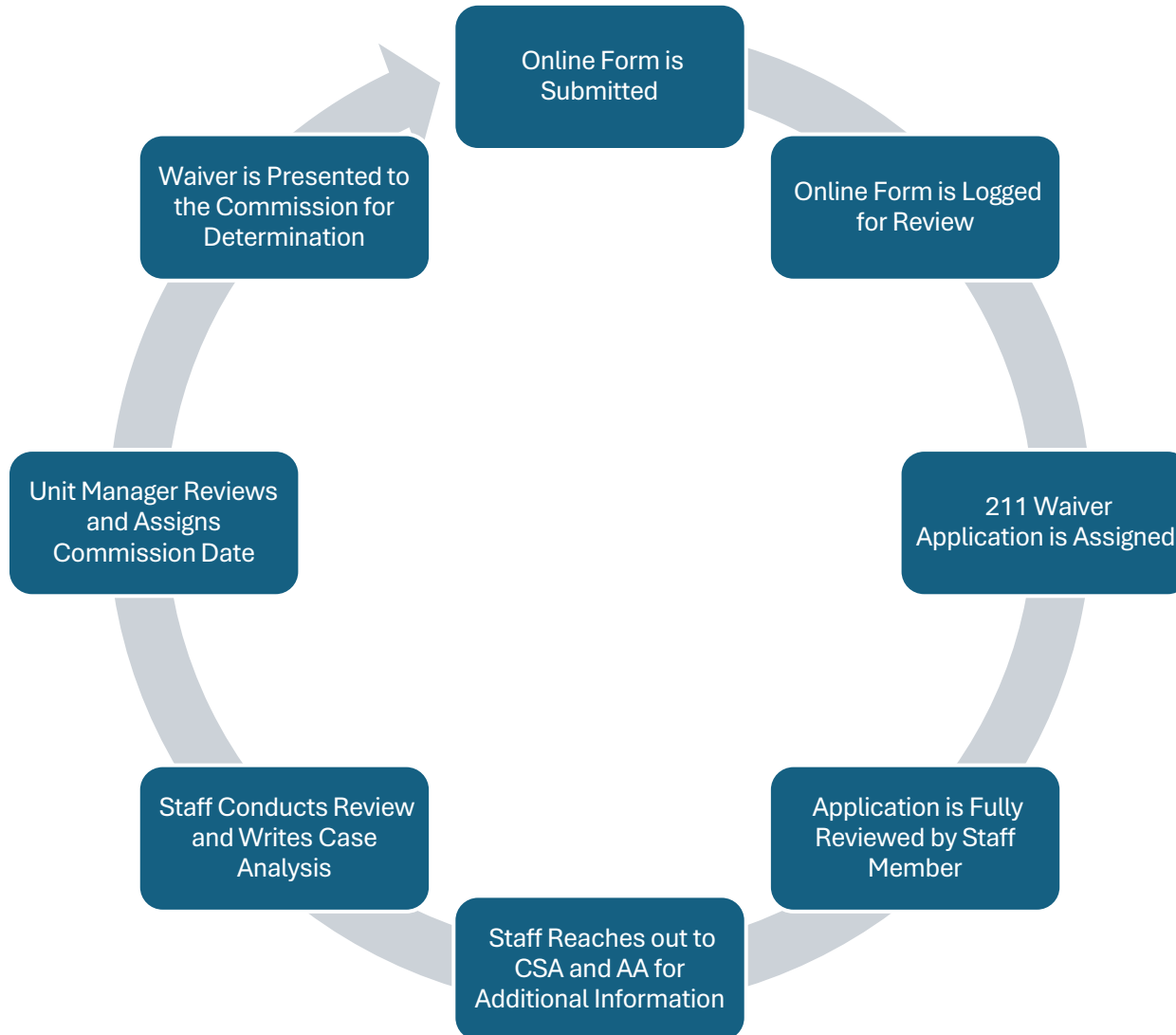
Mailing Address	Agency Name			Agency Code
	Building/Room			
	Street			
	City		State	Zip Code

Check Action to be Taken and Access Privileges:				
Indicate if request is	☐ New ID	☐ Add	☐ Change	☐ Delete
Permissions:	☐ 211 Waiver Application			

Agency Authorization	I am an appointing authority requesting user identification and access to the 211 waiver application. Only persons with the lawful authority to appoint or their designee may access the 211 waiver application.		
	Signature		Date:
	Name (Please Print)		Phone Number:
	Title		Fax Number:
Send Completed Forms to: 211inquiries@cs.ny.gov or NYS Department of Civil Service Albany, NY 12239			

Submitting 211 Waiver Applications

Section 211 Application (Portal)



Section 211 Application

Your Agency/Locality is: 08000

Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law.

This online submission form must be completed in detail and submitted by the appointing authority/agency. This form should only be used by public employers seeking to re-employ retired public retirees pursuant to section 211 of the Retirement and Social Security Law. Public employers seeking to re-employ public retirees pursuant to section 212 of the Retirement and Social Security Law should consult with the public retiree and/or the retirement system in which the public retiree is a member for information on the requirements for re-employment pursuant to section 212 of the Retirement and Social Security Law. Disability retirees are not eligible for employment under section 211 of the Retirement and Social Security Law. [Click here](#) for instructions on *How to File a Section 211 Waiver Application with the New York State Civil Service Commission*.

Select the Requesting Employer *required*

Select Retiree's Name or Enter SSN *required*

Search/Enter Individual

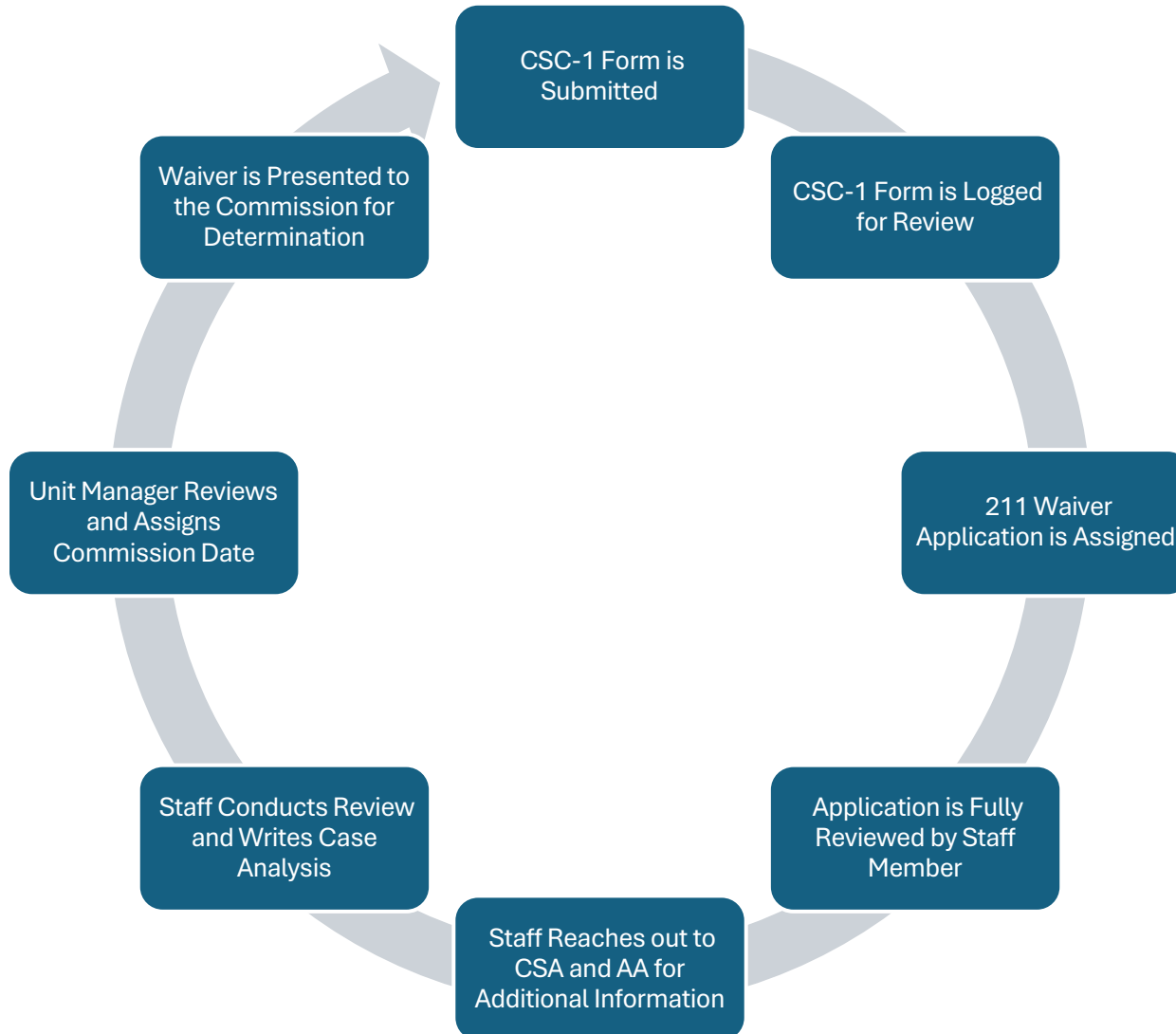
SSN - or - 211 Person

If the waiver is to cover an individual previously employed by your agency pursuant to section 211, select the individual's name using the drop down menu above. If you are seeking a "first time" section 211 waiver for a retiree, enter the retiree's Social Security Number in the space labeled SSN.

Once you have entered the required information, click the "Continue" button.

Submitting 211 Waiver Applications

CSC-1 Form: Section 211 Application



 Civil Service Commission Albany, NY 12239		SECTION 211 APPLICATION Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law CSC-1 (4/25)	
NOTE: THIS FORM IS TO BE COMPLETED IN DETAIL AND SUBMITTED BY THE APPOINTING AUTHORITY. USE THIS FORM ONLY FOR EMPLOYMENT UNDER SECTION 211. DO NOT USE FOR EMPLOYMENT UNDER SECTION 212. DISABILITY RETIREES ARE NOT ELIGIBLE FOR EMPLOYMENT UNDER SECTION 211.			
Requesting Employer		Retiree's Last Name, First Name, and Middle Initial	
Employer's Mailing Address, Street, City, State, Zip		Retiree's Mailing Address, Street, City, State, Zip	
Title of Position to be Filled by Retiree		Job Code (State agency use only)	
Jurisdictional Classification of Position ☐ Non-Comp. ☐ Policy Influencing ☐ Non-Policy Influencing ☐ Exempt ☐ Competitive ☐ Unclass. ☐ Labor ☐ Other		Appointment Type ☐ Permanent ☐ Temporary ☐ Provisional	Duration of Waiver (Two-Year Maximum) From _____ To _____ Anticipated Annual Earnings \$ _____
Name of Previous Public Employer		Retirement System	
Will the retiree be employed by his or her former employer, as that term is defined in Retirement and Social Security Law (RSSL) §210? ☐ Yes ☐ No			
If yes, the signatories will ensure compliance with the RSSL §211 Earnings Limitations referred to on page 4 of this application.			
Retiree's SSN	Retiree's Date of Birth	Retiree's Retirement System Number	
Date of Retirement	Type of Retirement ☐ Service ☐ Disability	Anticipated Annual Pension Amount \$ _____	
IMPORTANT: Has the retiree previously been granted a waiver under section 211 prior to October 7, 2008 ☐ Yes ☐ No If yes, when? From _____ To _____ For what position? _____			
IF YES, COMPLETE NOTE 1 and NOTE 3. IF NO, COMPLETE NOTE 2 and NOTE 3.			
NOTE 1 – Pre-October 7, 2008 criteria (attach all documentation and additional sheets as necessary)			
1. Fully describe the duties of the position for which the waiver is requested.			
2. Fully explain the minimum qualifications of the position. Official civil service qualifications must be used for recruitment. NOTE: Where minimum qualifications are established by the agency (unclassified service, exempt and other) they must be included in the recruitment advertising.			
SECTION B			
3. A formal recruitment effort must be conducted to determine that there are no other qualified non-retirees available for recruitment. If recruitment efforts are fruitless, such as hard to recruit or unique appointment process, you must provide a detailed explanation.			
4. Otherwise, check that you have completed and provided the following documentation:			
☐ Fully describe your recruitment efforts such as, conspicuous posting of the employment opportunity within the organization, public advertising, and evidence that the New York State Job Service has been contacted in the recruitment effort.			
☐ Aside from 211 experience, if any, indicate if retiree has unique skill sets and/or if the position requires unique skill sets.			
☐ YOU MUST post for a reasonable duration and explain how you determined the appropriate posting period. Fully describe where you posted as well as the expected volume of circulation. Consider factors such as salary of position and location when determining the duration of posting.			
☐ YOU MUST advertise for the salary you offer or explain why the salary is commensurate with experience.			
☐ Attach a copy of the recruitment announcement and advertisement.			
☐ You must specify the results of your recruitment effort and supply details regarding candidate responses to advertisements, interviews, and available candidates.			

Recruitment Efforts

Recruitment Efforts

Post-2008 Requirements



"Fully describe your recruitment efforts such as, conspicuous posting of the employment opportunity within the organization, public advertising, and evidence that the New York State Job Service has been contacted in the recruitment effort."

"Fully describe where you posted as well as the expected volume of circulation. Consider factors such as salary of position and location when determining the duration of posting."

"Specify the results of your recruitment effort and supply **details** regarding candidate responses to advertisements, interviews, and available candidates."

"If the request is for an urgent need, an explanation must be provided on the circumstances which created the unplanned, unpredictable, and unexpected vacancy for which a retiree is needed or that recruitment efforts are fruitless, such as hard to recruit or unique appointment process."

Recruitment Efforts



Confirm Official Civil Service Title
Confirm Appointment/Reinstatement



Provide the Current Job Specification
* Provide Information on Contract/RFP



Provide Eligible List/Certification
Information
* Provide Canvass Information

The Civil Service Agency's Role



Recruitment Efforts

Official Civil Service Title & Minimum Qualifications

Title	Official Civil Service Title
“School Resource Officer”	Police Officer
“Personnel Manager”	Police Officer
“Code Enforcement Officer / Zoning Officer”	Code Enforcement Officer II
“Deputy Director of Innovation”	Administrator II
“Road Patrol Officer”	Police Officer
“Deputy Director of Personnel”	Personnel Technician II



Recruitment Effort

Recruitment: Competitive

Exam ordered & held (when applicable).

Establish the eligible list / certification.

Demonstrate that there are no qualified non-retirees available for appointment.

SHOW ✓
YOUR ✓
WORK ✓




Recruitment Effort

Must undertake extensive recruitment efforts using official civil service qualifications.

Pre-2008 – determined **fewer than 3 qualified non-retirees** interested in appointment.

Post-2008 – determined **no qualified non-retirees** interested in appointment.

Must provide supporting documentation – fully describe recruitment efforts, attach copy of recruitment announcement & advertisement, specify recruitment results (i.e., candidate responses, etc.).

Police Officer – canvass eligible list, order competitive exam (held twice a year).

Recruitment: Non-Competitive

SHOW ✓
YOUR ✓
WORK ✓




Recruitment Effort

Recruitment: Exempt & Unclassified

Recruitment is like non-competitive positions.

Pre-2008 – determined **fewer than 3 qualified non-retirees** interested in appointment.

Post-2008 – determined **no qualified non-retirees** interested in appointment.

Commission will review qualifications used in recruitment and determine whether reasonable.

If qualifications deemed unreasonable, appointing authority will be directed to recruit with more reasonable qualifications or provide detailed explanation why qualifications necessary.

SHOW ✓
YOUR ✓
WORK ✓




Recruitment Effort

Provide a copy of the RFP showing the start and end date of the contract.

Confirm that the contract has been reviewed by the Personnel Director and a determination made that it represents a true employer/contractor relationship.

Provide information/documentation that there are no **qualified non-retirees** available for appointment.

Recruitment: Contractors

SHOW ✓
YOUR ✓
WORK ✓




Special Police Officers & 211 Waivers



GML Section 209-v: Reemploy retired police, correction, probation, or parole officers to patrol publicly owned property.

Retiree can be reinstated if previously held **permanent competitive** status in previously listed positions, **without further examination**.

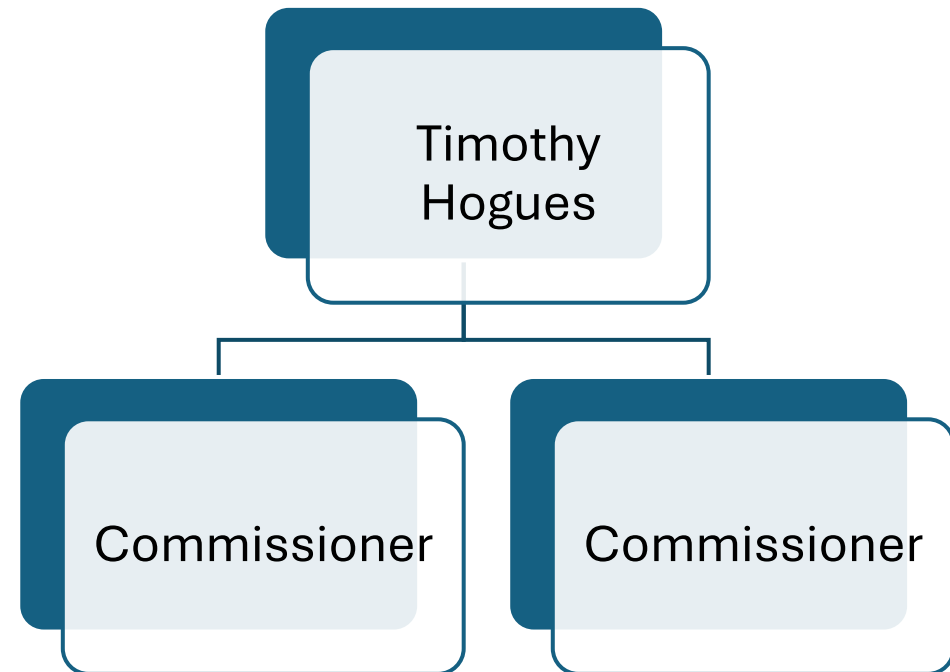
Only a retiree can hold position – **no** recruitment effort needed.

If waiver requested **within 1 year** of retirement, Appointing Authority required to describe how pre-retirement duties compare to SPO duties.

New York State Civil Service Commission

- ❖ Commission meetings are held monthly, with a recess in August.
- ❖ The Commission Meeting Calendar is uploaded prior to each occurrence and is located on the [NYS DCS Website](#).
- ❖ The Commission Meeting is streamed live via Webcast each month and can be viewed on the [NYS DCS website](#).
- ❖ The Commission no longer requires recertification every six months as of April 9th, 2025. However, the regular 211 process of having to re-apply if a waiver is needed, before the expiration date, is still required.
- ❖ There is **no** appeals process for 211 Waivers.

Commissioner and President of the New York State Civil Service Commission



N.Y. Comp. Codes R. & Regs. Title 4 § 56.1

Approval of Employment of Retirees



(1) it is demonstrated that there was an intent on the part of the employing agency to hire the retiree pursuant to section 211 of the Retirement and Social Security Law;

(2) the retiree understood that he was being employed pursuant to that section; and

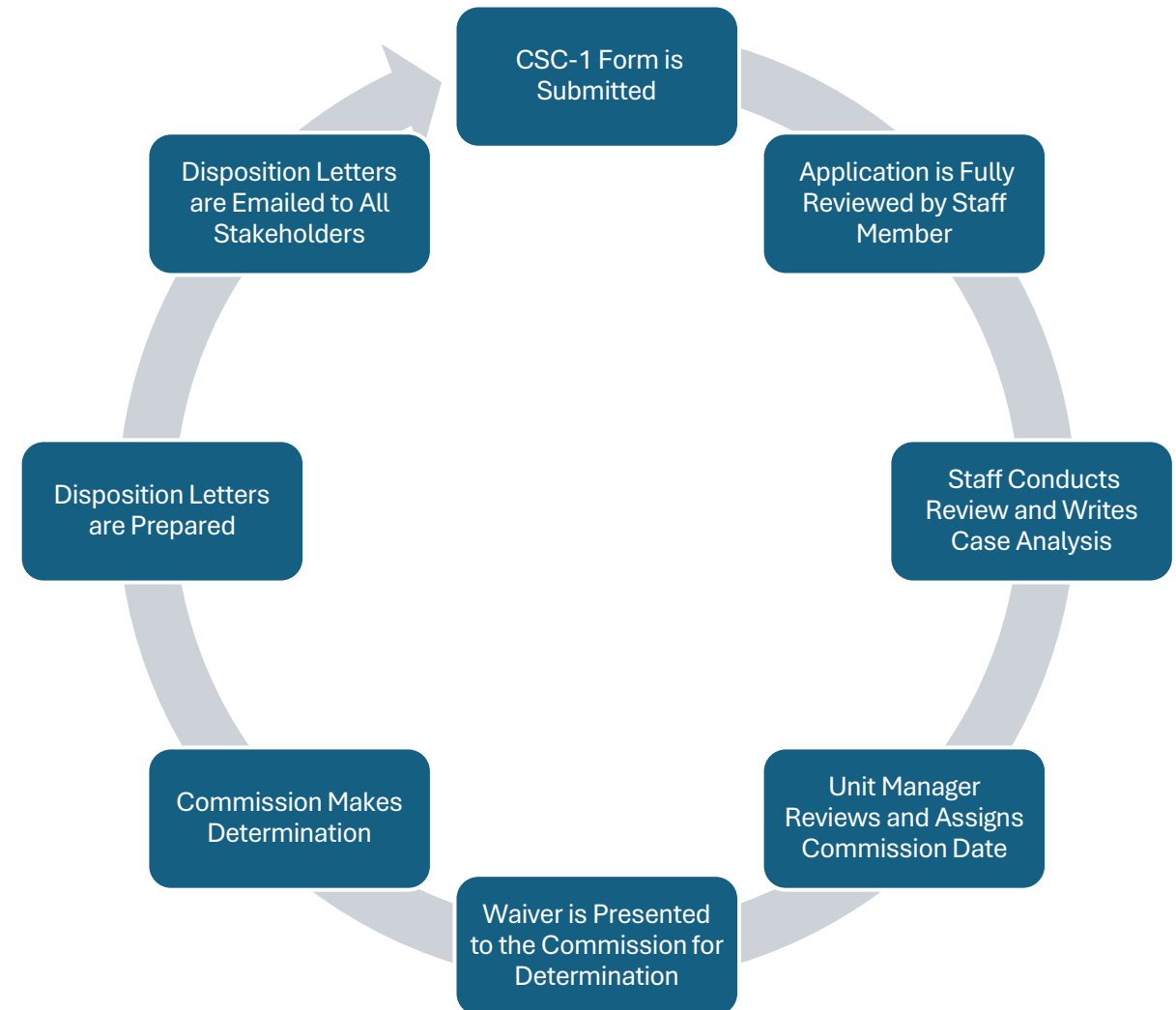
(3) only through an error of commission or omission approval was not effectuated. The burden to demonstrate such exception circumstances is upon the employing agency.

Post-Commission Wrap-Up

Post-Commission Wrap-Up

Disposition Letters & Outreach

- Fully manual process (1-2 weeks).
- Please ensure all parties that should receive copies of the Disposition Letter(s) are indicated on the application(s).
- If the retiree encounters an issue with their pension, they must speak with the retirement system directly. MSD is **NOT** affiliated with their office and cannot provide guidance on pension information.
- Please reach out to 211Inquiries@cs.ny.gov with any questions or concerns.



Q&A Session



**Department of
Civil Service**