

Leave Accruals for Retirees Returning to Work (RRTW/RRTW2)

Question: Is it permissible for an employer to allow an RRTW to carry leave accruals (vacation, sick and/or personal, etc.) from their pre-retirement position into their post-retirement position?

Answer: No. There are two primary reasons:

1. **BONA FIDE TERMINATION**: By law, an employer must pay any unused, accrued vacation leave to an employee upon termination. While the same is not true for other types of accruals (e.g., sick leave), transferring such credit to the RRTW position creates an inference that the termination was not bona fide. A bona fide termination is required under state and federal law in order for the individual to retire.
2. **DOUBLE CREDIT/USE**: Many retirees receive MainePERS service credit for unused and unpaid leave days when they retire (up to 90 days or 720 hours). To make those same days available to the RRTW employee would be to allow them to benefit from the same accruals twice.

The Retired, Returned to Work (RRTW) definition from your Employer Self-Service Payroll Filing Manual under Personnel Status Codes reads:

"53 or 96 - Retired, Returned to Work: An employee who continues to draw a MainePERS retirement benefit from an employer in the System, and returns to work for the same employer without accruing additional benefits." (The State and all Teacher units are considered the same employer.)

Questions regarding retired member accruals, who are returning to work should be directed to the MainePERS Retirement Services Unit.