Working After Retirement

2026 KPERS Employer Conference

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KPERS

Working After Retirement Rules

KPERS Retirees who return to work for a KPERS employer are subject to working-after-retirement rules, which are different from active-member rules.

No Prearrangements

- The law states that KPERS employers and their employees cannot make prearrangements (anytime before retirement or during the waiting period after retirement) to return to work.
- The statutory definition of a prearrangement states that a prearrangement occurs when the "facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement."
- Written or verbal communication is not allowed. Consider it a period of silence.

Waiting Period

- Retirees have a waiting period before they can return to work for **ANY** KPERS-affiliated employer, in **ANY** capacity. The waiting period starts the day after their retirement date with KPERS.
- *This may not be the last day at the employer or last day on payroll.
- Retire before age 62 = **180 days**
- Retire age 62 or after = **60 days**
- To calculate the waiting period, count the day after retirement as day one.

No Earnings Limit

- KPERS retirees don't have an earnings limit or make member contributions.
- The employer contribution rate increases from the regular statutory rate to 30% when a retired employee's wages top $40,000 in a calendar year (January-December).
- Negotiation of salary- between employer and retiree.

Enrolling Retirees

Generally, enroll all KPERS retirees who work for your employer, even those in non-covered positions like part-time, temporary or seasonal positions and report their wages. If an employee is not a KPERS retiree (the enrollment look up will tell you), enroll them as an active member.

Exceptions (Do Not Enroll)

Still must follow "no prearrangement" and waiting-period rules

- Election poll workers
- Sub teachers without a contract
- Legislative staff
- Positions covered by KBOR Mandatory Retirement Plan
- STARBASE employees
- Licensed nurses and direct support workers at a KPERS affiliated community developmental disability organization (CDDO)
- High school athletics official or judge for interscholastic events (speech, debate, theatre judge)- if only position.

Kansas State HS Activities Assoc - KSHSAA

- Referees, extracurricular judges or ticket-takers without contracts.
- Prearrangement and waiting-period rules DO NOT apply if they are working ONLY in these positions.
- If the retiree holds additional positions within the school district, regular rules apply.

3rd Party and Independent Contractors

Questions to ask:

- Is this the same position as held before retirement?
- Same position or same employer?
- Who is paying the salary, negotiating responsibilities, etc.
- Would this be a position that is normally hired directly through the employer?

Contributions

- **Employees** working after retirement do not pay contributions.
- **Employers** generally **do pay** the statutory contribution rate based on wages of covered employees. Check out specific employer rates on the **Contribution page**.

Position Types	Covered Positions[1]	Non-Covered Positions[2]
Earnings Limit	No Limit	No Limit
Employer Contributions	Up to $40,000 (as of 7/1/2024) earnings: **Statutory Rate** Above $40,000 earnings: **30%***	No Contributions (still enroll and report wages) *$40,000 rate threshold does not apply to non-covered positions*

1. Not seasonal/temporary and requires at least 1,000 hours (630 for schools) per year.
2. Seasonal/temporary and requires less than 1,000 (630 for schools) per year.

The system tracks wages for you and automatically changes the rate when needed. The rate change to 30% starts with the first pay period after the employee $40,000 total in the calendar year for both school and non-school employers.

KP&F Working After Retirement

- 30-day waiting period before returning to ANY KPERS affiliated employer in ANY position.
- Retired on or after July 1, 1988, and go back to work for the same employer they worked for during their last two years of KP&F participation.
- Cannot enroll through the KPERS system. Must manually track wages. Submit the KP&F-15S KP&F Retiree Earnings Limitation Form once retiree earns $40,000 (after retirement), in a calendar year.

KP&F Earning Limitation Form (KPERS-15S)

KPERS

KP&F-15S Rev. 7/24

SAVE

RESET

PRINT

KP&F RETIREE EARNINGS LIMITATION FORM

■ **Important –** This form is for KP&F retirees who go back to work for the same employer after retirement. Retirees have a $40,000 earnings limit if they:

1. Retired on or after July 1, 1988 **and**
2. Go back to work for the **same** employer they worked for during their last two years of KP&F participation.

■ **Contact Us – toll free**: 1-888-275-5737 • **phone**: 785-296-6166 • **fax**: 785-296-6638
email: kpers@kspers.gov • **web site**: kspers.gov • **mail**: 611 S. Kansas Ave., Suite 100, Topeka, KS 66603

■ **Part A – Member Statement**

I, (print full name) _____, (Social Security number) _____, having been employed on (date) _____ by (name of KP&F participating employer) _____ and being advised of the provisions of K.S.A. 74-4957 (5) understand that my retirement benefits will be suspended for the remainder of the current calendar year unless I terminate my employment. If I work through the remainder of the current calendar year, my benefits will resume in January of the following year. The January benefit is payable on the last working day of January.

Signature: _____ Month/Day/Year: _____/_____/_____

■ **Part B – Designated Agent Statement**

"I understand it is the employer's responsibility to notify the Retirement System immediately when this member leaves employment or earns $40,000 or more in a calendar year."

Signature: _____ Month/Day/Year: _____/_____/_____

Employer Number: _____

Date $40,000 was reached: _____

Flyer for Employers



Working After Retirement

If you hire a retired KPERS member, there are a few things you need to know, as a KPERS employer, about working after retirement.

What Employers Should Know

The same laws that allow KPERS retirees to work at a KPERS employer also include unique rules, restrictions, rates, limits and exemptions you should know.

- **No earnings limits** for employees who are working after retirement in KPERS-covered or non-covered positions.
- **No prearrangements** to return to work before retirement or during the waiting period after retirement (penalties apply).
- 180-day **waiting period** for retirees under age 62. The waiting period is 60 days for retirees age 62 and older.
- Employees do not make **contributions**.
- **Employers contribute** the regular/statutory rate on earnings up to $40,000 and 30% on earnings above $40,000.
- Do not enroll **exempt positions** (prearrangement and waiting-period rules still apply).

Exempt positions include:
- Election poll workers
- Substitute teachers without contracts
- Referees, extra-curricular judges or ticket-takers without contracts
- Legislative staff
- Positions covered by KBOR Mandatory Retirement Plan
- Nurses and direct support workers at CDDOs

- **KP&F retirees** returning to work in a KPERS position become active KPERS members. Enroll them as a new member in **KPERS (plan 1)**. They are under the rules for no pre-arrangement and have a 30-day waiting period.

Quick Guide

	Enroll & Contribute	Enroll & Don't Contribute
Position Types	Covered Positions[1]	Non-Covered Positions[2]
Earnings Limit	None	None
Employer Rate	First $40,000: Statutory Rate Over $40,000: 30%[3]	No Contributions
Waiting Period[4]	Retire before age 62: **180 Days** Retire age 62 or after: **60 days**	

1. Not seasonal or temporary and requires at least 1,000 hours (630 for school(s) of work per year
2. Seasonal or temporary and requires less than 1,000 hours (630 for schools) of work per year
3. Rate change to 30% starts with the first pay period after employee reaches $40,000
4. Arrangements to return to KPERS employer not allowed anytime before KPERS retirement or during waiting period.

Enroll or Don't Enroll

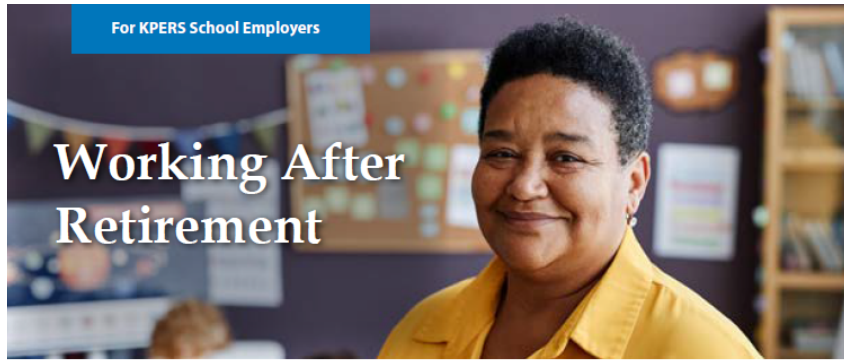
Third-party and independent contractors

	Question	Answer	Action
Q1	Is retiree returning to position similar to one held before retirement?	No	Go to Q2
		Yes	Enroll
Q2	Are position's activities normally performed exclusively by employees?	No	Go to Q3
		Yes	Enroll
Q3	If third-party, will contractor's services be used for a limited time?	Yes	Don't Enroll
		No	Enroll
Q4	If independent contractor, does position meet IRS criteria for an independent contractor?	No	Enroll
		Yes	Don't Enroll

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Flyer for School Employers



What Employers Should Know

The same laws that allow KPERS retirees to work at a KPERS employer also include unique rules, restrictions, rates, limits and exemptions you should know.

- **Waiting-period rules apply.** It's 180 days for retirees under age 62 and 60 days for retirees age 62 and older.
- **No prearrangements** to return to work before retirement or during the waiting period after retirement (penalties apply).
- **No earnings limits** for employees who are working after retirement in KPERS-covered or non-covered positions.
- **Employees do not make contributions.**
- **Employers contribute** the regular/statutory rate on earnings up to $40,000 and 30% on earnings above $40,000 for employees in KPERS-covered positions.
- **KP&F retirees** returning to work in a KPERS position may become active KPERS members. Enroll them as a new member in **KPERS (Plan 1)**. They are under the rules for no prearrangement and have a 30-day waiting period.
- Do not enroll **exempt positions.**

  Exempt positions include:
  - Substitute teachers without contracts. ***Prearrangement and waiting-period rules still apply.***
  - Referees, extracurricular judges or ticket-takers without contracts. ***Prearrangement and waiting-period rules DO NOT apply if they are working ONLY in these positions.*** If the retiree holds additional positions within the school district, regular rules apply.

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2. Seasonal or temporary and requires less than 1,000 hours (630 for schools) of work per year.
3. Rate change to 30% starts with the first pay period after employee reaches $40,000.
4. Arrangements to return to KPERS employer not allowed anytime before KPERS retirement or during waiting period.

Enroll or Don't Enroll

Third-party and independent contractors

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Q3	If third-party, will contractor's services be used for a limited time?	Yes	Don't Enroll
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Q4	If independent contractor, does position meet IRS criteria for an independent contractor?	No	Enroll
		Yes	Don't Enroll

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Penalties

If a retiree is found to have a prearrangement to return to work, or not served the appropriate waiting period, the retirement benefit will be suspended. This would start the month they return to work and end 6 months after they quit working.

Questions?