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March 19, 1985

The Honorable Lillian S. Fisher  
Judge of the Superior Court of  
Pima County, Division 4  
111 West Congress Street  
Tucson, Arizona 85701

Re: I85-038 (R85-018)

Dear Judge Fisher:

This letter is in response to your inquiry concerning receipt of retirement benefits while working for a governmental entity. A.R.S. § 38-814 provides:

A. Except as provided in § 38-809,<sup>1</sup> a retired [judge] member who holds a public office of the federal government, state government or any political subdivision thereof or is otherwise employed by the federal government, state government or any political subdivision thereof for compensation forfeits his right to retirement benefits while serving as a public officer of or

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1. A.R.S. § 38-809 allows retired judges to assist the superior or appellate courts under direction of the Supreme Court, or to be temporarily called back to active duty, receiving the same compensation and expenses as other active judges less any amount received during the active duty period in retirement benefits.

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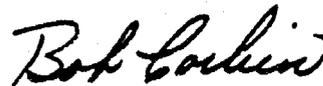
while employed by the federal government, state government or any political subdivision thereof for compensation.

B. If a retired member accepts a public office of or employment by the federal government, state government or any political subdivision thereof for compensation and forfeits his right to retirement benefits during that service, on application his previously fixed retirement benefits shall be restored at the termination of service for compensation.

Thus, by its terms, A.R.S. § 38-814 precludes a retired member from receiving retirement benefits while being employed for compensation by the federal or state government or its political subdivisions. These governmental entities include a junior college or a university, as they are political subdivisions of the state government. A.R.S. § 38-814 does not prohibit a retired judge from working for these governmental entities.

The restrictions imposed by A.R.S. § 38-814 do not apply to a surviving spouse. Likewise, these restrictions would not affect employment by a retired judge with a corporation that has contracts with governmental entities.

Sincerely,



BOB CORBIN  
Attorney General

BC:DR:sr