



4.5.9 Re-Employment of Retirees

Chapter 4 - General Personnel	Original Effective Date: November 2000
Section: 4.5 Employment Administration	Date Last Reviewed: September 2005
Responsible Entity: Vice President and Chief Human Resources Officer	Date Last Revised: September 2005

I. Purpose

To establish criteria for the re-employment of retirees at UT Health San Antonio.

II. Scope

This policy applies to all classified and administrative and professional (A&P) employees of UT Health San Antonio who retire and meet the retirement eligibility requirements.

III. Policy

A. General Policy

Employees who retire from UT Health San Antonio (UTHSA) and meet the retirement eligibility requirements under the Teacher Retirement System (TRS) or Optional Retirement Program (ORP) are eligible to return to work at UTHSA.

UTHSA will not discriminate, in accordance with the Age Discrimination in Employment Act (ADEA), against an applicant or retiree who is age 40 or over on the basis of age for the purpose of employment.

B. Special Note

Retired employees who are considering returning to work at UTHSA are advised to contact the Office of Human Resources for more information about return to work rules and procedures. This policy is intended to provide general policy provisions; however, the application and implications of this policy may differ from person to person due to individual circumstances.

C. Break in Service Restrictions

A retiring employee covered under the TRS must have a break in service of one (1) full calendar month following the effective date of retirement before returning to work.

4.5.9 Re-Employment of Retirees

For example, an employee who retires January 31st cannot return to work until March 1st. If the employee elected to retire January 15th, he or she would still not be able to return to work until March 1st since the whole month of February is considered to be the “one full calendar month”.

A retiring employee covered under the ORP must have a break in service of at least one (1) full work day following the effective date of retirement before returning to work.

D. Retirement Annuity Benefit Restrictions

A TRS return to work retiree may work for up to six (6) consecutive months of service at 51% to 100% appointment time without any effect on his or her retirement annuity benefit. A retiree who exceeds the employment limitation will forfeit some retirement benefits for each month in which the limit is exceeded. If a retiree exceeds the employment limitation and forfeits retirement benefits, his or her retirement benefits will resume at the beginning of the next fiscal year. A return to work retiree who works 50% time or less, regardless of length of time, will not forfeit any retirement benefits.

ORP return to work retirees do not have any restrictions on their retirement annuity benefit.

E. Health Insurance and Retirement Deduction Restrictions

Return to work retirees will not have any payroll deductions for employee health insurance coverage or for retirement participation. The University of Texas System retiree health insurance program will continue to provide health care insurance coverage to eligible retirees who have returned to work. Payment arrangements for the retiree health program are handled through Human Resources.

Return to work retirees will not have any payroll deductions for the TRS or ORP retirement plans. However, return to work retirees may participate in the Health Science Center’s voluntary UTSaver Tax Sheltered Annuity Program (TSA) and/or the UTSaver’s Deferred Compensation Program (DCP)

F. Surcharge to Departments

The institution will be required to pay a surcharge for all return to work TRS retirees equal to 12.4% of the their gross pay who are rehired in benefits eligible positions at least 50 percent (50%) time for at least 4-1/2 months. This pertains to retirees who returned to work after January 2005.

4.5.9 Re-Employment of Retirees

G. Other Benefits

Retired state employees who return to state service in a benefits eligible position are eligible for personal leave, vacation, and sick leave accruals. Personal leave is earned at the rate of eight (8) hours three times a year if full time or prorated based on percent time. Vacation accruals are based on post-return to work service only. Sick leave will be restored provided:

1. The return work retiree had at least one (1) calendar month break in service, and
2. The retiree returned to work within one (1) year of retirement, and
3. The amount of sick leave restored was not donated to the sick leave pool.

Retirees who retired on or after June 1, 2005 and later return to work do not receive longevity pay or benefit replacement pay. Current pay provisions are grandfathered for those who retired before June 1, 2005, and return to work before September 1, 2005.

H. Procedures for Reemployment of Retiree

A retired employee who wishes to return to work at UTHSA must submit a job application for the job that is posted and in which he or she is interested. Standard employment procedures will apply in accordance with UTHSA policies.

On an exception basis, a department who wishes to rehire a retiree to the same job or similar job with the same qualifications in the same department may request a waiver of the standard posting and employment procedures. This may occur in situations where the department has a need to rehire the employee to complete a project(s) or to assist in the transition until a new replacement is hired or to take advantage of the retiree's knowledge, skills and experience that will significantly benefit the department.

A department that wishes to request a waiver of standard employment procedures to rehire a retiree must follow the procedures below. The request for waiver is in lieu of submitting a personnel requisition. If the waiver is approved, a job application from the job candidate is not required.

1. The department head should put the request in written memo form requesting a waiver for posting the position and indicating the selection of the retiree as the job candidate.
2. The format and content of the memo should include the following:
 - a. It should be signed by the department head and the Executive Committee member to which the department head reports;
 - b. It should be addressed to the Vice President for Human Resources for approval for classified and A&P positions;

4.5.9 Re-Employment of Retirees

- c. The narrative of the memo should request a waiver of the posting requirement.
- d. It should include a brief summary of the position's duties and qualifications;
- e. It should indicate and justify the selection of the retiree, including the retiree's qualifications and how the department will benefit;
- f. It should include the anticipated hire date, salary, and percent time appointment;
- g. The Authorization for Security Background and Sanction Check should accompany the memo or be sent directly to the Human Resources employment office; and,
- h. The memo should be sent to the employment office in Human Resources for classified and A&P positions.

If approved by the Vice President for Human Resources, the employment office will conduct the necessary checks and make the job offer if the position is classified or A&P.

IV. Definitions

There are no defined terms used in this Policy.

V. Related References

Institutional Handbook of Operating Policies (IHOP)

[4.4.1 Criminal Background Checks](#)

[4.5.11 New Employee Processing](#)

[4.7.24 Comprehensive Leave Program](#)

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
11/2000	Policy Origination		
09/2005	Policy Revision		