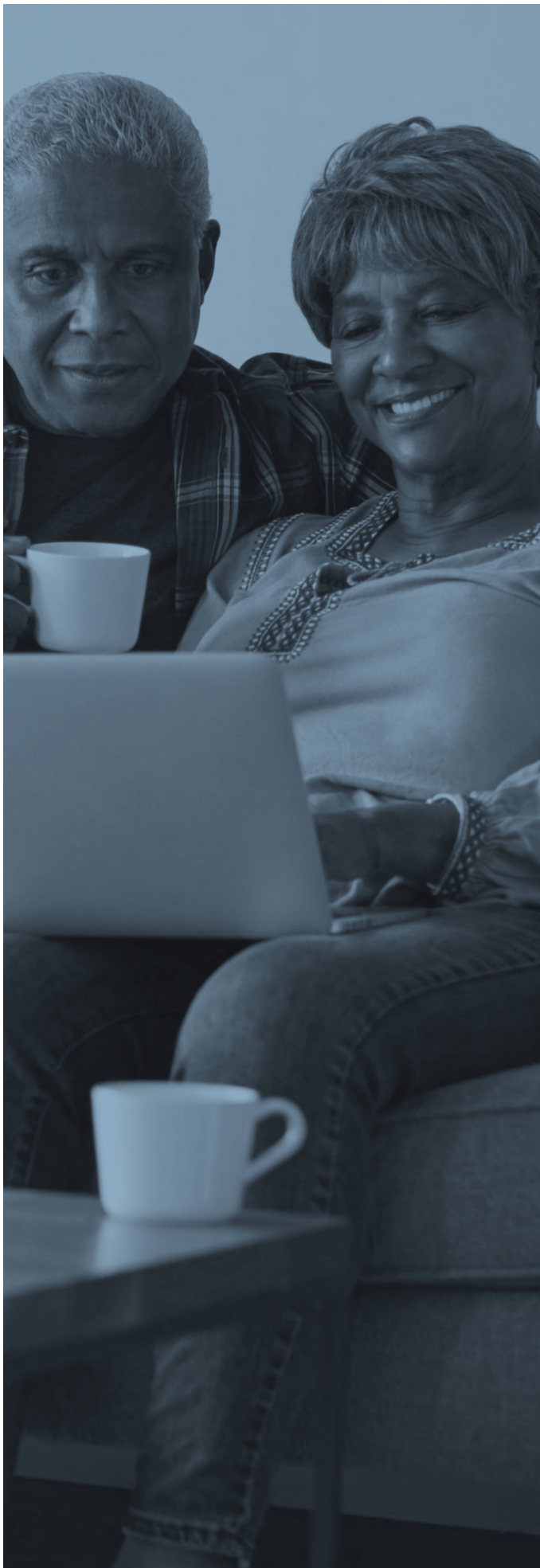


EMPLOYMENT AFTER RETIREMENT

How it Works for You

May 2020



Our Vision

Earning your trust every day.

Our Mission

Improving the retirement security of our members by prudently investing and managing the trust assets and delivering benefits that make a positive difference in their lives.

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INTRODUCTION

If you're considering returning to work for a TRS-covered employer after you retire, the information and examples in this brochure will help you make decisions to avoid revoking your retirement or becoming ineligible for annuity payments.

Specifically, information in this brochure applies to employment with a TRS-covered employer. Service retirees may work without limits for an employer **not covered** by TRS without losing any monthly annuity payments. Disability retirees may work an unlimited amount of time for an employer **not covered** by TRS but may be subject to compensation limits.

Also, service retirees who retired **before Jan. 1, 2011** may work an unlimited amount of time for a TRS-covered employer without forfeiting an annuity. Service retirees who retired **on or after Jan. 1, 2011** may work an unlimited amount of time for a TRS-covered employer, without forfeiting an annuity, once they have completed a 12 full, consecutive-calendar-month break in service. Disability retirees have different limitations than service retirees; please refer to the section for disability retirement.

If you still have questions after reading this brochure, please contact TRS. We're here to help and are the experts on your retirement. **Do not rely on information provided to you by another retiree, co-worker or even your employer;** your retirement status may be different, you may have retired at a different time and different laws may apply.



THINGS YOU SHOULD KNOW

Whether you are retired or considering retiring this year and are planning to return to work for a TRS-covered employer, it is important to understand limitations that may apply. This section includes information on some things that may be helpful to understand before returning to work.

- Effective Retirement Date
- Service Retirement
- Disability Retirement
- Break in Service
- June 15 Rule
- Employment Types
- Monthly Limits
- Surcharges
- Volunteering
- Working for a Third-Party Entity
- Working as an Independent Contractor



Effective Retirement Date

Your effective retirement date with TRS will always be the last calendar day of the month that you retire, regardless of the last day you reported to work for your employer. This date is stated on your *Retirement Application Acknowledgment* (Form TRS 32).



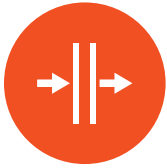
Service Retirement

Service retirement eligibility is based upon your age, membership tier and years of service credit you have at TRS. If you meet the requirements for service retirement, you may apply to receive a monthly annuity, calculated according to state law.



Disability Retirement

Members are approved by the TRS Medical Board for disability benefits. If you meet the requirements for disability retirement, you may apply to receive a monthly annuity as a disability retiree regardless of your age or years of service credit. Disability retirement annuity benefits are approved if a member is mentally or physically disabled from further performance of duty and has a disability that is probably permanent.



Break in Service

One-Month Break in Service

All retirees must observe a one full, calendar-month break in service after their effective retirement date to avoid revoking their retirement. Returning to work for a TRS-covered employer in the month directly following your effective retirement date will revoke your retirement. If you revoke your retirement, you will be required to terminate all employment with TRS-covered employers and then resubmit retirement paperwork with a new date. Additionally, any annuity payments received would need to be returned along with partial lump-sum option (PLSO) payments and TRS-Care health care payments.

A person who retires without meeting the minimum eligibility for their tier and has a reduced annuity payment may not negotiate with a TRS-covered employer, for any type of employment, before completing the one full, calendar-month break in service.

12 Full, Consecutive-Calendar-Month Break in Service (Applies to Service Retirees Only)

Service retirees with an effective retirement date of January 2011 or later may return to work in Texas public education without forfeiting monthly annuity payments after observing a 12 full, consecutive-calendar-month break in service. This break in service begins the day after your effective retirement date and ends on the last day of the 12th month. You cannot work in any capacity in Texas public education during the 12-month break in service.

Service retirees with an effective retirement date **before Jan. 1, 2011**, may return to work *without restrictions*. Retirees with an effective retirement date of **January 2011 or later**, may return to work *with restrictions* after observing the required one full, calendar-month break in service.

Effective Retirement Date	One-Month Break in Service	Return to Work
Before Jan. 1, 2011	Required	No Restrictions
After Jan. 1, 2011	Required	Limits Apply

Note: See June 15 rule if your effective retirement date is May 31 and you work up to June 15.



June 15 Rule

The June 15 rule allows a member to have a retirement date of May 31 if employment is terminated by June 15. This option delays the start of your one full, calendar-month break in service. Therefore, you may not return to work from June 15 through July 31; otherwise, you will revoke your retirement. Additionally, if you plan to take a 12 full, consecutive-calendar-month break in service, the first full month of the break is July. This means the 12-month break in service ends June 30 of the following calendar year.



Employment Types

TRS-covered employers are required to submit monthly reports that include payroll information about all of their employees, including service and disability retirees who return to work. The report includes type of employment, number of hours worked, number of days worked, and salary. TRS reviews this information every month to ensure compliance with TRS laws and rules. You may be reported as working under the following types of employment.

Substitute: A person who serves on a temporary basis in place of a current employee and receives the daily substitute rate of pay. A person may also serve as a substitute for 20 days in a vacant position unless the person retired from the position.

One-Half Time or Less: A person who works no more than the equivalent of four clock hours for each workday (Monday through Friday) in a calendar month. Paid leave also counts as time worked.

Combined: A person who works as a substitute **and** in a one-half time or less position during the same calendar month is limited to working no more than one half the number of workdays in that calendar month. Working any portion of a day counts as a full day.

Full Time: A person who exceeds one-half time for the calendar month.



Monthly Limits

Limits apply to all service retirees with a retirement date of January 2011 or later who have not observed a 12 full, consecutive-calendar-month break in service following their effective retirement date. Monthly limits are published each school year as they change from year-to-year depending how the days fall in each calendar month. As a service retiree, it is important for you to understand your employment type and use the [Employment After Retirement \(EAR\) Limits chart](#) to remain compliant with employment after retirement laws and rules. The chart is available under the Retirees and Beneficiaries tab on the TRS website (www.trs.texas.gov). Understanding the EAR Limits chart will be extremely helpful should you decide to return to work for a TRS-covered employer without forfeiting your annuity payments.

Month	Number of Hours a Retiree Working One-Half Time or Less May Work Without Forfeiting Annuity	Number of Workdays Retirees Combining Substitute and Other TRS-Covered Employment May Work Without Forfeiting Annuity
September	# of Hours	# of Days
October	# of Hours	# of Days
November	# of Hours	# of Days
December	# of Hours	# of Days
January	# of Hours	# of Days

▶ *Service retirees with an effective retirement date before Jan. 1, 2011 are not subject to EAR limits.*



Surcharges

Employers will owe surcharges to TRS each month on all retirees who retired after Sept. 1, 2005 and work more than one-half time employment. The amount of the pension surcharge is equal to the amount of both member and state contributions on the compensation paid. A health benefit surcharge is also due for TRS-Care participants. Your employer may pass these surcharges on to you.



Volunteering

If you volunteer in a position that is typically paid or you continue to work without pay during the first 12 full, consecutive-calendar months after retirement, you will be considered an employee instead of a volunteer. This could cause you to forfeit your annuity if you exceed the EAR limits, and will restart your 12-month break in service.

After the 12 full, consecutive-calendar-month break following retirement, you may volunteer freely. However, if you volunteer in an effort to avoid exceeding EAR limits and you are truly an employee of the TRS-covered employer, you will lose your annuity for that month if you have not observed the 12 full, consecutive-calendar-month break in service and the work you perform exceeds one-half time.

For disability retirement, additional information on volunteering can be found in the Disability Retirees section of this brochure.



Working for a Third-Party Entity

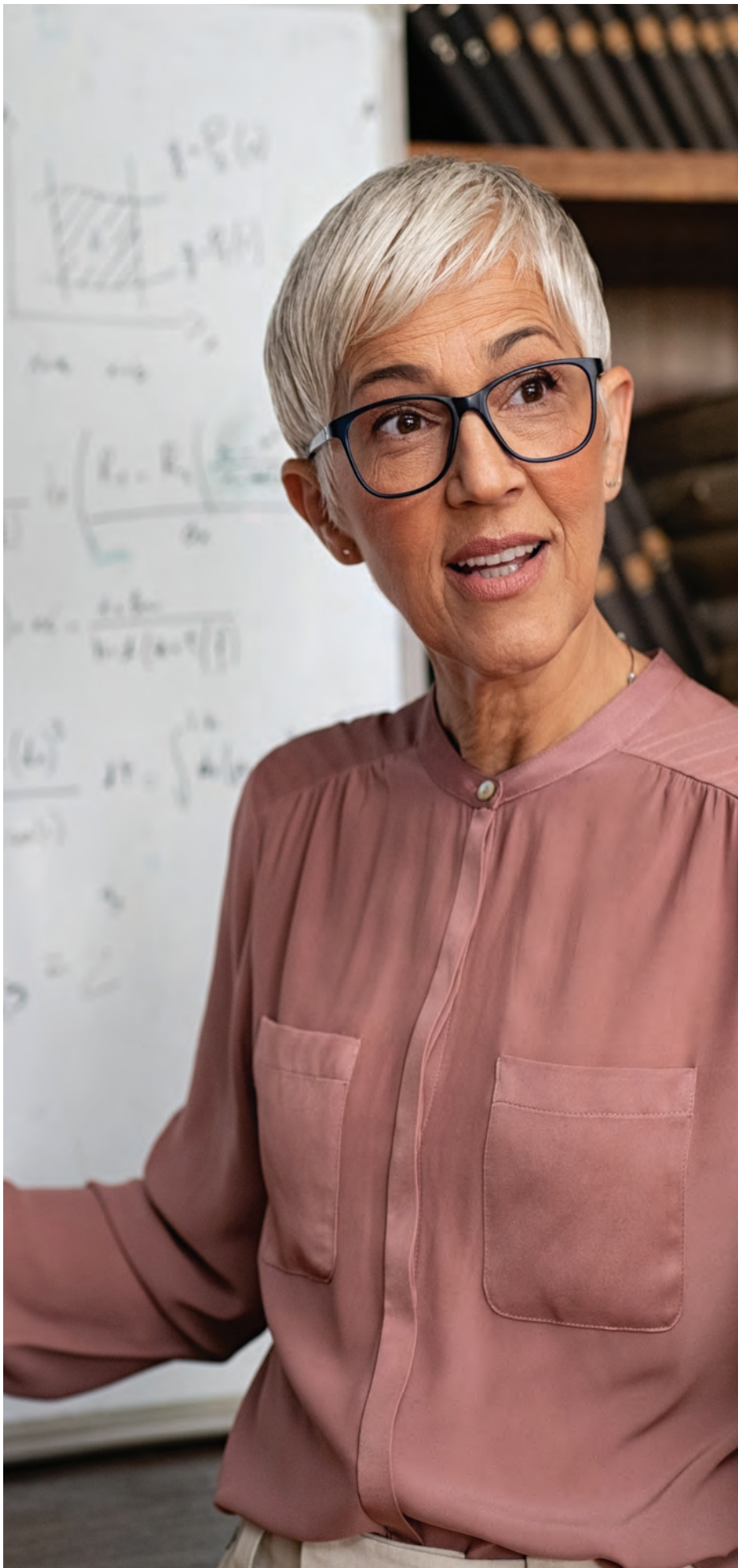
A third-party entity is an entity retained by a TRS-covered employer to provide personnel to the institution to perform duties or provide services that an employee of the institution would normally perform or provide. This is considered employment in Texas public education for the purpose of employment after retirement and subject to the employment after retirement laws and rules.



Working as an Independent Contractor

During the first 12 full, consecutive-calendar months after retirement, you will be considered an employee if you perform services on behalf of a TRS-covered employer as an independent contractor. This could cause you to forfeit your annuity if you exceed the EAR limits and will restart your 12-month break in service.

After the first 12 full, consecutive-calendar months following retirement, you may perform services for a TRS-covered employer as an independent contractor, but the status must meet all the legal requirements for this type of work arrangement. For more information, please contact TRS.



EMPLOYMENT TYPES and THEIR LIMITS

As a service retiree who retired after Jan. 1, 2011, it is important to know how much you can work each calendar month without forfeiting any annuity payments.

After a **one full, calendar-month** break in service you may return to work as a **substitute, one-half time or less, or in a combination of substitute and one-half time or less**. To return to work **full time**, you must have completed a **12 full, consecutive-calendar-month** break in service or you will forfeit your monthly annuity while working full time.

If you do not complete the required one full, calendar-month break in service and you return to work too soon, you will revoke your retirement and be required to resubmit your retirement paperwork, selecting a new retirement date. If you exceed any of the following work restrictions, in any month for any employment type, then you must forfeit your annuity for that month. In addition, you will owe TRS for any payments you received while working in violation of these restrictions.



Substitute

A substitute is a person who serves on a temporary basis in place of a current employee. You may work as a substitute without any limit on the number of hours and days if the position is **not vacant**, and you do not perform any other type of work for a TRS-covered employer in that same calendar month.

You *may* serve in a vacant position, but the position must not be vacant because you retired from it. You may work up to 20 days in that position without forfeiting your annuity. If you continue to work in that vacant position on the 21st day, you will no longer be considered a substitute and may be at risk of exceeding the EAR limits.

Working any part of a day, as a substitute, counts as working a full day.



Complying with EAR Limits

After retiring in December and observing a one full, calendar-month break in service, Julia decided to begin substituting in February at a local school district for positions that were not vacant. She performed no other work for a TRS-covered employer during this time.

Julia complied with EAR limits. She was able to substitute without any limit on the number of hours and days because the positions she substituted for were not vacant, and she did not perform any other work for a TRS-covered employer during that time.



Exceeding EAR Limits

Kay decided to begin substituting in a position that recently became vacant. She substituted for a total of 23 days.

Kay was limited to working no more than 20 days as a substitute in a vacant position. She began substituting in the vacant position on the first of the month. As soon as her work in the vacant position continued past the 20th day (which was the 28th of the month), she was no longer considered a substitute for the month. The work was considered combining, and she exceeded the EAR limits by working more than one half of the number of days allowed.





One-Half Time or Less

This employment type allows you to work up to a specific number of hours per month. The total number of hours allowed for a month can be worked in any arrangement or schedule. Each calendar month has a different number of workdays and is calculated as follows.


(# of Workdays [Monday – Friday] in a Calendar Month)

4 hours

Max Hours Allowed for the Calendar Month

**See [EAR Limits chart](#) online.*

When determining the total number of hours worked in the month, TRS-covered employers are required by law to report all hours worked, even hours worked on Saturdays and Sundays, and any hours of paid leave.

Higher Ed Instruction in Classroom or Lab

For employment measured in course hours or semester hours rather than clock hours, **each hour of instruction in the classroom or lab counts as a minimum of two clock hours** in order to reflect preparation, grading, and other time typically associated with instruction. If your employer has established a greater amount of preparation time for each hour of instruction, your employer’s established standard will be used to determine the number of hours you worked.

Higher Ed Online Instruction

Online instructors teaching classes taken by students for college credit must be counted as a minimum of two hours for each course or semester hour to determine the number of hours worked.

Continuing Or Adult Education


Continuing education, adult education, and/or classes offered to employers or businesses for employee training (for which students/participants do not receive college credit), must be counted based on the number of hours worked.

You will forfeit your annuity payment for a month you exceed one half the number of hours allowed in the calendar month.

For assistance in calculating the number of hours you can work each month in a one-half time or less position, please review the [EAR Limits chart](#) on the TRS website.




Complying with EAR Limits



After retiring in December, David decided to go back to work in a one-half time or less position the February following his retirement. David checked the EAR Limits chart available on the TRS website and learned that he could work up to 80 hours in February. For the first two weeks, he was scheduled to work 40 hours a week for a total of 80 hours. David did not violate any restrictions as he had a one full, calendar-month break in service before going back to work and did not exceed 80 hours of work during February.



Exceeding EAR Limits



George decided to go back to work one-half time or less in September. He did not look at the EAR Limits chart, but his employer told him he could work 19.5 hours per week (Saturday through Friday). There were four full weeks and one partial week during the month of September, with a total of 21 workdays. George worked 86 hours during the month. The following month he received a letter from TRS notifying him that he exceeded EAR limits during September and had forfeited his annuity payment. George was very confused because he knew that he had followed his employer’s guidelines and did not work more than 19.5 hours each week. He reviewed the chart and learned that, for one-half time or less work, he could only work 84 hours in September; so he ultimately exceeded the EAR limits by two hours that month.



Combination (Substitute and One-Half Time or Less)

This employment type allows you to work a specific number of days per month when you combine employment types in the same calendar month. Each calendar month has a different number of workdays and is calculated as follows.

(# of Workdays [Monday – Friday] in a Calendar Month)



2



Max # of Days Allowed for the Calendar Month

If the maximum # of days allowed for the calendar month is not a whole number, it is rounded down. For example:
 $23 \text{ workdays} \div 2 = 11.5$ Since 11.5 is not a whole number, for EAR limit purposes, it is rounded down to 11.

**For EAR limits that apply to each school year, please see [EAR Limits chart](#) online.*

You may work as a substitute for one month and then work as much as one-half time or less the next month. However, if you work as a **substitute and in a one-half time or less position in the same month, your combined work must not exceed half the number of available workdays in that calendar month.** When determining the total number of days a retiree worked in the month, TRS-covered employers are required by law to report all days worked, even Saturdays and Sundays, and any paid leave. Working any part of a day counts as working a full day. You will forfeit your annuity payment for a month you exceed one half the number of days allowed in the calendar month. To determine the number of days you can work each month, please review the [EAR Limits chart](#) on the TRS website.



Complying with EAR Limits

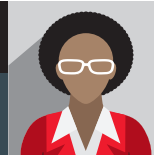
Lauren retired in July. After observing a one full, calendar-month break in service, she decided to perform a combination of substitute and one-half time or less work.

Lauren worked as a substitute for 20 days in September. She knew that she could work an unlimited number of days in a substitute position and was in compliance with the EAR limits.

Then, in October she worked in a one-half time or less position. She checked the EAR Limits chart and learned that she could work up to 92 hours. She worked 90 hours which did not exceed the limit.

In November, she combined substitute and one-half time or less work. She checked the EAR Limits chart on the TRS website and learned that there were 21 workdays in November and she could work up to 10 days to remain in compliance. She worked the maximum number of days. When her employer asked her to substitute an additional day, she let them know that she couldn't work more than 10 days without forfeiting her annuity payment in November.

Lauren did not violate any restrictions as she had a one full, calendar-month break in service before going back to work, and did not exceed the limits for the months she worked.



Exceeding EAR Limits

After retiring in July and having a one full, calendar-month break in service after retirement, Valarie was hired by a community college in a one-half time or less position. Valarie worked in this position October through March.

During the month of March, a previous employer contacted her to perform substitute work. The employer was having a difficult time finding a qualified substitute and expressed how much they needed her skills. As a result, Valarie substituted for a teacher that was out on medical leave.

During March, Valarie worked the following dates in both positions:

MARCH 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, and 29

for a total of 14 days.

In April, Valarie received a letter notifying her that she exceeded the limits for employment after retirement. The limit when combining one-half time or less and substitute work for the month of March during that year was 11 workdays. Since she worked 14 days, she forfeited her annuity payment for March.



Full-Time Employment

Full-time employment is employment that exceeds the one-half time or less limit. To work full time without forfeiting your monthly annuity payment, you must first have a 12 full, consecutive-calendar-month break in service from all TRS-covered employment, including as a substitute. If you perform any work for a TRS-covered employer, interrupting the break in service, the 12-month break in service will reset after you stop working again. After completing this break in service, you may work without forfeiting any annuity payments. If you have not completed the required break in service, you will owe TRS for any payments you received while working full time.

If you go back to work full time after a one-month break in service, but before taking a 12 full, consecutive-calendar-month break, then your retirement payments may be suspended. In addition, you must repay TRS for any payments you received while working full time. **Please contact TRS to confirm that you have completed a 12 full, consecutive-calendar-month break in service before you begin working full time for a TRS-covered employer.**



Complying with EAR Limits

William retired in July and ended all employment with TRS-covered employers. He went back to work full time in August of the following year.

William did not violate any restrictions as he had a 12 full, consecutive-calendar-month break in service (August through July) before going back to work full time.



Exceeding EAR Limits

Patrick retired in July and returned to work in September of the same year as a substitute for a teacher that was out on medical leave. When the teacher decided to resign, the district offered him a full-time position in January of the following year.

Since Patrick did not have a 12 full, consecutive-calendar-month break in service before going back to work full time, he forfeited his annuity beginning in January. Once TRS became aware of this, Patrick's payments were suspended and he received a letter informing him of how much he owed.



DISABILITY RETIREES

If you are a disability retiree and returning to work, it is important to know how much you may work for a TRS-covered employer without forfeiting an annuity payment. Limits apply regardless of your effective retirement date. In some cases, the law also limits the amount of compensation you may earn from any source without losing annuity payments.



Negotiating Returning to Work

You can negotiate with a TRS-covered employer about returning to any type of work **after** one full, calendar-month break in service following your effective retirement date. If you negotiate to return to work too soon, your retirement will be revoked.



Returning to Work

After one full, calendar-month break in service following your retirement date, you may work up to 90 days per school year (September through August) for any employment type. Once you exceed 90 days in a school year, you will forfeit your annuity payment for each month you continue to work.

You may work in the following employment types:

- As a **substitute**, for up to 90 days (if you do not perform any other type of work that month for a TRS-covered employer), receiving the daily substitute rate of pay.
- **One-half time or less** each month, for up to 90 days.
- In a **combination of substitute and one-half time or less**, if the total number of days worked in each calendar month does not exceed half the number of workdays in that calendar month, and all work performed in that school year does not exceed 90 days.

*See [EAR Limits chart](#) online.

Full-Time Work

- You will forfeit your disability annuity for any month that you work full time, unless you are in the three-month trial work period.



Three-Month Trial Work Period

As a disability retiree, you are allowed a one-time only trial work period to determine if you can return to work full time. This trial period must be three consecutive months. To opt for the trial work period, you must notify TRS by submitting the *Employment after Retirement Disability Election* form (TRS 118D), found on the TRS website. The TRS 118D must be filed with TRS before the end of the trial period for the election to be effective. The trial work period cannot be elected in the same school year you retired.

If you continue to work full time after the trial work period has ended, you will be recovered from disability retirement and returned to active membership. You must repay any annuity payments that you received after being restored to active service.

In addition to the trial work period, you can work up to 90 days as a substitute, one-half time or less, or a combination of substitute and one-half time or less. However, you will forfeit your annuity in any month you work past the 90-day limit or you exceed the monthly limits shown on the EAR Limits chart.



Recover From Disability Retirement Without Three-Month Trial

If you wish to recover from disability retirement without opting for the three-month trial work period, you must notify TRS in writing that you have returned to work in a TRS-eligible position. Please contact TRS for more information.



Additional Information on Volunteering

If you volunteer in a position that is typically paid or you continue to work without pay during the first 12 full, consecutive-calendar months after retirement, you will be considered an employee instead of a volunteer. This could cause you to forfeit your annuity if you exceed the EAR limits.

If you volunteer in an effort to avoid exceeding EAR limits on employment after disability retirement and you are truly an employee of the TRS-covered employer, this puts you at risk of forfeiting your annuity for that month if any of your work exceeds the monthly limits on the EAR Limits chart. Volunteer work may also count toward the 90-day limit that you may work in a school year.



Additional Information on Working as an Independent Contractor

During the first 12 full, consecutive-calendar months after retirement you will be considered an employee if you perform services on behalf of a TRS-covered employer as an independent contractor. This could cause you to forfeit your annuity if you exceed the EAR limits.

After the first 12 full, consecutive-calendar months following retirement you may perform services for a TRS-covered employer as an independent contractor, but the status must meet all the legal requirements for this type of work arrangement. For more information, please contact TRS.



Compensation

If you applied for disability retirement or retired **before Aug. 31, 2007**, there is **no limit** on compensation you can earn while receiving a disability retirement annuity from TRS.

If the following two conditions are met, there **is** a limit on the amount of annual compensation you may earn:

- you apply for disability retirement after Aug. 31, 2007; and
- your effective retirement date is after Aug. 31, 2007.

The compensation cap is based on your income during a calendar year. It includes compensation for any work performed for any employer including a TRS-covered employer, self-employment, work as an independent contractor, and profit from a business.

The limit is the highest salary received in any school year before disability retirement or \$40,000, whichever is greater. This limit does not apply to retirees receiving gross disability retirement benefits of \$2,000 or less per year. If you are subject to the cap, you must correctly report your compensation to TRS by May 1 of the calendar year after the compensation was earned.

If you exceed the amount of compensation allowed, you will forfeit your disability annuity payment and you will be required to pay for the full cost of your TRS-Care coverage, until you are able to report that your compensation is below the established limit.

Returning to Work Scenario



Complying with EAR Limits

Kate retired due to a disability in March and ended all employment with her TRS-covered employer. In September, she decided to return to work and negotiated employment with her former TRS-covered employer. Kate substituted 60 days in the current school year while on disability retirement.

Kate did not violate TRS laws and rules as she did not return to work in the month following her retirement and did not negotiate employment with a TRS-covered employer before completing a one full, calendar-month break in service. In addition, she did not exceed the 90-day limit for the school year.



Exceeding EAR Limits

Meredith has been retired and receiving a disability annuity for two years. She decided to return to work full time and negotiated employment with a TRS-covered employer. Meredith thought that she was free to return to work full time since it had been more than 12 full, consecutive-calendar months since her effective retirement date.

However, the 12 full, consecutive-calendar-month break in service does not apply to disability retirees. Although Meredith waited long enough to negotiate returning to work with a TRS-covered employer, she did not realize that different limitations applied to disability retirees. Meredith was not eligible to work full time without forfeiting her annuity unless she opted for the three-month trial work period.



Additional Information



EAR Limits Chart

View the EAR Limits chart for the fiscal year on the [Employment After Retirement \(EAR\) Limits \(for Retirees\)](#) page on the TRS website.



Video: *Working After Service Retirement (Part 1 and 2)*

Have you seen our *Working After Service Retirement* videos? These videos answer some of our active members' and retirees' most common questions about returning to work after a service retirement as well as rules and restrictions that may apply. Find the videos, along with other videos in our [Member Education Video Series](#), on the TRS Member Education Videos page on the TRS website and our [TRSoftexas](#) YouTube channel.



TRS Website:

www.trs.texas.gov



TRS Mailing Address:

Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701-2698



TRS Telephone Counseling Center:

1-800-223-8778

Monday – Friday, 7 a.m. – 6 p.m. Automated information is available day or night, seven days a week.



TRS Benefit Services Fax Number:

512-542-6597

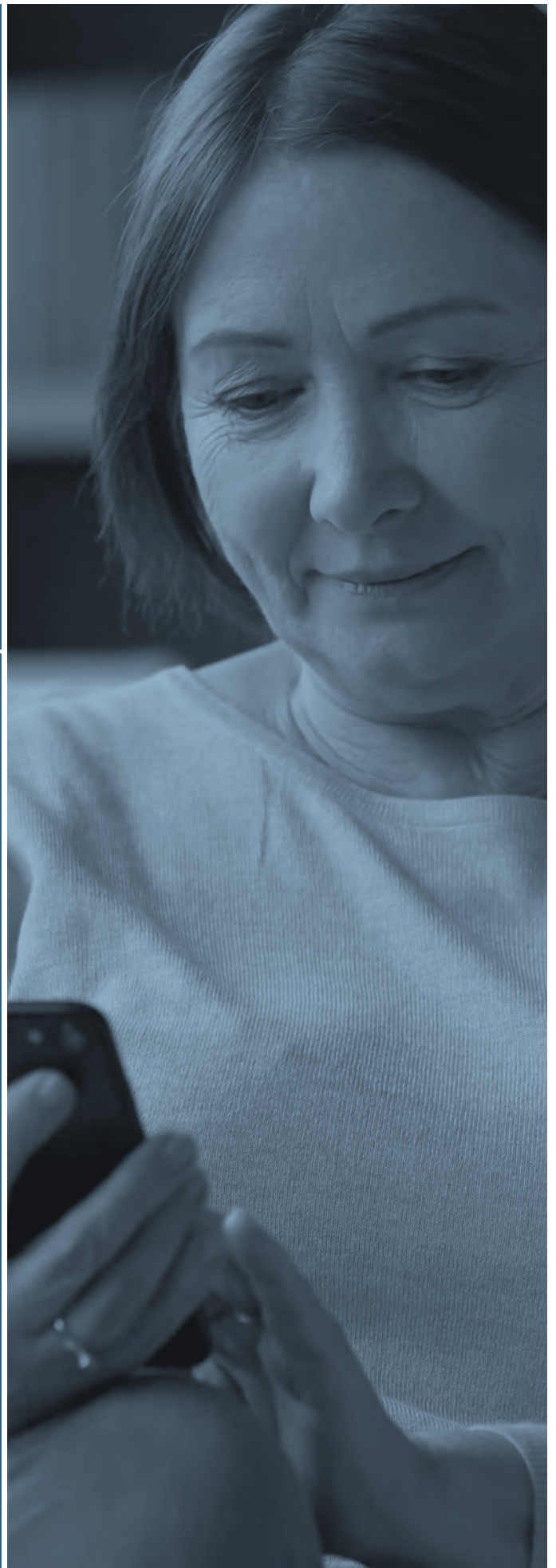


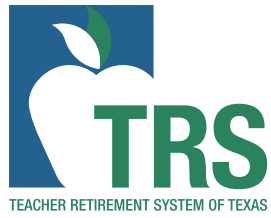
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This brochure has been written in nontechnical terms wherever possible. However, if questions of interpretation arise as a result of the attempt to make the information about employment after retirement easy to understand, TRS laws and rules must remain the final authority.

This information is based upon the TRS plan terms in effect on Sept. 1, 2019. The TRS plan terms are subject to change due to modifications to the law enacted by the Texas Legislature; to the rules adopted by the TRS Board of Trustees; and to changes in federal law related to qualified retirement plans.





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Austin, Texas 78701-2698



1-800-223-8778



www.trs.texas.gov