

## RETIREMENT AND MODIFIED SERVICE

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### A. Purpose

The purpose of this policy is to provide guidance for staff employees and faculty who return to work at The University of Texas Rio Grande Valley (UTRGV) after retirement.

### B. Persons Affected

This policy applies to all staff and faculty of UT Rio Grande Valley.

### C. Definitions

1. Optional Retirement Program (ORP) – Defined contribution plan governed by Internal Revenue Code Section 403(b). Retirement benefits are based on the performance of the investments selected and controlled by the employee.
2. Retirement – Withdrawal from employment with the University of Texas System or any of the institutions with a retirement benefit or enrollment in retiree health insurance.
3. Teachers Retirement System of Texas (TRS) – Defined benefit retirement plan governed by Internal Revenue Code Section 401(a). Retirement benefits are based on legislatively determined formulas.

### D. Policy

#### 1. *Required Retirement:*

It is the policy of UT Rio Grande Valley that there shall be no mandatory retirement age except as permitted by law. UTRGV may hire an individual that has retired under the Teachers Retirement System of Texas or the Optional Retirement Program, in accordance with Texas Education Code Section 51.964 and Regents' *Rule* 30301.

#### 2. *Notice of Resignation or Retirement:*

When resigning or retiring, the employee should give due consideration and timely notice to the appropriate UTRGV official. Generally, faculty resignation or retirements shall not become effective until the end of a semester or summer term.

#### 3. *Non-Faculty Employees:*

Retired employees that return to work after retirement will need to follow the terms of their individual retirement plan so that retirement benefits are not affected. For information on retirement plans and benefits visit the UT System Office of Employee Benefits website.

4. *Modified Service (Faculty):*

In accordance with the Texas Education Code Section 51.964, UTRGV may employ a person who has retired under TRS or ORP if the UT System Board of Regents determines that the employment is in the best interest of UTRGV, and

- a. A person retired under TRS must have been retired for at least 30 days before the effective date of reemployment, or
- b. A person retired under the ORP may be rehired after retirement without a break in service.

5. *Restrictions:*

Appointment to modified service shall be without tenure, and shall not exceed one-half time for one academic year. The notice provisions of Rule 31002, Section 1 of the UT System Board of Regents' *Rules and Regulations* shall not apply to nonrenewal of such appointments. If the UT System or UTRGV determines that it is in the best interest of the UT System, it may offer reappointment to modified service.

**E. Procedure**

1. The employee shall notify in writing the employee's direct supervisor of the impending resignation or retirement. Faculty shall notify the school director or department chair in writing of the impending resignation or retirement. The letter of notification shall include the effective resignation or retirement date.
2. The direct supervisor is responsible for notifying the appropriate UTRGV officials of the intended resignation or retirement. For faculty, the school director or department chair is responsible for notifying the dean, who is responsible for notifying the Provost and Executive Vice President for Academic Affairs, who is responsible for notifying the President of the intended resignation or retirement.
3. Employees should receive written notification of acceptance of an employee's resignation or retirement. For faculty, the appropriate dean shall provide the faculty member with written notification of the acceptance of the faculty member's resignation or retirement within 30 calendar days of receipt of the faculty member's written notice of resignation or retirement.

**F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

University of Texas System Board of Regents' *Rules and Regulations Rule 30301, Employment of Retirees*

University of Texas System Board of Regents' *Rules and Regulations Rule 31002, Notice of Nonrenewal to Nontenured Faculty Members*

*Texas Education Code Section 51.922, Mandatory Retirement Prohibited*

*Texas Education Code Section 51.964, Hiring of Certain Retirees*