

The University of North Texas at Dallas Policy Manual	Chapter 5.000
5.026 Rehiring of Retired Employees	Human Resources

Policy Statement. The University of North Texas at Dallas provides employees the option to retire voluntarily from full-time service and to go on modified service at age 55 or thereafter regardless of the retirement program in which he or she is enrolled when in the best interest of the University. Re-employment in the Early Retirement with Modified Service (ER/MS) program after retirement involves a commitment to employ the participant through a specific date, subject to normal rules for dismissal, after which date the University has no obligation to offer continued employment to the ER/MS participant.

Application of Policy. This policy applies to all regular faculty and staff members.

Definitions.

1. **Modified Service.** “Modified Service” means work assignment after retirement.
2. **Regular Faculty.** “Regular Faculty” means a faculty member appointed for at least 50 percent time for at least 4 ½ continuous months.
3. **Regular Staff Member.** “Regular Staff Member” means an employee who is scheduled to work at least 20 hours per week for a period of at least 4 ½ continuous months and is not employed in a position for which the employee is required to be a student as a condition of the employment.

Procedures and Responsibilities.

1. **Terms and Duration of Employment.**

- 1.01. Modified Service is for a specific period having a designated beginning date and a designated ending date not to exceed more than one fiscal year, at which time the individual shall be terminated unless a new ER/MS application has been approved for continued employment. An appointment beyond the initial agreement may be considered on a year-to-year basis and may be approved subject to the same rules and approval procedures as the original agreement.
- 1.02. Employees who retire under TRS are required by State law to have a break in service for no less than 30 days before re-employment under this policy. Employees who retire under the ORP may be rehired after retirement without a break in service.

Responsible Party: Employee, Department Head, and Human Resources

2. **Applications.** In recommending approval of an ER/MS application, the department or administrative unit head must demonstrate that the contemplated employment after retirement is in the best interest of the University and that the department or unit may expect, with reasonable certainty, to continue to benefit from the reduced services of the applicant throughout the period of the ER/MS commitment. All applications for participation in ER/MS must have the approval of the President.

Responsible Party: Employee, Department Head, and President

3. **Salary Considerations.** The salary of ER/MS participants will be adjusted to reflect the value of positions held and work performed in the modified service positions they occupy after retirement. During the period of modified service, the participant shall be eligible for salary adjustments during the course of their post-retirement employment.

Responsible Party: Department Head and Human Resources

References and Cross-references.

Attorney General Opinion O-4804 (1942)

PL101-433, Older Worker's Benefit Protection Act 29 USCA, Age Discrimination in Employment, as amended

Texas Constitution, Article 16, §33

Texas Education Code, §51.964

Texas Government Code, § 821 and 830

The University of North Texas System Board of Regents Rules, §05.1103, §05.1104, §05.1105

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