

Retirement and Modified Services

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Errors or changes to: aim@uta.edu

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I. **Policy**

It is the policy of The University of Texas at Arlington that there shall be no compulsory retirement age except as outlined below.

II. **Procedure**

The rules and regulations on retirement and modified service are set forth in the Board of Regents' Rules and Regulations, Part One, Chapter III, Section 33, and are reproduced below:

- "Sec. 33 Retirement and Modified Service
- 33.1 No person employed by the UT System or a component institution shall be required to retire because of age except as permitted by law. However, a licensed pilot operating an aircraft under Part 91 of the Federal Aviation Regulations may be employed as a pilot until the end of the fiscal year that includes the pilot's seventieth birthday. Upon attaining the age of sixty, the pilot must satisfactorily complete the flight physical required for his/her flight certification on the semiannual basis. Flight physical for all UT System pilots will be conducted by the certified flight surgeon employed at one of the health institutions of the UT System. In the event there is no certified flight surgeon on staff at one of the health institutions of the UT System, the flight physical will be conducted, at UT System expense, by a certified flight surgeon designated by one of the health institutions of the UT System.
- 33.2 The Board of Regents, upon the recommendation of the appropriate Executive Vice Chancellor, Chancellor and, when appropriate, the chief administrative officer of the affected component institution, may appoint a person who has retired to modified service. Retirement is defined as withdrawal from employment with The University of Texas System or a component institution with a retirement benefit.

- 33.3 Recommendation for, and appointment to, modified service shall be made only if the service of the individual will result in a significant benefit to the System or particular component institution.
- 33.4 Appointment to modified service shall be without tenure, for not more than one academic year, and shall not exceed one-half time. The notice provisions of Section 6.7 of this Chapter shall not apply to non-renewal of such appointments. If the System or a component institution determines that it is to the benefit to the System or the institution, it may offer reappointment to modified service.
- 33.5 The duties, workload, salary rate or compensation of an individual on modified service shall be in accordance with policies and procedures of The University of Texas System or the component institution.
- 33.6 Upon recommendation of the appropriate Executive Vice Chancellor, the Chancellor and, when appropriate, the chief administrative officer of the affected component institution, the Board of Regents may, by unanimous vote of the members present, make exceptions to this Section in special cases when the Board finds that the services of a particular individual will be of unique benefit to the System or the component institution."

III. **Salary Limitation**

The 75th Texas Legislature limits the salary of certain retirees who are re-employed by state institutions. The salary limitation pertains to Teacher Retirement System (TRS) retirees who retire on or after September 1, 1998. (Optional Retirement Program participants are not affected by this limitation.)

- A. Only retirees who are re-employed either as an employee or as an independent contractor by the last state institution for which they were employed just prior to retirement are affected.
- B. If re-employed retirees will be performing services, which are substantially similar to duties prior to retirement, their annualized salaries cannot exceed the lesser of the following:
 1. the rate of compensation received during the last 12 months of service prior to retirement; or
 2. \$60,000
- C. This salary limitation does not apply to the retiree's first six months of reemployment. However, if the retiree is re-employed for more than six months after retirement this limitation will apply to the entire period of reemployment.
- D. **Compliance** The Human Resources Compensation Analyst will ensure that personnel appointments are in compliance with the rules stated herein.

