

Chapter: Selection and Hiring	Effective Date: 4/15/16
Title: Employees Who Previously Retired from State Employment	Page: 1 of 2
ACA: N/A	Replaces: PRS.05.27, 12/1/11
Statutes: Gov't Code §§659.042, 659.044(f), 659.126(d), 661.152(l), §812.205	

(a) **Policy.**

A retiree from state employment who applies for a position with the Texas Juvenile Justice Department (TJJD) is subject to the same TJJD selection and hiring process as other applicants for the position. Benefits for employees who previously retired from state employment are provided in accordance with state law.

(b) **Effective Hire Date.**

- (1) The effective hire date for a member of the Employees Retirement System of Texas (ERS) who retired from the employee class on or after May 31, 2009, must be no sooner than 90 days after the retiree's effective date of retirement.
- (2) An employee who retires from a retirement system other than the employee class of ERS should refer to that system to find out if returning to employment will affect his/her annuity.

(c) **Impact on Certain Benefits.**

(1) **ERS Retirement Account.**

- (A) A TJJD employee who is an ERS retiree does not contribute a portion of his/her monthly pay to the employee's ERS retirement account.
- (B) A TJJD employee who is a retiree of another statewide retirement system, such as the Teacher Retirement System (TRS), contributes the employee portion of his/her monthly pay to an ERS retirement account.

(2) **Vacation Accrual Rates.**

- (A) An employee who retired from state employment before June 1, 2005, accrues vacation leave based on the employee's total state service.
- (B) An employee who retired from state employment on or after June 1, 2005, accrues vacation leave based only on state service occurring after the date of retirement.

(3) **Sick Leave.**

Upon retirement from state employment under the ERS, all sick leave hours are counted toward ERS service credit. An ERS retiree who is hired by TJJD will not have his/her sick leave balance restored.

(4) **Longevity Pay.**

- (A) Except as noted below, an employee who retired from state employment is not eligible for longevity pay.
- (B) An employee who retired from state employment before June 1, 2005, and returned to state employment before September 1, 2005, is entitled to receive longevity pay. See [PRS.19.03](#) for information about the amount of longevity pay.

(5) **Hazardous Duty Pay.**

Retirement from state employment does not affect an employee's eligibility for hazardous duty pay. See [PRS.19.03](#) for more information about hazardous duty pay.

(6) **Benefit Replacement Pay.**

An employee who retired from state employment on or after June 1, 2005, is ineligible to receive benefit replacement pay.

(7) **Insurance Benefits.**

An ERS retiree should visit the [ERS website](#) for more information about various options relating to insurance benefits upon re-employment by the state.
