

UGA PROCEDURES FOR REEMPLOYMENT OF A UNIVERSITY SYSTEM OF GEORGIA RETIREE (Effective with Fiscal Year 2010 Reemployment of UGA/USG Retirees)

- Both UGA/USG retirees and their hiring units are responsible for understanding BOR Policy 8.2.8.3-Employment Beyond Retirement – see [BOR Policy](#) . TRS Retirees are responsible for understanding all TRS related retiree reemployment regulations. View the [TRS Working in Retirement Brochure](#).
- Requests must be approved by the President prior to employment of the retiree.
- TRS Retirees: **Per Georgia law**, employers cannot enter in to an employment agreement with any employee prior to his or her last day of employment (see pp 3-5 for important information).
- UGA/USG retirees normally are rehired in a part-time position. In some situations, a retiree can be employed in a *temporary full-time position* for three months in a fiscal year and continue receiving monthly benefit payments. To request full-time employment not to exceed three months in a fiscal year, include strong justification and critical need with the request.
- Requests cannot cross fiscal years. Retiree annual work commitment for the fiscal year must always be no more than 49% time and compensation for the fiscal year must always be less than 49% of the authorized salary rate for the position held.
- Payment type should be selected as follows:
 - *UGA/USG Retirees Rehired in a Faculty Position*: UGA faculty can only be paid on the monthly or academic payroll. The retiree's normal monthly contracted compensation must be no more than 49% of the authorized salary for the position held.
 - *UGA/USG Retirees Rehired in a Staff Position*: UGA staff can be paid on the hourly bi-weekly, salary bi-weekly, or monthly payroll as appropriate for the position held.
 - **Hourly Bi-Weekly or Salary Bi-Weekly Payroll**: UGA will follow the TRS published [schedule](#) of the maximum hours that a retiree can work during each month of the fiscal year. This calculation is based on the total business days for each month, less the generally observed holidays.
 - **Monthly Payroll**: The retiree's normal monthly contracted compensation must be no more than forty-nine percent (49%) of the authorized salary for the position held.
- Requested retiree annual salary rate must be based on one of three options but cannot be less than the UGA minimum rate for benefits eligible employees, and must be approved by the unit's Sr Vice President.
 - *Salary at retirement*
 - *Salary at retirement plus average merit increases applied since retirement* [Merit Increase Calculator \(Excel\)](#)
 - *Market rate for the position as follows*:
 - **Faculty**: Unit provides strong justification based on current salary rate for faculty in the discipline of similar rank and work assignment.
 - **Staff**: Annual salary rate within the range of the appropriate UGA classified staff position.

UGA/USG PART-TIME RETIREE REQUEST FORMS

Choose appropriate form based on position of reemployment of the UGA/USG Retiree

→ [**Request to Employ University System of Georgia Faculty or Staff Retiree**](#)

Questions:

Hiring a Retiree in a Staff Position: If you have questions about hiring retirees in staff positions contact Human Resources at 706-542-2222.

Hiring a Retiree in a Faculty Position: If you have questions about hiring retirees in faculty positions, contact Office of Faculty Affairs 706-542-0547.



IMPORTANT MESSAGE REGARDING EMPLOYMENT OF TRS RETIREES

TRS is governed by Georgia law which specifically states, “Each employer shall certify to the board of trustees the date on which the employee’s employment is or will be severed and that no agreement exists to allow the employee to return to service, including service as or for an independent contractor.” [O.C.G.A. § 47-3-101(a)].

Each employer is required to certify that no pre-existing agreement exists on the TRS Retirement Certification Report (TRS-8 form). TRS audits retiree accounts for compliance with Georgia law. A violation of this law will require us to revoke a retiree’s retirement date. The employee may apply for retirement at a future date; however, future retirement dates will be subject to the benefits allowable on that date and not the employee’s original retirement date. Additionally, if an employee’s retirement date is revoked, you or the employee may be liable to TRS for all monthly benefit payments paid.

For example, an employee retires effective December 1, 2012, to receive the 3% tax offset. If an audit of this account reveals that you and the employee entered into a pre-existing agreement, verbal or written, allowing the employee to return to work effective January 1, 2013, the employee’s December 1st retirement date will become null and void. The employee may reapply for retirement at a future date; however, the 3% tax offset is no longer in effect for all retirements on or after January 1, 2013.

Another example to consider is one of your employees retires effective December 1, 2012. You and your employee have verbally agreed that the employee will suspend their TRS benefit effective January 1, 2013 and return to work full-time from January - May, 2013. At the end of the employee’s full-time employment, the employee will reinstate their TRS retirement benefit and maintain their December 1, 2012 retirement date. If an audit of this account reveals that you and the employee entered into this pre-existing agreement, the employee’s December 1, 2012 retirement date will be revoked.

Please be advised that “Any person who knowingly makes any false statements or falsifies or permits to be falsified any records of the retirement system...shall be guilty of a misdemeanor.....shall be punished by a fine not exceeding \$500.00, imprisonment not exceeding 12 months, or both. [O.C.G.A. § 47-3-141(a)]. To ensure compliance with Georgia law, please make sure that you and your staff are aware of all employment issues prior to signing/certifying the TRS-8 form.

TRS is here to assist you, so please feel free to contact us anytime with any questions you may have.

From: [Admin Memos](#) on behalf of [Sharron S Hannon](#)
To: ADMIN-MEMOS@LISTSERV.UGA.EDU
Subject: Hiring TRS retirees
Date: Monday, February 20, 2012 9:19:40 AM

TO: Deans, Directors, and Department Heads
FROM: Human Resources

Teachers Retirement System of Georgia recently distributed a memo regarding Georgia law that pertains to hiring TRS retirees. Please read the memo to ensure you are in compliance with the law; specifically, "Employers cannot enter in to an employment agreement with any employee prior to his or her last day of employment."

TRS contact information is included at the end of the memo.

<http://www.trsga.com/news/important-message-re-working-after-retirement.aspx>


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IMPORTANT MESSAGE RE: RETIREMENT INCENTIVES

We are aware that some systems are offering, or considering offering, incentives to teachers to voluntarily retire. If so, please be aware of the following provisions in Georgia law that apply to hiring TRS retirees.

1. Employers can not enter in to an employment agreement with any employee prior to his or her last day of employment.

§ 47-3-101. Each employer shall certify to the board of trustees the date on which the employee's employment is or will be severed and that no agreement exists to allow the employee to return to service, including service as or for an independent contractor.

For example, if a system offers an employee a one-time incentive payment in return for his or her retirement, that is acceptable. Please remember that this payment cannot be reported as earnable compensation. Systems may not, however, offer an incentive that involves any type of future full-time, part-time (49%), or contractual employment (i.e. if employee retires in June, employee will receive 5% increase in base salary and part-time employment for 1 year). There can be no agreement of hiring an employee until that person is no longer employed by your system.

2. Employers must gain approval from TRS prior to hiring.

The employment verification application is available online via the Employer Desktop and must be completed and approved by TRS prior to hiring a TRS retiree. Independent contractors must mail a copy of their contract to TRS.

3. Employers must complete the online employment verification application for each retiree each fiscal year (July 1).

Failure to comply with Georgia law can affect a retiree's retirement date and will also result in a retiree's benefit payment being suspended pending the required information. Additionally, either the reporting employer or the retiree could be required to repay TRS for all monthly benefit payments wrongfully paid.

If you have any questions, please feel free to contact TRS by calling (404) 352-6500 or (800) 352-0650.

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