

5.01.03.00 Retirement



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding retirement across the TBR system.

Policy/Guideline

- I. Retirement Policy
 - A. Except as otherwise provided herein, all regular full-time employees of the Tennessee Board of Regents and of institutions governed by the Tennessee Board of Regents shall be members of a state-supported retirement system, subject to the eligibility provisions of T.C.A. § 8-35-101 et seq.
 - B. Regular part-time employees are eligible to become members of a state-supported retirement system, but such membership is not mandatory.
 - C. Pursuant to T.C.A. § 8-35-403 et seq., any individual who is exempt from the Fair Labor Standards Act and who is employed in a state-sponsored institution of higher education may elect either membership in the retirement system or participation in the optional retirement program. Therefore, all regular academic, executive, administrative, and professional employees of the Board and institutions shall have the option of becoming members of either the Tennessee

Consolidated Retirement System (TCRS) or the Optional Retirement Program (ORP).

1. Employees who are members of the TCRS are eligible to retire upon attainment of appropriate age and years of creditable service, or a combination thereof.
 2. Employees who are members of the ORP may retire at any time after separation from service, subject to IRS regulations.
- D. Any person who has served as the president of an institution under the Board of Regents for a period of not less than ten (10) years may, upon approval of the Board, be retired as President Emeritus of the institution.
- E.
1. For presidents hired after September 1, 2002, this will be an honorary title earned through service with no material benefit other than the honor associated with its granting.
 2. Only for presidents hired prior to September 2002, an annual salary of twenty percent (20%) of the last year's salary, exclusive of perquisites, may be paid monthly from institution appropriations subject to the terms and conditions of T.C.A. § 8-36-714.
- F. For either retirement system (TCRS or ORP), the annual limit to employer contributions made on behalf of employees hired after July 1, 1996 will be subject to applicable federal and state limits.
- G. There is no contribution limit for employees employed before July 1, 1996.
1. Additionally, for employees enrolled in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and 401(k). This limit is defined on an annual basis.
- H. Temporary Employment. Any retired member of TCRS (except those receiving a disability retirement allowance) or ORP (except those who have never taken a

withdrawal or distribution from his/her account) may return to service in a position covered by this system and continue to draw their retirement allowance under the following conditions:

1. The retiree must have a break in service for a minimum of sixty (60) days, unless an exception has been applied for and approved.
 2. Retirees employed as teachers by an institution of higher education are limited to 24 quarter hours or 18 semester credit hours.
 3. The entire compensation payable to the retiree for such work should not be more than 60 percent of the annual full-time salary received by the member in the year immediately prior to retirement. This limit on salary increases by 5 percent for each year since the member's retirement.
- I. When a retiree begins temporary employment, they will be required to complete the appropriate form.
1. TCRS retirees must complete the *Temporary Employment* form and the institutions shall submit the form to the TCRS. The TCRS must be notified by letter when the retiree's temporary employment reaches the 120 day limit and/or when employment is terminated to avoid possible overpayment or suspension of the monthly benefit.
 2. ORP retirees must complete the *Optional Retirement Program (ORP) Part-time Reemployment Certification/Waiver* form for the institution's files.
 3. New forms for TCRS and ORP retirees must be completed for each 12-month period.

Sources

Authority

T.C.A. §§ 49-8-203, 8-35-101 et seq., 8-35-403 et seq., 8-36-714

History

TBR Meetings, September 24, 1976; September 29, 1978; June 29, 1979; June 26, 1981; March 19, 1982; September 30, 1983; December 14, 1984; March 20, 1987;

December 13, 1991; June 25, 1993; September 20, 2002; March 30, 2006; TBR Meeting March 27, 2015; TBR Meeting March 30, 2023.

Note:

(a) The provisions of this policy which constituted amendments or revisions adopted on September 29, 1978, became effective on January 1, 1979.

(b) The provisions of this policy which constituted amendments or revisions adopted on June 26, 1981, became effective on July 1, 1981.

(c) The provisions of this policy under which regular full-time executive, administrative, and professional employees are eligible to participate in the optional retirement program became effective on July 1, 1983.

(d) Regular part-time employees became eligible for retirement system membership on July 1, 1984.