

1. Title

Employment of Retirees

2. Rule and Regulation

Sec. 1 Required Retirement. No person employed by The University of Texas System or any of the institutions 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 70th birthday.

Sec. 2 Modified Service. In accordance with the *Texas Education Code* [Section 51.964](#), an institution of higher education may employ a person who has retired under the Teacher Retirement System of Texas (TRS) or the Optional Retirement Program (ORP) if:

2.1 the Board of Regents determines that the employment is in the best interest of the U. T. System and,

2.2 a person retired under TRS must have been retired for at least 30 days before the effective date of reemployment; or

2.3 a person retired under the ORP may be rehired after retirement without a break in service.

Sec. 3 Restrictions. Appointment to modified service shall be without tenure, and for not more than one academic year. The notice provisions of [Rule 31002](#), Section 1 of the Regents' *Rules and Regulations* shall not apply to nonrenewal of such appointments. If the U. T. System or any of the institutions determines that it is in the best interest of the U. T. System, it may offer reappointment to modified service

3. Definitions

Retirement – withdrawal from employment with the U. T. System or any of the institutions with a retirement benefit or enrollment in retiree health insurance.

4. Relevant Federal and State Statutes

Texas Education Code [Section 51.922](#) – Mandatory Retirement Prohibited

Texas Education Code [Section 51.964](#)– Hiring of Certain Retirees

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

Administrators
Employees

7. System Administration Office(s) Responsible for Rule

Office of General Counsel
Office of Employee Services

8. Dates Approved or Amended

December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu