

120-Day Temporary Employment

Tennessee Consolidated Retirement System
502 Deaderick Street
Nashville, Tennessee 37243-0201
1-800-770-8277 ♦ <http://tcrs.tn.gov>



The retiree and proposed employer must complete and sign this form and return it to the Tennessee Consolidated Retirement System (TCRS) at the above address before the employment begins. This form must be submitted for each year the retiree is on the Temporary Employment program. It is the retiree's and the employer's responsibility to notify TCRS should employment exceed the allotted time period. Please read the following carefully, complete Sections 1 through 3 and, if applicable, complete the certification in Section 4 or Section 5.

SECTION 1. CONDITIONS OF TEMPORARY EMPLOYMENT *(to be completed by employer)*

T.C.A., Section 8-36-805 permits a retired TCRS member to accept temporary employment with an employer participating in TCRS without suspension of retirement benefits provided the retired member has been retired 60 days and does not accrue additional retirement credit as a result of such employment.

- a. The 60-day period may be waived provided the member renders no more than one-half of the hours he/she was normally scheduled to work prior to retirement for a like period and the head of the employing entity certifies in writing (Section 4) to the division of retirement that no other qualified persons are available to fill the position. Once retired for more than 60 days, the remaining time may be allocated at full-time or used over the one year period.
- b. Compensation cannot exceed 60% of the retiree's final year's salary plus 5% compounded annually since retirement.
- c. Disability retirees are subject to a disability earnings limitation in addition to these limits on the number of days worked and salary. Please contact the TCRS disability section for details.
- d. Within a one-year period, a retiree who is reemployed in a TCRS-covered position pursuant to Title 8, Chapter 36, Part 8 shall not:
 - (1) Switch from one (1) reemployment provision under this part to another; or
 - (2) Simultaneously be reemployed under more than one (1) reemployment provision under this part.
- e. TCRS is a qualified benefit plan that must adhere to the Internal Revenue Service (IRS) requirements. The IRS requires a bona fide separation of service for reemployment after retirement. A bona fide separation of service is one where 1) a legitimate break in service has occurred and 2) there is no prearrangement (written or oral) for future employment between the retired/retiring member and the employer.

Please check one of the following:

- (1) The retired employee accepts employment as a teacher by an institution of higher learning for up to 24 quarter credit hours or 18 semester credit hours during a 12-month period and the total salary payable to such retired member during the period does not exceed the prorata share of average salary being paid at the institution in the specific academic discipline concerned.

- (2) The retired employee accepts employment as an adult education teacher by an institution for up to 120 days during a 12-month period and the total salary payable to such retired employee during the period does not exceed the prorata share of average salary being paid at the institution in the specific academic discipline concerned.
- (3) The retired employee accepts employment with a covered employer for up to 120 days during a 12-month period.
- (4) The retired employee has been employed as a substitute teacher in a public school system under exception number 3 above and agrees to continue such substitute teaching for an additional 90 days during the 12-month period. The compensation payable to the retired employee for such additional days does not exceed the rate set by the school system for substitute teachers filling similar vacant positions.
- (5) The higher education retired employee accepts an emeritus appointment not to exceed 120 days or teaching service not to exceed 24 quarter hours or 18 semester hours during a 12-month period. See Section 5.

| SALARY LIMIT FOLLOWING RETIREMENT (Final Year's Salary x 1.05 Per Year x 60%) | | 120-DAY CONVERSION TO HOURS |
|---|--------|--------------------------------------|
| Year 0 | 60.00% | 8 hours a day = 960 hours a year |
| Year 1 | 63.00% | 7 1/2 hours a day = 900 hours a year |
| Year 2 | 66.15% | 7 hours a day = 840 hours a year |
| Year 3 | 69.46% | |
| Year 4 | 72.93% | |
| Year 5 | 76.58% | |
| Year 6 | 80.41% | |

This table sets out the maximum compensation levels for the first six years. Since 120 days is 60% of a regular workload, these limits should be considered reasonable. The table should not be interpreted as setting the pay scale for a retiree who has accepted temporary employment. The actual pay can be lower than the limit.

SECTION 2. APPLICANT INFORMATION

Member ID

Date of Birth

Full Name

Mailing Address

City

State

Zip Code

Email

Phone Number

I hereby certify that I have read this form and understand my rights and limitations upon accepting temporary employment. Specifically, I am aware that should I accept such temporary employment, I will not be eligible to accrue additional retirement credit as a result of such service. Further, I am aware that should I exceed the applicable work and compensation limits set forth in Section 1 of this form, my retirement benefits will be suspended and adjusted to recover any overpayment which may occur. **I understand that the permitted employment period commences from the date my temporary employment begins. I further certify that there was no prearrangement for re-employment between myself and the hiring employer.**

Applicant's Signature

Date

SECTION 3. TEMPORARY EMPLOYMENT INFORMATION *(to be completed by employer)*

The employer shall submit a statement of working hours for the retiree when requested and shall be subject to audit to verify working hours. This form only covers the employment period stated in this Section 3. Please submit only one form for a 12-month period. By certifying this form, the employer agrees to track the retiree's hours and salary and further certifies that there was no prearrangement for re-employment between the retiring/retired member and the hiring employer. The employer should notify TCRS if a retiree exceeds the limits stated on this form. The employer is responsible to report the retiree's earnings as non-participant monthly.

Beginning Date of Employment for 12-Month Period

A 12 month temporary employment time period will be assumed from the begin date listed above. The start date of a new Temporary Employment agreement cannot be before the end date of this current agreement. Example: A begin date of 5/10/2021 would result in end date of 5/09/2022.

Projected Maximum Compensation to be Paid During this Temporary Employment Period \$

Employed By (Department, County, City or Institution)

Mailing Address

City

State

Zip Code

Email

Phone Number

Agency Head or Designee's Signature

Printed Name and Title

Date

SECTION 4. CERTIFICATION BY DEPARTMENT HEAD *(to be completed only if the retiree is being permitted to work up to 50% during the 60-day period immediately following his/her date of retirement)*

I hereby certify that I am the department head of the above-named public school system/ department and that the retired member will render no more than one-half the hours the member was scheduled to work prior to retirement and that no other qualified personnel are reasonably available to fill the position. I further certify that there was no prearrangement for re-employment between the retiring/retired member and the hiring employer.

Director of Schools or Department Head's Signature

Printed Name and Title

Date

SECTION 5. EMERITUS CERTIFICATION *(provided only if number 5 of Section 1 is checked)*

Employer must attach information which reflects duties performed, compensation and residence during the contract term.