

Hot Off The Press

Edit changes on Screen 101 (longevity) and Screen 104 (TRS and ORP)

Background:

A full-time working retiree who participated in the Optional Retirement Program (ORP) prior to retirement has questioned the A&M System's interpretation of the restrictions that individuals who retired on or after June 1, 2005 are not eligible to receive longevity pay and that their vacation accrual is based only on the post-retirement state service. The issue being that the restrictive language in state law referring to "public retirement system" applies to employees who participated in the Teacher Retirement System of Texas or the Employees Retirement System of Texas and does not apply to employees who participated in the ORP.

A legal review was conducted by the Office of General Counsel and Brooks Moore has rendered an opinion stating:

"A state employee who participated in ORP, retired on or after June 1, 2005, and returned to full-time employment within the A&M System would not be ineligible to receive longevity pay under section 659.042(7), Government Code. Further, vacation leave for such an employee would not be based only on the length of state employment after the employee's retirement pursuant to section 661.152(I), Government Code."

Effective immediately, the following changes have been implemented in the B/P/P System:

Screen 101 - Personal Data:

Longevity status 'Y' is now allowed for individuals who retire on or after June 1, 2005 and later return to work in a position eligible for longevity if they were ORP participants at the time of retirement.

Screen 104 - Retirement Programs:

A valid stop date is required for both TRS and ORP when the deduction code is 'N'. If a stop date exists for both TRS and ORP, the dates cannot be equal.

HOP #494, originally issued August 1, 2005, covers the implementation of these legislative changes for fiscal year 2006, and has been revised to reflect the new interpretation.

Please contact bpphelp@tamu.edu with problems or questions.