

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-84 (rev. 6), “REEMPLOYMENT AND SELECTION OF RETIREES”
APRIL 1, 2016
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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SUPERSEDES: PD-84 (rev. 5)
April 1, 2010

EXECUTIVE DIRECTIVE

SUBJECT: REEMPLOYMENT AND SELECTION OF RETIREES

AUTHORITY: Tex. Gov't Code §§ 493.001, 493.006(b), 493.007, 812.205

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

Individuals who retired from state employment through the Employees Retirement System of Texas (ERS) are eligible for reemployment consideration by the TDCJ in accordance with this directive. Since rehiring retirees may discourage opportunity in the workforce and return-to-work retirees are no longer contributing ERS members, state agencies that hire return-to-work retirees, who retired on or after September 1, 2009, are required to pay the ERS a surcharge that is equal to the amount of the state's retirement contribution for an active employee.

DEFINITIONS:

"Career Ladder Position" is a classified position included in a specified career ladder.

"Contact Person," for the purpose of this directive, is: (a) for a posted position, the employee responsible for providing application forms, study material, and information regarding worksite visits and to whom the employment applications should be submitted; or (b) for a correctional officer (CO) position, the employee who processes the conditional offer of employment.

“Job Posting” is an announcement of position availability that includes basic information regarding the position’s minimum qualifications and application procedures in addition to location and salary information and the corresponding military occupational specialty code.

“Non-Targeted Career Position” is any TDCJ position that is not a targeted career position.

“Supervisor of Correctional Officers” is any of the following positions: sergeant, lieutenant, captain, major, assistant warden, and warden.

“Targeted Career Position,” for the purpose of this directive, is any of the following positions: correctional officer (CO) I, II, III, IV, and V; food service manager (FSM) II and III; laundry manager (LM) II and III; and parole officer (PO) I and II.

PROCEDURES:

I. Application Procedures

- A. An ERS retiree seeking consideration for a TDCJ position must submit the State of Texas Application for Employment and any other required documents to the contact person or designee by the closing date and time as directed in the job posting.
 1. An ERS retiree may not use the following to submit an employment application packet to the contact person or designee:
 - a. First class or certified mail postage or an external overnight delivery service paid or supplied by the state; or
 - b. TDCJ mail service, either hand delivery courier or truck mail.
 2. An ERS retiree may fax a copy of the employment application packet to the contact person or designee; however, an ERS retiree may not use a TDCJ fax machine for this purpose.
 3. An ERS retiree may submit an online application through the Texas Workforce Commission’s (TWC) online system. ERS retirees applying through the TWC online application process must also ensure that all required documents and the TDCJ Employment Application Supplement are submitted to the contact person or designee listed on the job posting.
- B. The ERS retiree must check the “ERS Retiree” box at the top of each TDCJ Employment Application Supplement, regardless of length of separation from state employment or whether the retiree has held a state agency position since retirement, in order that the contact person or designee may verify:
 1. The retiree has been separated from state employment for at least 90 calendar days after the effective date of retirement; and
 2. If the individual retired from the TDCJ and is applying for the same position held at retirement, the retiree has been separated from the position for the

minimum required period of separation in accordance with Section II.B of this directive.

- C. Salary rates may differ for return-to-work retirees who are not contributing ERS members.
- D. For additional guidelines regarding the application process for ERS retirees, refer to the procedures outlined in PD-71, "Selection System Procedures."

II. Required Periods of Separation

A. ERS Retirees Other Than TDCJ Retirees

An individual who retired through the ERS from an agency other than the TDCJ must be separated from state employment for at least 90 calendar days after the effective date of retirement before the individual may be employed by the TDCJ. For example, if a retiree's effective date of retirement was May 31, 90 calendar days later would be September 1.

Ninety calendar days after the retiree's effective date of retirement, the retiree may be employed in any TDCJ position.

B. TDCJ Retirees

The required period of separation from employment before a TDCJ retiree may be considered for reemployment is dependent upon the position for which the retiree has applied. The required periods of separation are as follows:

1. Rehire as Correctional Officer

A TDCJ retiree who held a CO position at the time of retirement may be considered for reemployment and, if selected, reemployed in a CO position 90 calendar days after the effective date of retirement. Placement within the Correctional Officer Career Series must be in accordance with PD-72, "Employee Salary Administration."

2. Rehire as Parole Officer I or II

A TDCJ retiree who held a PO position at the time of retirement may be considered for reemployment and, if selected, reemployed in a PO I or PO II position 90 calendar days after the effective date of retirement.

3. Rehire to Different Position

Ninety calendar days after the effective date of retirement, a TDCJ retiree may be considered for reemployment and, if selected, reemployed in a position different than the position held at the time of retirement and different than a position held within one year prior to the retirement effective date. For example, an employee who held a programmer II position in November 2014 prior to demoting to a technical writer II position in December 2014 and then retiring December 31, 2014, cannot be reemployed as a programmer II until November 2015 or a technical writer II until January 2016.

The position applied for will not be considered a different position if the only difference is one or more of the following:

- a. The classification level within a career ladder. For example, if an employee retired from a career ladder position as a classification level III and applied for reemployment in the same career ladder as a classification level I at the same location, the position applied for will not be considered a different position.
- b. A revised job description or modification of duties.
- c. A different supervisor or chain of supervision.

4. Rehire to Same Position at a Different Location

Ninety calendar days after the effective date of retirement, a TDCJ retiree may be considered for reemployment and, if selected, reemployed in the same position held at the time of retirement if the location of assignment is different. For example, an employee who retired from a lieutenant of COs position at the Estelle Unit may apply for reemployment as a lieutenant of COs at the Ferguson Unit after 90 calendar days.

5. Rehire to Same Position at the Same Location (Other than Correctional Officer Career Series or Parole Officer Career Series)

One year after the effective date of retirement, any TDCJ retiree may be considered for reemployment and, if selected, reemployed in the same position, at the same location, held at the time of retirement.

The one-year waiting period for the same position at the same location will continue to apply even if a TDCJ retiree is first reemployed into a different position or same position at a different location than was held at the time of retirement. For example, an employee who retired from a lieutenant of COs position at the Estelle Unit and was reemployed 90 calendar days later as a lieutenant of COs at the Ferguson Unit may not be considered for a lieutenant of COs position at the Estelle Unit until one year after the effective date of retirement.

III. Selection of an ERS Retiree

If an ERS retiree is recommended for selection to a non-targeted career position, or to a supervisor of COs, FSM IV, LM IV, or PO III-V, preapprovals must be obtained prior to documenting a rationale for selection, and prior to submission for clearance.

Pre-approvals do not apply to the following targeted career positions: CO I, II, III, IV, and V; FSM II and III; LM II and III; and PO I and II. For additional guidelines regarding the selection of an ERS retiree, refer to the procedures outlined in PD-71.

IV. Clearance for Selection

If an ERS retiree is the final applicant for a posted position or is being considered for a CO or PO position, the contact person or designee must access the ERS online system during the clearance process to verify that:

- A. On the effective date of employment the ERS retiree must have been separated from state employment in accordance with the required time periods in Section II of this directive; and
- B. If the final applicant retired from the TDCJ and is applying for the same position held at retirement, the retiree has been separated from the position for the minimum required period of separation as set out in Section II.B of this directive.

If the ERS online system does not indicate the retiree's retirement date, the contact person must contact the retirement coordinator, Employee Services Section, Human Resources Division, to obtain this information.

Brad Livingston
Executive Director