

31.07 Retirement

Approved February 27, 1995 (MO 44-95)
Revised July 26, 1996 (MO 169-96)
Revised September 26, 1997 (MO 181-97)
Revised October 27, 2005 (MO 199-05)
Revised December 5, 2008 (MO -2008)
Next Scheduled Review: December 5, 2010



Policy Statement

The Texas A&M University System (system) abides by the applicable laws in providing for voluntary and mandatory retirement under several situations.

Reason for Policy

This policy addresses the situations under which retirement may or must be offered and taken through the system; specifically including mandatory retirement, disability retirement or retirement under the Teacher Retirement System (TRS) or the Optional Retirement Program (ORP), through a combination of age and years of service.

Procedures and Responsibilities

1. Employment with any system member is predicated at all times upon each individual's mental and physical abilities to perform satisfactory service in normal and expected assignments. Retirement from employment with the system will occur when an employee:
 - (a) elects retirement under the provisions of the TRS or ORP;
 - (b) reaches the mandatory retirement age as described below; or
 - (c) meets the conditions for disability retirement. The chancellor, or his designee, is authorized to establish regulations for the implementation of this policy.
2. Mandatory Retirement Age

System employees may not be forced to retire except under the following conditions:

- 2.1 An employee who is in a bona fide executive or high policymaking position for the two-year period immediately before retirement and who is entitled to an immediate nonforfeitable annual retirement benefit which equals at least \$44,000 may be retired

at the end of the fiscal year in which that employee's 65th birthday occurs or anytime thereafter at the option of the system Board of Regents (board). Such a retirement benefit shall be from an employer-provided pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans. (Based on the Federal Age Discrimination in Employment Act.)

- 2.2 The chancellor, or designee, is authorized to establish mandatory retirement age standards for certain employment classifications where age is a bona fide occupational qualification. When, based on objective facts, it is determined that age is a reasonable and necessary limiting factor in the safe and efficient performance of the duties of an employment classification, the chancellor is authorized to impose an age requirement by issuing appropriate regulations that meet legal tests and requirements.
- 2.3 Requests for an employee to work beyond a mandatory retirement age must be forwarded through normal administrative channels to the chancellor, or designee, for approval. Such employment will be recommended and approved only where the system's best interest will be served and all state and federal regulations and system board requirements have been met.
- 2.4 Upon the approval of the system member chief executive officer, a person may be employed after retirement. Such employment will be recommended and approved only in those instances where the system board's requirements have been met and where the system's best interest will be served.

3. Disability Retirement

Disability retirement is available to a system employee under the following conditions:

- (a) the employee does not satisfy the age and service requirements for system retirement with benefits;
- (b) the employee applies for a disability retirement and submits the results of a medical examination; and
- (c) the TRS medical board or, in the case of an ORP member, the System Benefits Administration Office certifies, based upon reliable medical opinion and consistent with the requirements for retirement under TRS, that the employee is mentally or physically disabled and unable to perform his or her duties and that the disability is probably permanent.

Related Statutes, Policies, or Requirements

[Tex. Gov't Code Title 8, Subtitle C \(chs. 821-825, 830\), *Teacher Retirement System of Texas*](#)

[The Age Discrimination in Employment Act of 1967](#)

Contact Office

System Benefits Administration
(979) 458-6160