



Looking for more information on Employment After Retirement?

This handout is meant to be a general reference guide to EAR limits, for TRS service retirees thinking about returning to work after retirement. Easily access these additional resources from the TRS website (www.trs.texas.gov) today

[Employment After Retirement Brochure](#)

[Interactive Employment After Retirement Video](#)

[Employment After Retirement Limits Chart](#)

[Member Education Video Series](#)

What happens to my TRS-Care health coverage if I return to work after I retire?

If you're a return-to-work retiree enrolled in TRS-Care and eligible for Medicare, you can enroll in TRS-ActiveCare if you return to work for an employer who participates in TRS-ActiveCare and work 10 or more hours per week.



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www.trs.texas.gov

TEACHER RETIREMENT SYSTEM of TEXAS



**RETURNING TO
WORK AFTER
RETIREMENT?**



**KNOW YOUR
EMPLOYMENT
AFTER RETIREMENT
(EAR) LIMITS.**

Updated September 2022



ARE YOU A TRS SERVICE RETIREE WHO IS CONSIDERING RETURNING TO WORK WITH A TRS-COVERED EMPLOYER?

If so, it's important to understand the limits on employment after retirement (EAR). If your employment exceeds the EAR limits, you may ultimately forfeit your annuity.

DO EAR LIMITS APPLY TO ME?

The EAR limits described in this brochure apply to service retirees who retired **on or after Jan. 1, 2021** who have not observed a 12 full, consecutive-calendar-month break in service.

If you retired **on or before Dec. 31, 2020**, you may return to work for a TRS-covered employer without limitations. Similarly, if you retired **on or after Jan. 1, 2021** and have observed a 12 full, consecutive-calendar-month break in service, you may return to work for a TRS-covered employer without limitations.

IF I RETIRED AFTER JAN. 1, 2021 AND HAVE NOT OBSERVED A 12 FULL, CONSECUTIVE-CALENDAR-MONTH BREAK IN SERVICE, WHAT HAPPENS IF I RETURN TO WORK FOR A TRS-COVERED EMPLOYER?

This will ultimately lead to you forfeiting your annuity **unless** your employment qualifies for an exception.

Keep in mind the first time you receive notice from TRS that you have violated EAR limits, you will receive a warning from TRS and will not forfeit your annuity. The second time you receive notice from TRS that you have violated EAR limits, you will owe TRS either the amount you earned during those months or your annuity during those months, whichever is less. If you violate the EAR limits in any month after you receive the second notice from TRS, you will owe TRS the full amount of your annuity for those months.

WHAT ARE THE EAR EXCEPTIONS?

The guidelines for each available EAR exception are as follows:

Substitute: A service retiree may work as a substitute without any limits unless the position they are working in is vacant. Generally, a service retiree may only work up to 20 days in a vacant position.

One-Half Time or Less: A service retiree may work in one or more positions for one-half time or less each month, so long as the retiree does not work more than 92 hours total in all positions. One-half time may be measured in days (11 days per month) rather than hours if the one-half time position is combined with substitute work.

Tutor Under Section 33.913, Education Code: A service retiree may work up to full time for a TRS-covered employer in a tutoring position that meets the requirements of Section 33.913, Education Code. Note: A retiree may not be eligible to work full time under this exception if the work is combined with other types of employment.

Surge Personnel: This exception allows a service retiree to return to work up to full time in a federally-funded position that is in addition to normal staffing levels of the school and perform duties related to the mitigation of student learning loss attributable to the coronavirus disease (COVID-19) pandemic. This exception is not applicable to employment with an institution of higher education. This exception ends Dec. 31, 2024.

LIMITS WHEN COMBINING EAR EXCEPTIONS

If you choose to be employed in multiple positions for either multiple TRS-covered employers or for the same employer that qualify for the exceptions listed above, the number of hours or days you may work in those positions may be limited. The chart below summarizes the limits on the most common combinations of employment types:

Employment Type	Substitute	Tutor Under Section 33.913 Full Time	Tutor Under Section 33.913 One-Half Time	One-Half Time or Less
Substitute	No limit for filled positions; if vacant position, 20-day limit	Cannot be combined	Total combined employment cannot exceed 11 days	Total combined employment cannot exceed 11 days
Tutor Under Section 33.913 Full Time	Cannot be combined	No limit	No limit	Cannot be combined
Tutor Under Section 33.913 One-Half Time	Total combined employment cannot exceed 11 days	No limit	No limit	Total combined employment cannot exceed 92 hours
One-Half Time or Less	Total combined employment cannot exceed 11 days	Cannot be combined	Total combined employment cannot exceed 92 hours	Total combined employment cannot exceed 92 hours

If your position or combination of positions is not addressed in this chart, please contact TRS regarding the EAR requirements that apply to your situation. In addition, if you are working in a Surge Personnel position, the hours or days you work in that position do not impact the limits on the number of hours or days you work in any other position and are accounted for separately.

SURCHARGES

Remember, if you retired **on or after Sept. 1, 2005** and work more than one-half time in a month, in most cases your employer(s) will owe TRS pension and health care surcharges. As of Sept. 1, 2021, your employer can no longer pass any surcharge amount on to you. Please contact TRS if you feel that your employer is violating this prohibition.

DON'T FORGET ABOUT THE MANDATORY ONE FULL, CALENDAR-MONTH BREAK IN SERVICE!

You must observe a one full, calendar-month break in service from your effective retirement date before resuming employment with a TRS-covered employer. If you resume employment with a TRS-covered employer without observing the one full, calendar-month break in service, you will revoke your retirement. This means you will not be entitled to an annuity unless you once again terminate employment with a TRS-covered employer and apply for retirement with TRS. You will also have to pay back any annuity amounts that you received.

Keep in Mind: If your retirement date is May 31 but your contract or work agreement requires you to work into June, but no later than June 15, you may not return to employment in Texas public education until Aug. 1.