REPORTING TIME WORKED FOR EMPLOYMENT AFTER RETIREMENT

As more TRS retirees are returning to work, we want to remind employers of the reporting requirements for time worked on the Employment After Retirement (ER) Report.

When reporting time worked for TRS retirees, you must report the actual number of **days** and **hours** the retiree worked in that report month. You cannot report the time the retiree worked based on the pay period. For example, the April ER Report must contain all the time worked by the retiree between the first and last day of the calendar month. The April ER Report must **not** report the hours for which the retiree was paid in the month of April.

Each day the retiree works must be counted as a day worked, whether it is a partial day, weekday, weekend, or holiday. Using averages or expected days and hours could cause employers to over- or under-pay surcharges and can also affect the retiree’s monthly annuity.

When a retiree uses paid leave or paid time off (PTO), the days and hours used are considered time worked. PTO must be included in the actual days and hours worked for the report month in which the retiree used the time.

To ensure Reporting Employers (REs) correctly report actual time worked, do not begin the ER Report until after the end of the month in case there are last minute changes to a retiree’s work schedule.

For more information, please review the applicable payroll manual available on our website.

- Payroll Manual for Senior Universities, Medical/Dental Schools and Community/Junior Colleges: https://www.trs.texas.gov/TRS%20Documents/re_payroll_manual_higher_education.pdf#page=69

TEMPORARY RULE CHANGE ALLOWS TRS RETIREES TO SERVE AS A SUBSTITUTE DURING SUMMER SCHOOL WITHOUT EAR LIMITS

To address the critical summer school staffing shortage faced by our non-higher education Reporting Employers (REs), TRS has temporarily amended the definition of a substitute for Employment After Retirement (EAR) purposes.

Effective immediately, the adopted amendment to TRS Rule §31.1(b) expands the definition of substitute relating to EAR for the months of June 2021 through August 2021. This expanded definition will allow a non-higher education RE (ISDs and Charters), to hire a TRS retiree on a temporary basis for summer school, and to report the retiree as a substitute, **if they meet the following requirements:**

- The retiree’s employment is expected, or contracted, to end no later than Aug. 31, 2021, **and**
- The retiree is paid no more than the daily rate of pay set by the RE for non-retiree employees in the same or similar positions.

**continued on page 2 >**
TEMPORARY RULE CHANGE

As a result, a retiree that meets these requirements will not be subject to the one-half time employment limitation or the applicable surcharges for June 2021 through August 2021. In addition, if a retiree’s regular work agreement occurs in the same month as their summer school employment, the retiree will be reported as a substitute for the month(s).

Since summer school employment is seasonal and temporary in nature, this emergency amendment will allow non-higher education REs to use TRS retirees to meet increased staffing needs that may occur due to expanded summer school services being offered this year due to the COVID-19 pandemic.

This amendment, as shown below, will remain in effect until Aug. 31, 2021:

(b) Substitute--For purposes of employment after retirement,

(1) a person who serves on a temporary basis in the place of a current employee(s). A substitute may be paid no more than the daily rate of pay set by the employer. Effective September 1, 2016, a substitute includes a retiree who serves in a vacant position for no more than 20 days. A retiree may serve as a substitute in more than one vacant position each school year provided the retiree serves no more than 20 days in each vacant position. In no event may a retiree be considered a substitute while serving in a vacant position that was last held by that retiree; or

(2) a service retiree employed by a school district on a temporary basis during the months of June 2021 through August 2021 if the employment is expected or contracted to end by no later than August 31, 2021 and is paid no more than the daily rate of pay set by the employer for non-retiree employees in the same or similar positions.

The emergency rule will expire after Aug. 31, 2021 and Rule §31.1(b) will return as it existed prior to the amendment.

Please contact your RE Coach if you have any questions related to the emergency rule amendment for EAR. For more information, please read the FAQs on our website.

STATUTORY MINIMUM REPORTING: STIPEND PAY VS WHOLLY SEPARATE POSITIONS

When an employee takes on additional work, an RE will need to know how to report the employee’s pay. Here are the differences between Stipend Pay and Wholly Separate Positions.

Stipend Pay

Stipend pay – if an employee’s position is subject to the state minimum salary and they take on additional duties for supplemental pay, then the RE should report the pay under the employee’s regular/primary position. Examples of this type of pay are (but not limited to) stipends for sponsorship, UIL activities, coaching duties, and tutorial assignments.

Since this payment is not wholly separate from their regular/primary position, you should include this payment on the RP20 for their regular position. If the employee is subject to the state minimum salary, then this amount should be included in the calculation as well.

Examples:

• A teacher (02 position) receives a stipend in May for being a UIL sponsor. Since this is not a wholly separate position from their regular teaching job, the Total TRS-Eligible Compensation on the RP20 for the 02 position should include their monthly regular compensation for the teacher position plus the stipend payment.

• A coach is required to drive the bus to games as a part of their contract. The bus driving is considered duties of their job and is therefore subject to the state minimum salary.

(2)
STIPEND PAY VS WHOLLY SEPARATE POSITIONS  

Wholly Separate Positions
For any pay an employee earned for duties that are considered a “wholly separate” job from their regular position, you must not include the amount when you report their TRS salary. Examples include (but are not limited to) driving a school bus when it is not part of an employee’s primary contract, maintenance work, custodial work, teaching summer school and working concessions at a sporting event.

Examples:
• A teacher begins driving a morning bus route – the bus route is likely a wholly separate position and their pay for the bus route should not be reported with their regular position’s salary.
• A teacher taking tickets at a basketball game – since this is not part of the employee’s primary contract, this would be considered a wholly separate position.

Wholly separate positions must be reported separately from their regular/primary position. You must create two ED40s for the employees when they begin working in the positions, and you must report the time worked on two separate RP20s. When they receive the compensation, this must also be reported on two separate RP20s, since the wholly separate position is not subject to the state minimum salary.

Determining a Wholly Separate Position
If an employee is doing additional work, you’ll have to determine if the additional duties are part of their regular job. If the answer to any one of the following questions is “Yes”, then it is likely that the additional duties are subject to the state minimum salary and are not considered to be a “wholly separate” job. Therefore, you must include the salary paid for the additional duties into the adjusted TRS salary.

1. Are the additional duties required of the person because the person has a job that is subject to the state minimum salary schedule?
2. Are the additional duties contained in the same written contract or oral agreement or in an amendment to that contract or agreement by which the person was originally employed in a job that is subject to the state minimum salary schedule?
3. Are the additional duties customarily or exclusively assigned to or performed by a person having a job that is subject to the state minimum salary schedule?
4. Are the additional duties so closely related to the job held by the person subject to the state minimum salary schedule that it is unreasonable to think of them as standing alone as a separate job independent of the primary job?
5. Are the additional duties an integral part of a primary job subject to the state minimum salary schedule?
6. Are the additional duties conditioned upon the person having a job subject to the state minimum salary schedule?

https://www.trs.texas.gov/TRS%20Documents/re_payroll_manual_public_schools.pdf#page=65
If you have further questions or need assistance determining whether pay falls under a wholly separate position, please reach out to your TRS Coach for assistance.
FILLING OUT FORM TRS 587 – CERTIFICATION OF UNUSED STATE SICK AND/OR PERSONAL LEAVE

Form TRS 587 – Certification of Unused State Sick and/or Personal Leave is a form that REs may be asked to fill out at the time of an employee’s retirement. This form can only be completed manually and is not available for online processing at this time.

You can only fill out this form if your employee has at least 50 days or 400 hours of unused state sick and/or personal leave. This does not include any local days or leave amounts. If your employer does not offer state days, then you cannot complete this form.

TRS does not govern or regulate the payout of state leave days to an employee after retirement. The Texas Education Agency may offer guidance on handling the payout of state sick and/or personal leave once the form has been filled out. It is important to note that the employee is not trading in these unused days in order to gain a year of TRS service credit. Having at least 50 days or 400 hours of unused state sick or personal leave at the time of retirement simply grants the TRS member the opportunity to purchase a year of service from TRS.

In addition, the employee must have at least 10 years of total TRS service in order to fulfill this requirement, as no more than five days per year may be accumulated towards this requirement.

This form will not be accepted by TRS earlier than 30 days prior to the employee’s effective date of retirement and should not be filled out until the total number of remaining state leave days are known.

Completing the Form

1. When filling out this form, make sure you enter the employee’s full name, social security number or TRS ID. Also be sure to fill in the name of your employer.

2. Write in either the number of unused state sick or personal days or hours being certified.
**COVID-19 VACCINATIONS NOW AVAILABLE FOR ALL TEXAS ADULTS**

All TRS health plans will cover FDA-authorized COVID-19 vaccinations at no cost to participants. The vaccination is part of preventive health care.

State and federal guidelines determine when different groups of people are eligible to receive the vaccine. As of March 3, 2021, Texas vaccine providers must expand vaccine eligibility to include people who work in school and childcare operations. On March 29, 2021, Texas officials further expanded vaccine access to include all Texas adults. Individual providers have the flexibility to further prioritize people who are school personnel or in phases 1A, 1B, or 1C.

For help with scheduling a vaccine appointment, call (833) 832-7067 any day of the week, 7 a.m. to 7 p.m. You can also sign up on their new online scheduling platform at GetTheVaccine.dshs.texas.gov.

We’ve created a resource hub on our website where participants can find more information about the vaccine. We’ll update this page as developments are communicated to TRS.

**Important Information to Note**

- TRS-ActiveCare participants should bring both their Blue Cross and Blue Shield of Texas and CVS Caremark ID cards to appointments.
- There’s a limited supply of vaccines during the initial release. After a local clinic or provider is identified, participants should call ahead to ask about availability.

If participants have further questions, we encourage them to visit the Texas Department of State Health Services (DSHS) FAQ page. **TRS does not administer vaccines so calling the provider with more specific questions will be the fastest way to receive answers.**

If a participant needs help finding a provider in Texas, they can visit the Texas COVID-19 Vaccine Provider Locations map or call 2-1-1 and select option 6.
TRS-ACTIVECARE PARTICIPANTS ENROLLED IN PRIMARY AND PRIMARY+ PLANS ARE ELIGIBLE FOR MEMBER REWARDS

TRS-ActiveCare participants enrolled in TRS-ActiveCare Primary or Primary+ are eligible for the Member Rewards program. This program allows them to shop for in-network medical care, compare costs and earn credit toward future medical expenses when they choose a quality, cost-effective facility for their health care needs.

Rewards may apply toward the costs of future medical services and prescriptions, by reducing copayments or coinsurance. Rewards range from $25 to $500. The maximum earned reward amount per member, per plan year, is $599. All unused rewards roll over to the next plan year, but are lost if a participant leaves the plan.

How Rewards Work

When a Primary Care Provider (PCP) recommends treatment, participants search for a Member Rewards eligible facility online or by calling a BCBSTX Personal Health Guide at 1-866-355-5999, anytime.

To shop for Member Rewards online:

- Click the Doctors & Hospitals tab, then on the Find a Doctor or Hospital link.
- Use Provider Finder to search for a Member Rewards eligible facility.
- Once you’ve found an eligible facility where you would like to receive treatment, click View Profile.
- Call your PCP to ask for a referral to the Member Rewards eligible facility you chose. In many cases, your provider will give you the required referral and, if applicable, send the associated prior authorization request to BCBSTX for approval.
- Once approved, you’re able to schedule your appointment with the facility you chose.
- When you’ve completed your treatment, your claim is paid and the location is verified as reward eligible, a deposit will be made into your Health Care Account (HCA).

DUTIES OF A WEB ADMINISTRATOR

An employee who is designated as the Web Administrator for an RE is responsible for:

- Authorizing users to access the RE Portal for the school.
- Taking appropriate measures to verify the identity and business need of anyone requesting access to the RE Portal before activating their account.
- Creating, activating, updating, and deactivating Web Accounts for the RE’s users.
- Resetting passwords for the RE’s users.
- Communicating to the RE’s users the importance of protecting their User IDs and passwords to avoid compromising security.
- Ensuring that their RE’s users are proficient in usage of the RE Portal.
- Reporting any unauthorized access or use of TRS member information to TRS as soon as it is identified.

As a reminder, each RE is required to always have someone designated in each of the following contact types: Head of Institution (e.g., the superintendent, president, chancellor, commissioner, director, or executive director), Reporting Official, and Payroll Contact. It is the responsibility of the Web Administrator to add this information and keep it up to date.
DUTIES OF A WEB ADMINISTRATOR continued from page 6

Please take time to review your current contacts, add any that may be missing and/or deactivate any that may no longer require access to the RE Portal.

For more information and step-by-step instructions to assist you in your role as the Web Administrator, please view our Instructions for Web Administrators document.

If your RE needs to change your Web Administrator contact, complete the TRS 597A form. Then email the completed form to reporting@trs.texas.gov for processing.

FAQS ON FORM TRS 7

The Notice of Final Deposit before Retirement and School Official Certification of Salaries form (TRS 7) is one of the forms included in the retirement packet if a member has worked in the current or prior school year. Members are instructed to give this form to their TRS-covered employer. This form is to be completed by an authorized official of the TRS-covered employer. TRS uses the information provided on this form to correctly determine a member’s final annual salary and eligibility for retirement; therefore, it is important that reporting officials provide the information requested on this form to TRS in a timely and accurate manner.

FAQs

What does TRS do with this form?

TRS uses the information provided on the TRS 7, in part, to determine if a member is eligible for the retirement date he or she has selected. One of the requirements to retire from TRS is that a member must terminate all employment with TRS-covered employers by the member’s retirement date. This includes employment as a substitute and non-TRS-eligible employment. TRS also uses the TRS 7 to determine the amount of creditable compensation in the member’s final year of TRS-covered employment. This salary information is needed to accurately calculate the member’s annuity. For more information on correctly certifying the member’s effective date of resignation/termination and salary in the final year of employment, please see below.

How should a TRS-covered employer certify the member’s effective date of resignation/termination on the TRS 7? Is the ‘Effective Date of Resignation/Termination’ the date the person resigned, or the person’s retirement date?

The effective date of resignation/termination is the date that the member terminates the employment relationship with the employer and all employment with the TRS-covered employer ceases. A member must terminate all TRS-eligible and non-eligible employment before retirement. A member has not officially terminated employment with a TRS-covered employer if the member is working, or on paid or unpaid leave with the TRS-covered employer.

For example, a member may turn in a letter of resignation to terminate employment at the end of the day on July 31. This member may stop working on July 25 and remain on paid or unpaid leave through his or her date of resignation; however, the member’s effective date of resignation/termination should be certified as July 31 on the TRS 7. Another important note about termination of employment is that, for the purpose of determining eligibility for retirement, a member who has a contract or agreement for future employment with a TRS-covered employer has not terminated all employment with a TRS-covered employer.

A member who has not terminated all employment with TRS-covered employers is not eligible to retire and is not eligible to receive any benefit related to retirement. There is one exception to this requirement: a person who is eligible for normal-age retirement may have a contract for future one-half time or less employment, or a contract for future full-time employment that begins after a 12 full, consecutive-calendar-month break in service with all TRS-covered employers.
FAQS ON FORM TRS 7 continued from page 7

What dates should a TRS-covered employer certify as the semester dates on the TRS 7?

If you are a TRS-covered employer operating under a calendar with defined semesters, the semester dates certified on the TRS 7 should be the beginning and ending dates of the fall and spring semesters. TRS uses this information to determine if a member has rendered enough service to earn a year of service credit in the final school year prior to retirement.

How should a TRS-covered employer certify the member’s final annual salary and final report month on the TRS 7?

The TRS 7 instructs reporting officials to include all creditable compensation earned between the beginning and ending dates of an employee’s contract or work agreement during the final year of employment. TRS recognizes that many employers have not paid all of the compensation due to an employee by the employee’s effective date of resignation/termination; however, reporting officials should include creditable compensation earned, but not yet paid, by the employee’s effective date of resignation/termination in the final annual salary amount. The final deposit and month should reflect the amount of the final member contribution the TRS-covered employer will submit on behalf of the member and on which monthly report it will be included. This amount should exclude any TRS-ActiveCare contributions or other payroll deductions submitted on behalf of the member to TRS.

NOTE: It is very important to complete the Final Report Month field correctly. Beginning September 2015, all REs were required to report salary in the month it is paid, regardless of when it was earned. Please ensure that the Final Report Month field is completed based on the employee’s final pay date, not based on the employee’s termination date.

Is the annual salary requested on the TRS 7 based on a member’s contract dates or TRS fiscal year?

The annual salary listed on the TRS 7 should reflect the TRS-eligible compensation that was paid during the TRS fiscal year of Sept. 1 through Aug. 31.

What is non-creditable compensation that has been converted to salary, and how should a TRS-covered employer certify it on the TRS 7?

TRS must exclude from benefit calculations any otherwise eligible compensation amounts that have been converted from non-creditable compensation to eligible salary and wages during any of the last three or five school years prior to a member’s retirement (depending on the number of years used in the member’s final average salary computation at retirement). Conversion occurs when an employer agrees to begin paying a member with creditable compensation for services performed that were previously paid by that employer with non-creditable compensation.

For example, in the prior year contract, a TRS-covered employer identified a portion of the member’s compensation as a car allowance or cell phone allowance (non-creditable compensation). Now in the current year contract, the employer includes this compensation as base salary and not as a car or cell phone allowance, meaning the previously ineligible compensation (the allowance amount) has been converted to creditable compensation (base salary). If the conversion occurred in the last three or five school years prior to retirement, the amounts converted to base salary will be excluded from the calculation of the member’s final average salary.

The amounts converted to eligible salary and wages would need to be certified on the TRS 7 if the conversion took place in any of the final five school years prior to retirement. Employers should submit member contributions on converted amounts because until the member retires, TRS does not know whether the converted amounts will be included in the member’s annual compensation for benefit calculation purposes. If the converted compensation is not used in the benefit calculation, TRS will refund the member contributions on the converted amounts to the member.

To certify the non-creditable compensation on the TRS 7, mark “Yes” that non-creditable compensation has been converted to salary, include the amount of conversion per month, and the beginning month/year of the salary conversion.

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FAQS ON FORM TRS 7 continued from page 8

Who at the entity can complete/sign the form?
Any individual that has signature authority or above in the TRS RE Portal can complete a form TRS 7.

Can the TRS 7 be faxed to TRS?
At this time, TRS is unable to accept the TRS 7 via fax. However, the RE Portal allows users with signature authority to submit the form TRS 7 electronically to TRS. The electronic form TRS 7 is located in the RE Portal Administration menu under Certify Retirement or Deceased Member.

Is a form TRS 7 required if a member has only been a substitute in the current or previous school year?
Yes. If a TRS member was employed by a TRS-covered employer in any position regardless of TRS eligibility during the school year in which they retire or the previous school year, a form TRS 7 is needed. TRS members must terminate all employment with all employers in Texas public education, including employment as a substitute, regardless of whether it is a paid position or not. The form TRS 7 must include the member’s effective date of resignation/termination. It is helpful to note on the form TRS 7 that the member was employed as a substitute.

Is form TRS 7 required if a member has only been in a non-eligible position in the current or previous school year?
Yes. If a TRS member was employed by a TRS-covered employer in any position regardless of TRS eligibility during the school year in which they retire or the previous school year, form TRS 7 is needed. TRS members must terminate all employment with all employers in Texas public education, including employment as a substitute, regardless of whether it is a paid position or not. The TRS 7 must include the member’s effective date of resignation/termination. It is helpful to note on the TRS 7 that the member was employed as a substitute.

When should the TRS 7 be submitted to TRS?
Submit the TRS 7 only after the correct final earned salary is confirmed. Do not submit the TRS 7 any earlier than the retirement month.

Is it ok to pay the person out over the summer, or do we have to pay them everything at the end of the school year?
Yes, either way is acceptable to TRS as long as the TRS 7 reflects the correct resignation/termination date and final report period. For example, if a member terminates employment at the end of May and receives pay through the end of August, retirement payments representing the months of June, July and August would typically be issued during the first few days of September.

If I made a mistake on the dates or salary, how can I make corrections?
On the TRS 7 that was originally submitted, mark a single line through the incorrect information, note the correct information, and initial the correction. At the top of the TRS 7, write “Revised.” Send the revised TRS 7 to TRS. Alternatively, a new electronic TRS 7 may be submitted via the RE Portal.

Should the entire salary be reported on the TRS 7 even if it includes ineligible pay?
No, the ineligible salary should not be included on the TRS 7.
FILLING OUT THE TRS 7 FORM

The TRS 7 form is the most common form that REs are asked to fill out. Doing so correctly is important, as this information is used to calculate a member’s retirement benefit. Any changes to the TRS 7 may result in changes to a retiree’s benefits, so it is important to fill out each field.

Please remember, you can do this form manually or you may also fill it out in the RE Portal. Filling the form out electronically is the preferred method as it will get the form to TRS much faster. Please remember to print the form prior to submitting the online TRS 7 and retain for your records. Or if you complete the hard copy of the form, make a copy for your records and return the original back to the employee so they can mail it to TRS.

Below displays the current form being used. Please review the text below each image as it will contain additional important information.

Double check to ensure that the participant’s name and social security number are filled out, along with the name of your employer. One or more of these fields may already be present, depending on if you are filling out a paper form from an employee’s packet or filling out the form electronically.

For the Effective Date of Resignation/Termination, please be sure that you put the employee’s final date that they were considered an employee, not the date of their final check. Also, this field should not be the employee’s TRS retirement date. The eligibility for a TRS retirement date is dependent upon this field being reported accurately as the date of separation of employment.
FILLING OUT THE TRS 7 FORM continued from page 10

Please enter the beginning and ending dates for your fall and spring semester. This should be filled out according to your school calendar, even if it differs from the TRS standard school year. The accuracy of these dates is essential for retirement processing.

For this field, you will enter the TRS-eligible salary that will be paid to the employee in their final check. Please be sure to include only TRS-eligible salary, as this will be used in the benefit calculation. Payments for accrued leave, including any state or local days, are not considered to be TRS creditable compensation. These amounts should not be included on this line.
FILLING OUT THE TRS 7 FORM continued from page 11

The final member contribution should be the actual member contribution on the TRS-eligible salary paid in the final month. When filling out the month field, please be sure that the final report month is the TRS report month where the final contribution will be paid. If your employee terminated employment in May but will not receive their final TRS-eligible salary until August, the final report month should be listed as August.

The Annual Salary field should be entered as all salary paid to an employee from Sept. 1 to the final report month. Even though your employer may have a different contract time frame, please enter the salary accordingly. The employee’s final salary calculation will be done on the TRS side, in accordance with applicable TRS Laws and Rules that govern salary in the final year of retirement.
FILLING OUT THE TRS 7 FORM continued from page 12

CERTIFICATION: I certify the above is true and correct and that the reported "Annual salary paid for final year" does not include any (1) payment for unused sick leave, vacation leave, or compensatory overtime; (2) expense payment; (3) allowance; (4) fringe benefit; (5) drivers education courses in excess of $5,000 earned outside the regular contract; or (6) other non-creditable compensation referenced in TRS Rule 25.21(d). I also certify that no part of the salary reported for this member represents amounts converted from non-creditable compensation during the last five school years, except as specified above.

Signature of Reporting Official

Printed Name of Reporting Official

Title ___________________________ Date ___________________

This form must be signed by the Reporting Official or any employee with Signature Authority in the RE Portal. If this form is signed by someone else, the form will not be processed and may delay the employee’s retirement benefits.

WATCH & LEARN: TRS MEMBER EDUCATION VIDEO SERIES

Learn all about your TRS pension benefits by watching our Member Education Videos! Help us spread the word about the series by downloading a poster from our website and displaying it at your school.