

Post-Retirement Employment – Revised 12/05, 4/30/13

Smith County may rehire retirees without a suspension of their monthly annuity if the following criteria are met.

- The retiree's separation was a bona fide separation, that is, there was no prior agreement or understanding between the employer and the employee that the employee would be rehired after retirement.
- The retiree must have had a break in service of at least one full calendar month.

A retiree who resumes employment with Smith County and does not have a break in service of at least one full calendar month, or who resumes employment with Smith County in essentially the same job as was previously held, will not be considered to have retired from the TCDRS. Thus, the employee's service retirement annuity will be discontinued and the employee must return payments received.

Any County department or office that is considering hiring a retiree should first consult the Personnel Department.

Any retiree who is rehired consistent with the policy will establish a new membership with TCDRS and will be considered a new member for the purposes of beneficiary determination and benefit selections.

In order to safeguard the County's retirement system as well as the employees and retirees, effective April 29th, 2013, the following policies and procedures related to rehiring a Smith County retiree must be followed:

- 1) In the event a County Department Head / Official desires to hire a Smith County retiree, the request must be placed on the Commissioners' Court agenda.
- 2) Prior to consideration by Commissioners' Court, the County Auditor and the County's Human Resources Department are to see that an executed affidavit from the retiree and an executed affidavit from the requesting Department Head/Official are completed and are included in the agenda packet (see affidavits below).
- 3) In addition to the two affidavits, the Commissioners' Court Agenda packet should also contain documentation that there is no explicit or implied preferential status given to retirees when they apply for vacant positions (that the vacant position was open to other candidates in a fair and competitive manner).
- 4) The Auditor's office and HR will verify retirement dates, etc. and include in the Court Agenda packet a recommendation for Commissioners Court consideration.
- 5) A rehired retiree may not begin employment until the Human Resources department and County Auditor's office (Payroll Division) has received approval from Commissioners' Court and the two fully executed affidavits shown below.

RETIREE REHIRE AFFIDAVIT

I solemnly affirm that no agreement or arrangement to hire me as an employee of Smith County was discussed with anyone associated with Smith County prior to my rehire.

I further solemnly affirm that a full calendar month has expired from the time of my bona fide retirement until the date of my rehire.

Signature

Printed Name

Department

State of Texas
County of Smith

This instrument was sworn to and subscribed before me on the _____

day of _____, 20_____.

Signature of Notary Public

Typed or Printed Name

Notary Commission Expires

**OFFICIAL / DEPARTMENT HEAD
RETIREE REHIRE AFFIDAVIT**

I solemnly affirm under the penalties of perjury that:

1) I did not, nor am I aware of any other Smith County official or employee who did, discuss any agreement or arrangement, or made any commitments or promises to rehire _____ (the "Retiree") after his/her retirement from Smith County;

2) the vacant position which the Retiree will fill has been open to fair competition, other candidates were considered, and that the Retiree has been deemed the most qualified candidate; and

3) at least one full calendar month has expired from the time of the Retiree's bona fide retirement until the date of rehire.

Signature

Printed Name

Department

State of Texas
County of Smith

This instrument was sworn to and subscribed before me on the _____ day of _____, 20_____.

Signature of Notary Public

Typed or Printed Name

Notary Commission Expires

Approved by Comm. Crt. 04-30-13