

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**PD-84 (rev. 7), “REEMPLOYMENT AND SELECTION OF RETIREES”**  
**APRIL 8, 2022**  
**TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>PAGE NUMBER</u></b>
<b><u>AUTHORITY</u></b> .....	1
<b><u>APPLICABILITY</u></b> .....	1
<b><u>EMPLOYMENT AT WILL CLAUSE</u></b> .....	1
<b><u>POLICY STATEMENT</u></b> .....	1
<b><u>DEFINITIONS</u></b> .....	1
<b><u>PROCEDURES</u></b> .....	2
I. Application Procedures .....	2
II. Required Periods of Separation .....	3
A. ERS Retirees Other Than TDCJ Retirees .....	3
B. TDCJ Retirees .....	4
1. Rehire as Correctional Officer .....	4
2. Rehire as Parole Officer I or II .....	4
3. Rehire to Different Position .....	4
4. Rehire to Same Position at a Different Location .....	5
5. Rehire to Same Position at the Same Location (Other than Correctional Officer Career Series or Parole Officer Career Series).....	5
III. Recommendation for Selection of an ERS Retiree.....	5
IV. Clearance for Selection .....	5



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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**SUPERSEDES:** PD-84 (rev. 6)  
April 1, 2016

## **EXECUTIVE DIRECTIVE**

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**SUBJECT:** REEMPLOYMENT AND SELECTION OF RETIREES

**AUTHORITY:** Tex. Gov't Code §§ 493.001, 493.006(b), 493.007, 812.205–.206, 814.109; BP-02.08, "Statement of Internal Controls"

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**EMPLOYMENT AT WILL CLAUSE:**

This directive **does not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of this directive at any time.

Nothing in this directive limits the executive director's authority to establish or revise human resources policy. This directive guides the operations of the TDCJ and **does not** create a legally enforceable interest for employees 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 equal to the amount of the state's retirement contribution for an active employee. The provisions in this policy do not apply to persons who retire without separating from their current positions pursuant to Texas Government Code § 814.109.

**DEFINITIONS:**

The following terms are defined for the purpose of this policy and are not intended to be applicable to other policies or procedures.

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

“Contact Person” is the employee responsible for providing application forms, study material, and information regarding worksite visits and receiving employment applications; or the employee who coordinates the application procedures and processes the conditional offer of employment.

“Hiring Official” is a TDCJ employee authorized to perform duties related to acquiring the labor or services of another person.

“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.

“Management Position” is a position that performs supervisory work administering and overseeing the daily operations and activities of a business function, division, or department within the TDCJ.

“Series” is a correctional officer (CO) series to include CO II-major; a food service manager (FSM) series to include FSM II and III; laundry manager (LM) series to include LM II, III, and IV; or a parole officer (PO) series to include PO I-V.

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

“Targeted Career Position” is any of the following positions: correctional officer (CO), sergeant, lieutenant, captain, major, food service manager (FSM), laundry manager (LM), and parole officer (PO).

## **PROCEDURES:**

### I. Application Procedures

- A. An ERS retiree seeking consideration for a TDCJ position shall submit the State of Texas Application for Employment, TDCJ Employment Application Supplement, 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 TDCJ; 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 application through the TDCJ's or Texas Workforce Commission's (TWC) online application system. ERS retirees applying through the TWC online application process shall 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 shall 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 May 31 was a retiree's effective date of retirement, 90 calendar days later would be August 29.

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 an administrative assistant IV-intake interviewer position in November 2019 prior to demoting to an administrative assistant III-intake coordinator position in December 2019 and then retiring December 31, 2019, cannot be reemployed as an administrative assistant IV-intake interviewer until November 2020 or an administrative assistant III-intake coordinator until January 2021.

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, other than a management 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 the 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. Recommendation for Selection of an ERS Retiree

If an ERS retiree is recommended for selection to a position that is not a targeted career position, or to a supervisor of COs, LM IV, or PO III-V, preapprovals must be obtained by the hiring official(s) 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 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 shall access the ERS online system during the clearance process to verify that:

- A. On the effective date of employment, the ERS retiree has 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, other than a management position, 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 shall contact the retirement coordinator, Employee Services, Human Resources Division, to obtain this information.

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Bryan Collier  
Executive Director