

# TRS NEWS

TEACHER RETIREMENT SYSTEM OF TEXAS ★ JULY 2011

## Texas Legislature enacts new laws affecting TRS members, retirees

### 82nd Texas Legislature

The 82nd Texas Legislature, Regular Session, adjourned at the end of May after enacting laws that will impact many TRS members and retirees.

The following briefly summarizes key TRS legislation. New laws will take effect on September 1, 2011, unless otherwise noted. In upcoming months, TRS will provide additional information through e-mail messages sent to members and retirees who have registered through *TRS-Connect* to receive legislative updates as soon as those updates become available. TRS will also provide information through newsletters, the TRS website ([www.trs.state.tx.us](http://www.trs.state.tx.us)), and other publications to help members and retirees understand how these bills affect them.

#### Senate Bill 1669 – Employment After Retirement

This bill is effective immediately.

- Service retirees who retired before January 1, 2011, may now work in Texas public education in any capacity without any loss of monthly annuities. Surcharge requirements for employers still apply to retirees who retired after September 1, 2005 and are working in TRS-eligible positions. New TRS-Care surcharge rates will be effective September 1, 2011.

- Service retirees who retire after January 1, 2011 may work full time for as much as 12 months each school year without any loss of annuities only if they have a break in service of 12 full consecutive calendar months after retirement. The bill repeals the former exceptions that allowed service retirees to work on a full-time basis without loss of annuities in certain circumstances (i.e., the bill repeals the six-month exception, the bus driver exception, the principal/assistant principal exception, the acute shortage exception, and the nurse faculty exception). Retirees who have not served a 12-full-consecutive-calendar-month break in service after retirement may only work as substitutes

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## Guthrie to become TRS executive director in September

Brian Guthrie will become TRS' ninth executive director on Sept. 1, 2011. The TRS Board of Trustees offered the position to Guthrie last February after Ronnie Jung, the system's current executive director, announced plans to step down from his position. Jung has served as executive director for

more than seven years. Since Oct. 2008, Guthrie has served as TRS deputy director. In his new role, he will oversee the TRS pension plan and related benefits. Jung will serve as executive liaison to the TRS Board through Jan. 31, 2012 to assist Guthrie and the trustees during a period of transition.

## Active member group benefit presentations planned statewide

Beginning in September, TRS will conduct benefit presentations in a group setting in 31 cities throughout Texas. The presentations will review TRS benefits available to TRS active members and will also cover issues for members considering retirement in the 2011-12 school year. Presentation times and locations are included on pages 4-5.

Beginning **August 29, 2011**, active members who are registered for *MyTRS* may register

for group sessions online through the "What's New" page of the TRS website or call TRS toll-free at 1-800-223-8778. Reservations will be taken on a first-come, first-served basis.

Members who register for group presentations are not automatically registered for individual appointments. Members who make individual appointments do not need to attend a group presentation. For more information, see the article on page 2.

## Receive newsletters, annual statement faster by e-mail

Why wait weeks to receive TRS newsletters, brochures and annual statements by mail when you can receive them by e-mail? For details, visit [www.trs.state.tx.us](http://www.trs.state.tx.us) and click on *TRS-Connect*.



# MEMBERS

From Executive Director Ronnie G. Jung

The Texas Legislature recently adjourned from a challenging regular and special session. This year's sessions were particularly difficult due to the budget shortfalls that face us as a result of the downturn in the economy. This newsletter provides you with important information on the laws enacted that may affect you as a TRS participant. In addition, we will post further details on new laws and TRS rules to our website as they become available. We've also added a video to the website to walk you through the changes that impact TRS.

Even with the economic downturn, the condition of the TRS Pension Fund is strong. Thanks to our long-term investment focus and dedication of our investment staff, the fund has continued to perform extremely well over the past year. As of the year ending March 31, 2011, the fund earned more than \$15 billion (a 16% rate of return), ranking TRS in the highest 8th percentile of all public funds.

This fall, TRS staff and trustees will meet with members and retirees again at association conferences and town hall-style meetings. These gatherings will provide an opportunity to learn about the health of your trust fund and health benefit programs. Check the TRS website in late summer for further details.

Your July newsletter contains dates, times and locations for group benefit presentations and one-on-one field visits. Please take advantage of one of these sessions.

This "Memo to Members" will be my last before I step down as your executive director on Aug. 31. After working for 38 years, I now look forward to spending quality time with my family. However, before I do, I have agreed to assist the board and new Executive Director Brian Guthrie in a transitional role until Jan. 31, 2012.

Working as your executive director has been a great honor and privilege for me. Nothing could have been more rewarding than to help ensure that annuities were paid in a timely manner and that health benefits were provided to so many members and retirees. I feel fortunate to have been here when our pension fund exceeded \$100 billion dollars and we passed the one million member/retiree mark. I also look back with pride at how we implemented our state-wide health benefit program for active public education members. I hope that program and the one serving our retirees has improved the quality of life for those who have participated in them.

Thank you for the support and encouragement you have shown me over the last 15 years. I can assure you that I leave TRS in good hands. Our fund is strong, our board remains committed to safeguarding your benefits, and our employees continue to give 100 percent every day to better serve you.

**Active member,  
one-on-one counseling  
appointments planned  
across Texas**

***New online scheduling  
offered this year***

Beginning in October, TRS will once again conduct one-on-one counseling appointments in 10 cities across Texas during the 2011-2012 school year. *One-on-one counseling locations and dates are listed on page 8 of this issue.*

Thirty (30) individual counseling appointments will be available on each trip. These one-hour appointments are designed for active members who are eligible to retire and are considering retirement in the 2011-12 school year. These individual appointments will be offered to members on a first-come, first-served basis and only with a pre-arranged appointment.

As a new feature this year, beginning August 29, 2011, active members who are registered for MyTRS may schedule a one-on-one appointment online through the "What's New" page of the TRS website, which is located at [www.trs.state.tx.us](http://www.trs.state.tx.us). Members may also schedule an appointment by calling TRS toll-free at 1-800-223-8778 to speak to a benefit counselor. All appointments must be made by the deadlines listed on the schedule shown on page 8 of this issue. These deadlines allow TRS to prepare and send retirement packets to members ahead of time. Members will also receive a confirmation letter or e-mail (if registering online) with their appointment date and time.

TRS looks forward to this opportunity to both enhance and expand customer service for TRS members. Members who make individual appointments do not need to attend a group presentation. Members who register for group presentations are not automatically registered for individual appointments. See separate article on page 1 of this issue for group presentations.

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Executive Director

The Teacher Retirement System of Texas does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services. A copy of the complete TRS plan is available at the above address during normal business hours.

# Texas Legislature

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or on a one-half time basis. Working full-time in the absence of the break in service of 12 full consecutive calendar months will result in the loss of the annuity for the month in which the full-time work occurs. Also, working in any capacity for a TRS-covered employer, including work as a substitute, will restart the counting toward the required 12-full-consecutive-calendar-month break in service. Surcharge requirements for employers still apply to retirees who retired after September 1, 2005 and are working in a TRS-eligible position. New TRS-Care surcharge rates will be effective September 1, 2011.

- Disability retirees who are working on a three-month trial basis may do so even if the three months cross school years.

## **Senate Bill 1668 – Service Credit Purchase**

This bill makes significant changes to the cost of certain kinds of purchased service credit and makes other administrative adjustments.

- To purchase out-of-state service credit, developmental leave service credit, and unreported service or compensation credit (including substitute service), the cost will increase to the actuarial cost of the additional benefit resulting from the credit.

- To purchase withdrawn service credit, the member will be required to deposit the withdrawn amount plus a fee of 8% (increased from 6%).

- For withdrawn service, developmental leave, unreported service or compensation credit (including substitute service credit), an eligible member may purchase credit for eligible service rendered before September 1, 2011, at the old cost, if the credit is purchased before September 1, 2013, or an installment agreement is signed and received at TRS before that date. For out-of-state service credit to be purchased at the old cost, the same deadline applies, and the out-of-state service must have been rendered before January 1, 2006, by a person who was a member of TRS on December 31, 2005.

- A member who was ineligible to receive a refund but nevertheless obtained one from TRS will no longer be required to reinstate the refunded amounts before being eligible to receive TRS benefits on subsequent service credit.

- A person with unreported service or compensation, including substitute service, will be required to verify the service to TRS within five years of when it was rendered in order for it to be creditable. Unreported service will no longer be mandatory to purchase after verification.

- Up to two years of developmental leave service credit may be purchased if the member notifies TRS *before* the leave begins. The member must have at least five years of TRS service credit before the leave occurs and at least one year of service credit following the developmental leave. The credit no longer must be purchased by the end of the first school year following the leave.

- For members with military service that qualifies as USERRA service (Uniformed Services Employment and Reemployment Rights Act of 1994), the service may be counted toward length of service requirements for TRS benefit eligibility (but not benefit amount), even if the member does not purchase credit for the service.

## **House Bill 2561 – Standardized School Year**

Starting with the 2012-2013 school year, all TRS members will use a standardized school year of September 1 through August 31 for TRS benefit purposes. This means that TRS service credit and creditable compensation will be determined on a September 1 – August 31 basis.

## **Senate Bill 1667 – TRS Administration and Benefits (“omnibus bill”)**

This bill covers a range of administrative and benefit matters, including the following provisions affecting TRS participants:

- **Service Credit not on Member’s Annual Statement.** Members now must notify TRS in writing if eligible membership service is not shown as service credit on the member’s annual statement. In order for the member to receive TRS credit for the service, the member must notify TRS within five years of when the service was rendered. The bill also provides a transition period for members who have service that was rendered more than five years before the bill takes effect. A member who seeks to establish credit for service rendered before September 1, 2011, but that is not credited on the annual statement must notify TRS in writing by August 31, 2016.

- **Use of Social Security Numbers in QDROs.** For members and retirees who are subject to a court order known as a Qualified Domestic Relations Order (QDRO) dividing their TRS retirement benefits (usually as a result of divorce), the bill ends the current law requirement that the QDRO must state the parties’ social security numbers. TRS may allow the parties to use an alternate method, acceptable to TRS, to verify their social security numbers. The bill also authorizes TRS to establish a fee for administering a QDRO and to require use of the TRS model QDRO.

- **Amounts Owed to TRS.** If a TRS participant or beneficiary owes TRS money, TRS may deduct that amount from benefit payments made by TRS to that person.

- **Trust Designated as a TRS Beneficiary for Option 1, 2, or 5 Benefits.** If a retiree designates a trust as beneficiary for Option 1, 2, or 5 benefits and later changes the beneficiary designation from the trust to the individual named as the trust beneficiary, the bill allows TRS to pay the new TRS beneficiary for *life*, instead of just for the new TRS beneficiary’s *life expectancy*.

- **Death Benefits.** The bill clarifies how TRS will pay benefits after the death of a member or annuitant when a beneficiary designation is revoked upon TRS receipt of a divorce decree or when a beneficiary is not eligible to receive the death benefits because the benefi-

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# Registration Presentation Schedule

through May 14, 2012

REGISTRATION FOR GROUP PRESENTATIONS IS AVAILABLE  
ONLINE AT [WWW.TRS.STATE.TX.US](http://WWW.TRS.STATE.TX.US) BEGINNING AUGUST 29, 2011  
("WHAT'S NEW" PAGE) OR BY CALLING 1-800-223-8778.

## HUNTSVILLE

Region VI ESC  
3332 Montgomery Road  
Thursday, September 22  
5:30 p.m. - 7:30 p.m.

## KILGORE

Region VII ESC  
1909 North Longview Street  
Monday, February 27  
5:30 p.m. - 7:30 p.m.

## LAREDO

Texas A&M International University  
Student Center Theater, 5201 University Boulevard  
Monday, October 24  
5:30 p.m. - 7:30 p.m.

## LUBBOCK

Region XVII ESC, Conference Center  
(North Entrance), 1111 West Loop 289  
Monday, December 5                      Monday, March 5  
5:30 p.m. - 7:30 p.m.

## LUFKIN

Lufkin High School Auditorium  
309 South Medford Drive  
Wednesday, February 22  
5:30 p.m. - 7:30 p.m.

## MESQUITE

Mesquite ISD, Professional Development Center  
2600 Motley Drive  
Saturday, September 24  
10:00 a.m. - 12 Noon

## MIDLAND

Region XVIII ESC  
2811 LaForce Boulevard  
Monday, January 30                      Monday, May 7  
5:30 p.m. - 7:30 p.m.

## RICHARDSON

Region X ESC, Abrams Building  
904 Abrams Road  
Thursday, February 2  
5:30 p.m. - 7:30 p.m.

## SAN ANGELO

Region XV ESC  
612 South Irene  
Thursday, December 8  
5:30 p.m. - 7:30 p.m.

## SAN ANTONIO

Region XX ESC Conference Center  
1314 Hines Avenue  
Thursday, November 3                      Wednesday, April 11  
5:30 p.m. - 7:30 p.m.

## SUGAR LAND

Fort Bend ISD Annex Building  
3119 Sweetwater  
Thursday, December 15                      Wednesday, May 2  
5:30 p.m. - 7:30 p.m.

## TEXARKANA

District Services Building  
1600 Waterall  
Thursday, February 23  
5:30 p.m. - 7:30 p.m.

## TYLER

UT Tyler, 3900 University Boulevard  
Robert R. Muntz Library  
Thursday, October 13                      Thursday, February 9  
5:30 p.m. - 7:30 p.m.

## VICTORIA

Region III ESC  
1905 Leary Lane  
Wednesday, October 5  
5:30 p.m. - 7:30 p.m.

## WACO

Region XII ESC  
2101 W. Loop 340  
Wednesday, November 16                      Thursday, April 12  
5:30 p.m. - 7:30 p.m.

## WICHITA FALLS

Region IX ESC  
301 West Loop 11  
Monday, November 14  
5:30 p.m. - 7:30 p.m.

## TRS-Care Retirees Advisory Committee appointments planned for early 2012

In February 2012, TRS will fill four expiring seats on the Retirees Advisory Committee (RAC), an advisory committee for TRS-Care. The Texas Insurance Code requires that the committee be comprised of nine members with staggered four-year terms.

Four positions will expire on January 31, 2012: one active teacher, one retired teacher, one retired school administrator, and one active member of the auxiliary personnel of a school district.

RAC responsibilities include holding public meetings on group coverage, recommending minimum standards and plan features, and recommending changes to rules and legislation affecting TRS-Care. The committee meets twice a year in Austin.

TRS evaluates nominees based on the following criteria:

- length of experience as a TRS member and/or retiree
- participation in education-related volunteer programs
- professional activities and experience serving on committees, boards, and decision-making organizations, especially related to health care or other benefits
- credentials, awards, or other meritorious recognition
- participation in TRS-Care (for retired nominees)
- geographic diversity
- experience in health benefits or a related field

Anyone required to register as a lobbyist under Chapter 305, Govt. Code, is ineligible for appointment. To be nominated to one of the four positions, please submit your resume and a cover letter to TRS, attention Chief Benefit Officer, by **October 14, 2011**.

Your cover letter should state the position you are applying for and why you should be considered for committee membership.

## TRS-Care rates to remain the same for 2011-2012

The TRS Board of Trustees approved continuation of current TRS-Care rates for the 2011-2012 plan year, beginning Sept. 1, 2011. They agreed to no rate changes at their June meeting based on recommendations received from TRS staff and health care consultants. The only change that will go into effect in the next plan year is to allow retirees to cover eligible dependent children to their 26th birthday, regardless of the child's marital status. Dependent children who may have been dropped from TRS-Care when they reached age 25 will now be eligible for re-enrollment if they are under age 26 on September 1, 2011. Retirees may contact TRS-Care to determine if their dependent child is eligible for TRS-Care coverage to age 26.

## Texas Legislature

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ciary is convicted of causing the death of the TRS participant. For applicable situations, TRS will use the statutory order of payment set out in the plan provisions.

• **Benefits not Payable to Person Causing Death of TRS Participant.** Benefits payable on the death of a member or annuitant are not payable to a person who is found not guilty of causing the death by reason of insanity or who is found incompetent to stand trial.

• **Providing Information about a Deceased TRS Participant.** When there is no executor or administrator for the estate of a deceased participant, TRS will have authority to release information about the participant when the executive director determines the recipient is acting in interest of the participant's estate or an heir of the participant.

• **TRS Board of Trustee Nominating Elections.** TRS will have greater flexibility to use electronic voting in board nominating elections. Also, if fewer than three persons are nominated for a board position that has a nominating election, TRS may forward fewer than three names to the governor. The bill also authorizes the governor to appoint the trustee if no person is nominated.

### House Bill 1 – General Appropriations Act (GAA)

For the pension fund, the state contribution rate was lowered from 6.644% to 6.0% in fiscal year 2012;

in fiscal year 2013, the rate will be 6.4%. The member contribution rate remains at 6.4% for both years of the biennium. For TRS-Care, the retiree health benefits program, the state contribution rate remains at 1% in fiscal year 2012; it is lowered to 0.5% in fiscal year 2013.

Several GAA riders are important to TRS participants:

• TRS is required to conduct a study of TRS-Care and report to the legislature on potential changes to improve the program's sustainability.

• The legislature expressed its intent that TRS not increase retiree health insurance premiums for the 2012-13 biennium. At its June meeting, the TRS Board considered updated financial information and did not raise TRS-Care premiums for the upcoming school year.

• TRS is required to report to the legislature on the impact of potential changes to the pension plan, including retirement eligibility, final average salary, benefit multiplier, and the creation of a hybrid defined contribution/defined benefit retirement plan.

• TRS is authorized to establish a pilot program for TRS participants in the group health benefit programs to test alternatives to traditional fee-for-service payments.

### House Bill 2120 – Board of Trustees "Open" Seat

The current higher education trustee position will now be an "open" seat. TRS retirees, members in

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## Driving one bus route no longer qualifies for TRS membership

If you currently meet TRS eligibility requirements due to driving one bus route (that meets TEA guidelines) each day you may not be eligible for membership based on the same amount of bus driving in the 2011-2012 school year. Beginning with the new school year the minimum employment eligible for membership will be employment for no less than 15 hours per week. The new minimum applies to all positions including bus drivers. The number of bus routes that you drive will no longer determine your eligibility for TRS membership and you are no longer required to be driving a route that meets TEA guidelines.

The change in the rule does not allow for grandfathering. Therefore, beginning in the 2011-2012 school year, if you continue to drive the bus as your only employment with the TRS-covered employer and the total time worked each week is less than 15 hours, you will no longer be serving in a position eligible for TRS membership. Your membership in TRS is not terminated if you are not serving in a position eligible for TRS membership but you will not earn additional TRS service credit based on that employment.

What happens to your TRS member account and your benefits if you don't work at least 15 hours per week? If you plan to someday return to a job with a TRS-covered employer that requires that you work at least 15 hours per week, you may want to leave your TRS membership and member account untouched. If

you have at least five years of service credit, your accumulated contributions will continue to earn interest until you are ready to receive a distribution. With five years of service credit you are eligible to draw a retirement annuity from TRS at some point in the future – even with no further service credit you will eventually “age” into eligibility for a retirement annuity. If you have less than five years of service credit, the accumulated contributions in your account will stop earning interest after the fifth year that you do not work in a membership eligible position. If you do not plan to work for a TRS-covered employer again, you may request to terminate your membership in TRS and receive a refund of the accumulated contributions in your account. However, if you continue to work for a TRS-covered employer, even in a position that is not eligible for TRS, you will not be able to apply for a refund of your deposits until you have terminated all employment with TRS-covered employers. You should carefully consider all of the implications of terminating your membership in TRS, including tax consequences such as possible early withdrawal penalty, opportunity for proportionate retirement if you go to work for another governmental entity such as a state agency or county employer, loss of more beneficial benefit calculations and/or eligibility requirements if you were a member of TRS prior to 2007 – before terminating your membership.

### How retirees can work half-time as a substitute without forfeiting their annuity

Many TRS retirees ask if they can work as a substitute and on a one-half time (hourly) basis during the same calendar month without losing their annuity.

A retiree may work as a substitute and on a one-half time (hourly) basis in the same calendar month. For TRS purposes, there is only one definition of a substitute: a person who is taking the place of a current employee. To avoid losing your monthly annuity, you must limit the work in a calendar month as

a substitute and on a one-half time (hourly) basis to one-half the number of working days in that month. If the calendar month has 20 work days, you would only be able to work 10 days when combining substitute work and hourly work in the same calendar month. If you work more than one-half the number of days in the month, you will lose your annuity for that month.

Keep in mind that working any part of a day counts as a full day. If you work as a substitute part of a

day and then work in an hourly position the remainder of the day, it counts as one day.

If you limit your employment to only substitute work in a calendar month and you are a service retiree, you can substitute every available work day that calendar month. If you are a disability retiree, you may substitute every available work day that calendar month, but you must limit your total employment for the school year to no more than 90 days.

## Texas Legislature

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public school districts, and members in higher education institutions may run for nomination to this trustee position in the next election (2017). The top three vote recipients' names will be submitted to the governor for appointment.

### House Bill 1061 – TRS Investments

TRS is authorized to use derivatives in its investment portfolio and to use external managers to invest

up to 30% of the TRS fund until September 1, 2019. TRS is authorized to increase its allocation to hedge funds from 5% to 10% until September 1, 2019.

As soon as new information becomes available, it will be posted to the TRS website. We encourage you to check the site for periodic updates. An even more convenient option is to sign up for *TRS-Connect* so you can receive e-mail updates. To register, just click on the *TRS-Connect* link on the right side of the TRS website's homepage ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

# Teacher Retirement System of Texas

1000 Red River Street/Austin, TX 78701-2698

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CHANGE SERVICE REQUESTED

## 2011-2012 Individual Field Counseling Appointments

You may begin scheduling an individual field counseling appointment on August 29, 2011 online at [www.trs.state.tx.us](http://www.trs.state.tx.us) or by calling 1-800-223-8778.

**ABILENE:** Region XIV ESC  
1850 Highway 351  
January 9 & 10, 2012  
(Deadline to register: December 19, 2011)

**AMARILLO:** Region XVI ESC  
5800 Bell Street  
October 10 & 11, 2011  
(Deadline to register: September 19, 2011)  
**and**  
May 14 & 15, 2012  
(Deadline to register: April 23, 2012)

**BEAUMONT:** Region V ESC  
2295 Delaware Street  
January 23 & 24, 2012  
(Deadline to register: January 2, 2012)

**EDINBURG:** Region I ESC  
1900 West Schunior  
November 28 & 29, 2011  
(Deadline to register: November 7, 2011)  
**and**  
February 6 & 7, 2012  
(Deadline to register: January 13, 2012)

**EL PASO:** El Paso ISD, Professional Development Center, 6500 K Boeing Drive  
October 31 & November 1, 2011  
(Deadline to register: October 10, 2011)  
**and**  
April 16 & 17, 2012  
(Deadline to register: March 26, 2012)

**KILGORE:** Region VII ESC  
1909 North Longview Street  
February 27 & 28, 2012  
(Deadline to register: February 6, 2012)

**LAREDO:** Texas A&M International University  
5201 University Boulevard  
October 24 & 25, 2011  
(Deadline to register: October 3, 2011)

**LUBBOCK:** Region XVII ESC, Conference Center  
1111 West Loop 289  
December 5 & 6, 2011  
(Deadline to register: November 14, 2011)  
**and**  
March 5 & 6, 2012  
(Deadline to register: February 13, 2012)

**MIDLAND:** Region XVIII ESC  
2811 LaForce Boulevard  
January 30 & 31, 2012  
(Deadline to register: January 9, 2012)  
**and**  
May 7 & 8, 2012  
(Deadline to register: April 16, 2012)

**WICHITA FALLS:** Region IX ESC  
301 West Loop 11  
November 14 & 15, 2011  
(Deadline to register: October 24, 2011)