



POLICY & PROCEDURE DOCUMENT

NUMBER: 4.2451

DIVISION: Finance and Administration

TITLE: Guidelines for Full-Time Re-employment of Retirees

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Policy for: All Non-Faculty Employees

Authorized by: Director, Human Resources

I. Purpose and Scope

Western Kentucky University recognizes that under certain circumstances, there may be advantages to long-term employees in the accomplishment of its mission and strategic plan. The University also recognizes that changes in the workplace, advancements in technology, and individual departmental / division / University needs can require the reconfiguration, creation and/or elimination of existing positions and job duties for the prudent operation of the University and accomplishment of its missions and goals.

II. Policy

A. Employment at Will

Western Kentucky University reserves the right, through the practice of employment at will, to offer or not offer continued employment to employees after attaining official retirement status. Nothing herein amends or voids an employee's employment at will status, or serves to create any new or additional right of continued employment or re-employment on behalf of any employee.

B. Full-Time Re-Employment Immediately After Retirement

1. Current Kentucky law provides that employees may voluntarily retire at any time after having met eligibility criteria (generally 27 years of service) established by their respective retirement system (Kentucky Teachers' Retirement System (KTRS) or Kentucky Employees' Retirement System (KERS)).

2. Both KTRS and KERS permit full-time re-employment, when certain conditions are met, after gaining official retirement status. At Western Kentucky University, such re-employment shall be at the sole discretion of the University, as provided in this policy.

III. Procedure

A. Search Process

1. The usual and customary competitive search requirements are applicable and must be completed prior to re-employment of a retired employee. After attaining retirement status, an employee may not be re-employed in the same position within the same department that he/she held immediately prior to retirement.
2. Any deviations from standard search procedures and the guidelines described herein must be approved in advance through administrative channels and by the Director of Equal Opportunity and Director of Human Resources.

B. Re-Employment in a KTRS Covered Position

1. *Waiting Period* - Following completion of the hiring process, the re-employment of a retiree in any KTRS covered position may not become effective any sooner than six months from the official retirement effective date. During this six month waiting period, part-time employment is disallowed.
2. *Salary* - The salary for a re-employed retiree may be set at a level consistent with qualifications and the available budget resources of the hiring department/unit.
3. *New Retirement Account* - When re-employed, a KTRS retiree should elect one of the University's optional retirement plan providers (TIAA CREF, VALIC, or AETNA) as his/her new retirement plan. Customary retirement contributions are paid by both the University and the employee. Participation in an optional retirement plan does not impact a retiree's benefits from KTRS.

C. Re-Employment in a KERS Covered Position

1. The following provisions are applicable to re-employment in a KERS covered position.
 - a. In compliance with state retirement regulations, all employers participating in the Kentucky Employees Retirement System (KERS) and the State Police Retirement System (SPRS) are considered the "same employer".
2. Rules for re-employment in a position that is required to participate in the Systems (KERS or SPRS)
 - a. The retiree must have a bona fide separation from service (no prearranged re-employment agreement with the same employer). This means that at the time of retirement/separation from employment, the employee/retiree and the employer must not have any agreement for return to employment with the same employer at any time in the future after retirement.

- b. A retiree may return to full-time employment in a position with the same principal duties after a six (6) month waiting period from his/her termination/separation date.
 - c. A retiree may return to full-time employment in a position with different principal duties provided there is a bona fide separation and at least a one calendar month break in service.
 - d. A retiree may return to temporary, seasonal, part-time employment (as defined by KERS regulations) provided there is a bona fide separation and at least a one calendar month break in service. Such employment may not exceed six (6) months in duration and hours of work must not exceed an average of 100 hours per month. NOTE: Please refer to Human Resources Policy #20-120 for procedures applicable to temporary, seasonal and part-time employment.
3. *Salary* - The salary for a re-employed retiree may be set at a level consistent with qualifications and the available budget resources of the hiring department/unit.
4. *Retirement Account* - Retirees who are re-employed in full-time positions establish new retirement accounts with KERS. Consequently, customary retirement contributions are paid by both the University and the employee.

NOTE: These guidelines are subject to change based on the changing needs of the University and/or regulatory changes imposed by KERS and KTRS.

IV. Exclusions

V. Related Policies

See also:

VI. Reason for Revision

Appendices: