

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION

Policy and Procedures Manual

SUBJECT: PERSONNEL

Policy 712.1 – Post-Retirement Employment

Adopted: January 30, 1984; Revised: May 28, 2010; Revised: May 18, 2023

I. Preamble

The Board of Regents supports the strategic use of post-retirement employment agreements with contract faculty or contract professional and administrative personnel when the campus executive officer and the commissioner view the agreement as an efficient and effective means for serving students and the public.

II. Board policy

The policy on post-retirement employment is designed to provide guidelines for developing a written contract which is consistent with state law, state retirement regulations, employee group health insurance considerations, and board policies. The provisions of the contract should be such that both parties can reasonably be expected to fulfill obligations contained therein and be consistent with the traditional relationships between a faculty member and his or her campus.

The administration of the campus has the responsibility for determining if it is feasible to draft an agreement with the individual faculty member or contract employee which is beneficial to the campus. The written post-retirement contract shall be subject to the review and approval of the commissioner of higher education.

III. Procedures

Any offer or acceptance of post-retirement employment under this policy may not occur until after the employee has retired. Retirement program regulations and employee group health insurance considerations may influence whether or when the employer chooses to extend a post-retirement employment offer. In the case of a retired tenured faculty member, tenure terminates upon initial retirement and is not retained in any post-retirement employment capacity.

Terms and Conditions

A. The term of a post-retirement agreement shall be determined on an individual basis. The individual contract will describe the term of the intended appointment, normally for a duration of a semester or academic year, but in any case, not to exceed three years. In the case of a faculty member's contract, the post-retirement appointment shall be subject to Regents' Policy 710.2.1 as if the contract employee were a tenured faculty member with zero (0) years of seniority.

B. The contract for post-retirement employment can include any one semester, summer session, or be prorated over any part of the fiscal year. This period of employment within the year may be changed annually by mutual agreement.

C. The faculty member shall be subject to at least one performance evaluation process per contract term. In other regards, for all post-retirement contract employees the evaluation process shall be consistent with the unit's normal evaluation process except that, whenever special conditions and criteria are to be applied, such criteria will be spelled out as part of the employment contract of the employee.

D. There is no guaranteed contract renewal. All post-retirement contract agreements automatically expire at the end of the term of the contract. However, post-retirement agreements may be renewed at the discretion of the campus administration with the approval of the commissioner of higher education depending upon the programmatic needs of the campus and the expertise of the individual employee.

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E. The rate of pay and term of employment shall be in accordance with any-state regulations, the nature of the work to be performed, and pay interrelationships in the employing department.

Termination

An employee may be terminated for cause during the period of post-retirement employment pursuant to Regents' Policy 710.2.2.

History:

ITEM 41-003-R0973, Post-retirement employment; Montana University System (Revised), January 30, 1984 as amended Aug. 1, 1986, September 14, 1989, November 18, 1999 (ITEM 104-103-R0999); ITEM 147-103-R0510, revised § II and Terms and Conditions § D; Revised May 18, 2023, Item 206-102-R0523.