

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

I. Preamble

The Board of Regents of the Montana University System (MUS) supports faculty and professional staff development and encourages practices within the system which contribute to that end. A post-retirement employment policy is an option which serves the campus, its faculty, professional staff and students. Such a program provides an opportunity for experienced and committed members of the higher education community to continue their professional relationship with the campus even though they have chosen partial retirement status.

The guidelines in this policy are provided as a basis for progressive action by the campuses of the MUS. It is the desire of the Board of Regents that each campus implement a program that provides for post-retirement employment when it serves the needs and interests of the individual and the institution. Such arrangements are to be designed to continue the service of the individual as an active member of the professional campus community.

II. Board policy

Any campus of the Montana University System may enter into a post-retirement employment agreement with any faculty member or regent contract employee, or MUS contract employee in accordance with the terms of this policy. The purpose of establishing a post-retirement employment policy is to increase the opportunities for individual faculty members and Regent contract employees to change their employment status to the mutual advantage of the individual and the unit where the individual is employed.

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 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 in question has the responsibility for determining if it is feasible to work out an agreement with the individual faculty member or Regent contract employee which is beneficial to the campus. The written contract or letter of appointment shall be subject to the review and approval of the commissioner of higher education.

III. Procedures

Upon the approval of the post-retirement contract by the contract employee and the commissioner of higher education, the contract employee must resign his or her position. Thereafter, the contract employee is responsible for applying to the appropriate retirement system if he or she wishes to obtain retirement benefits. Tenure terminates when this resignation becomes effective.

The public retirement provisions regarding employees' retirement are governed by the Teachers' Retirement System (TRS) and the Public Employees Retirement System (PERS).

Notification of Employer

The contract employee must reach an agreement with the campus administration at least six (6) months prior to retirement and request post-retirement employment. The campus administration may waive the six-month notification requirement. This oral understanding must lead to a written contract which is

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reviewed and approved by the commissioner before a change in employment status becomes effective. For individuals covered by a collective bargaining agreement, in the absence of a union agreement that provides for individual negotiation of post-retirement contracts, no such negotiations may take place until the individual's retirement is effective.

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, not to exceed three years, and, in the case of a faculty member's contract, 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. An employee must notify the campus administration in writing at least six (6) months prior to the expiration of the post-retirement agreement that he or she desires to negotiate a new agreement. The campus administration may waive the notification requirement.

E. The maximum rate of pay or term of employment shall be in accordance with the appropriate Public Retirement System regulations.

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.