

UC Berkeley
**Campus Procedures for
Reemployment of UC Retired Employees
to Staff Positions**
(as of 5/27/09)

These guidelines are provided in response to the "Policy on Reemployment of UC Retired Employees into Senior Management Group and Staff Positions," effective January 1, 2009. Recall appointments for academic appointees are not governed by this policy or these campus guidelines.¹

For all staff and Senior Management Group (SMG) appointments, campus hiring managers are expected to read and comply with the policy which is located at:

http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/re-emp_ret_emp.pdf.

It is recommended that the hiring manager begin the reemployment approval process at least three weeks prior to the anticipated start date of the initial appointment or appointment extension to allow time for the applicable approvals. The employee cannot begin work until the approval process is complete.

A. Before submitting the *Retired Employees Approval Form (UBEN 138)*

1. Determine whether or not the prospective employee is a UC (not just a UCB) retiree. (See [section D\(1\)](#) of these procedures for more information.)
2. For contract appointments, contact your Employee Relations Consultant for approval of the contract.
3. If a hiring freeze has been implemented, and approval to hire the position is required, *before submitting a request to rehire a retiree*, contact your Control Unit Administrator to notify him or her about the potential hire and get an exception to the hiring freeze at:
<http://hrweb.berkeley.edu/scro/hiringfreeze.htm>.

B. Approval Process for Appointment to an SMG Position

For appointment to SMG appointments, contact the campus SMG Coordinator, Patti Owen, (powen@berkeley.edu or 642-5626). Appointments to SMG positions, or positions when the total salary plus cash compensation exceeds the Indexed Compensation Level (ICL), must be approved by the Regents. Allow at least a three-month lead time for approval. The SMG Coordinator will handle this approval process.

C. Approval Process for Appointment to Staff Positions

1. Steps Applicable to All Requests

- a. *Written documentation of University need must be provided for all reemployment actions.* The hiring department initiates the approval process by completing the [Retired Employee Approval Form \(UBEN 138\)](#), and the [UC Berkeley Supplement to the Retired Employee Approval Form](#), and compiling supporting documentation.
- b. If a hiring freeze is in effect, approval to fill the position may be required first.
- c. Once complete, the form, supplement, and supporting attachments are sent electronically to the Human Resources Benefits Unit, Attn: Marie Johnson (benefits@berkeley.edu), with a cc to your appropriate control unit administrator. The control unit administrator will immediately

¹ Academic appointees are governed by Academic Personnel Policy 200-22 and Academic Personnel Policy 200, Appendices A and B, and the *Guidelines for UC Retirees*. All documents are available online at the link above. Questions should be directed to the campus office of Academic Personnel (appolicy@berkeley.edu or 642-5626).

notify the requesting unit and Human Resources if there is an issue or problem with the request.

- d. The Human Resources Benefits Unit will review the packet for completeness and forward it to the Assistant Vice Chancellor of Human Resources Jeannine Raymond.

2. Requests that are Within Policy

- a. Rehiring a UC employee to a staff position **within policy** requires the approval of the Assistant Vice Chancellor of Human Resources.
- b. If approved, Human Resources will notify the department and the Control Unit Administrator.
- c. The department may then move forward with the hire.
- d. If **not approved**, the request will be returned to the department, which may choose to provide additional supporting documentation for reassessment.

3. Requests that are Exceptions to Policy

- a. Rehiring a UC employee in a staff position as an **exception to policy** requires the endorsement of the Assistant Vice Chancellor of Human Resources and the approval of the Chancellor.
- b. Exceptions to policy will be handled on a case by case basis. Exceptions include, but are not limited to, appointments in excess of 43% time, appointment duration longer than 12 months, and/or delaying a recruitment for more than 30 days.
- c. Requests endorsed by the Assistant Vice Chancellor of Human Resources will be forwarded to the Chancellor for approval.
- d. If approved by the Chancellor, Human Resources will notify the department and the control Unit Administrator.
- e. If **not approved**, the request will be returned to the department, which may choose to provide additional supporting documentation for reassessment.

D. Determining if the Prospective Employee is a UC Retiree

1. It is the responsibility of the hiring manager to determine if the person being appointed to a staff position is a UC retiree. UC retirees are expected to make known their retirement status before they are appointed to a career position.
2. If the prospective employee is a retired UC employee, the hiring manager needs to confirm the retirement date and whether retirement payments from UCRP are being received as monthly retirement income (MRI) or was a Lump Sum Cashout (LSC). To verify the retirement information, contact the appropriate Retirement Analyst in the HR Benefits Unit at: <http://hrweb.berkeley.edu/about/benefits.htm#retirementplan>. The hiring manager will need the prospective employee's Social Security number in order to verify retirement information.
3. If the prospective position is a career position, the hiring manager will need to discuss with the retired employee when he or she will suspend the MRI. The UC retiree should notify the UC Retirement Administration in writing to request suspension of UCRP monthly income to P.O. Box 24570, Oakland, CA 94623-1570. Under the policy, certain restrictions apply if the MRI is not suspended before appointment to a career position.

E. Restrictions to Reemployment

The rehiring of a retired UC employee must be based on university need and must meet several basic restrictions. The university is required to launch a recruitment to fill a career position within 30 days of the position being vacated if a retiree is temporarily appointed to fill that position. The job must be posted for a minimum of 30 days. Additional restrictions apply to the appointment:

1. A retiree may not be reemployed until there has been at least a 30 day, but preferably a 90 day, break in service.
2. An employee who has not reached the normal retirement age under UCRP² must not engage in discussions about reemployment until after receipt of his or her first monthly retirement payment or Lump Sum Cashout, or 30 days after separation, whichever is later.

² Age 50 with a minimum of 5 years of service credit for Safety members and age 60 with a minimum of 5 years of service credit for all other members.

3. Reemployment is restricted to the equivalent of no more than 43% time during a continuous 12 month period.

These restrictions are summarized in the “Quick Guide” to this policy available at: http://hrweb.berkeley.edu/policy/rehired_retirees/quick_guide_rehired_retirees.pdf.

If the retiree suspends monthly retirement payments:

He or she may fill a career position or other type of appointment, subject to normal recruiting requirements. However, there must be at least a 30 day, but preferably a 90 day, break in service. The retiree is also exempt from the 43% time base and 12 month duration limits. Should the employee resume receiving monthly retirement payments from UCRP while employed, a change of status has occurred. The “43%-12 month” limits apply and the appointment would need to be approved by the Assistant Vice Chancellor of Human Resources.

If the retiree is receiving monthly retirement payments:

If the retiree continues to receive monthly retirement payments while reemployed, he or she is subject to at least a 30 day, but preferably a 90 day, break in service, and is limited to 43% time during a continuous 12 month period.

If the retiree took a Lump Sum Cashout:

He or she may not be appointed to any career position. After a 30 day, but preferably a 90 day, break in service, the retiree may be placed in other types of appointments but is limited to 43% time within a 12 month period.

F. Determining University Need

A statement of need must accompany every request to rehire or extend the appointment of a retiree. University need may include, but is not limited to, the following circumstances:

1. The retiree has skills or institutional knowledge that the hiring department cannot otherwise obtain with equal cost effectiveness.
2. The hiring department anticipates a prolonged process for hiring a replacement.
3. The hiring department anticipates that the retiree will assist a replacement acquire necessary skills and knowledge.
4. The hiring department anticipates that the position vacated by the retiree may not be needed due to a possible restructuring within the near future, and it would not be a good business decision to fill the position permanently until the final organizational structure is known.
5. The position being considered has been temporarily vacated by an employee on temporary leave.

G. Grandfathered retirees

Retirees who were hired on or before December 31, 2008, and have subsequently continued employment will be grandfathered under the policy. Until their current appointments end or there is a change in their current appointments, these rehired retirees will be covered under the *Guidelines for Rehire of UC Retirees*. However, it is intended that such rehired retirees become subject to the new policy as expeditiously as possible.

H. Reporting UC Retiree Rehire Activity

Human Resources is the local management office responsible for collecting appointment and compensation activity. Human Resources prepares reports for review and approval of the Vice Chancellor-Administration. All rehire activity is reported to UCOP at the time of hire, and semi-annually on June 30 and December 31. The Vice Chancellor for Administration reviews the reports before they are submitted to UCOP. Reports include appropriate documentation justifying any exceptions to policy.