These procedures apply to the employment of faculty and staff who have retired from Virginia state service through the Virginia Retirement System (VRS), VCU Optional Retirement Plan (ORP) and the Virginia Law Officers’ Retirement System (VaLORS).

The procedures conform to the university’s retirement plan documents. Failure to adhere to these guidelines can jeopardize the qualified tax status of all university retirement plans or may result in the IRS assessing a penalty or excise tax to the retiree. This process/form is required to be followed only once upon rehire after the initial retirement date.

Note: The Commonwealth of Virginia adopted a provision in the 2013 Appropriation Act that amends the Manpower Control Program to limit work hours for all employees who are ineligible for coverage in the State Health Benefits Program. As a result of this legislation, VCU employees who are not faculty members or classified staff may not work more than 29 hours per week on average over a 12-month period, which is May 1 through April 30 of the following year.

Re-Hire Criteria

- Employment agreements shall not be arranged prior to the retirement date (always the 1st of a month).
- Position duties must not be identical to those performed prior to retirement.
- The re-hire date must be at least 26 weeks after the retirement date.
- The re-employment agreement must be for a limited term. Appointments must be temporary and for one year or less in duration.
- The retiree cannot exceed 1,500 work hours annually, which is an approximation of 29 hours per week over the course of a 12-month period (May 1 through April 30 of the following year).
- Re-employment in a permanent part-time faculty or part-time classified staff position is not an option if the retiree is receiving a retirement benefit.

Eligible Employment Types for Retired State Employees

- Hourly staff (H1 e-class and recorded as WAG earn type)
  - Employees in these appointments are limited to working 29 hours or less per week on average over a 12-month period, unless employed in a classified or faculty position. Supervisors must ensure the maximum number of hours is not exceeded. If hours worked in a single week exceed 29, supervisors must ensure hours worked in other weeks are limited so that work hours average 29 or less per week over a 12-month period (May 1 through April 30 of the following year).
- Adjunct faculty positions (AJ e-class - teaching, research or public service duties and recorded with account 533140)
  - Employees in these appointments, which are temporary by nature, are limited to working 29 hours or less per week on average over a 12-month period (May 1 through April 30 of the following year). Human Resources and the Provost’s Office developed a formula to calculate hours worked by adjunct faculty and contract language to comply with the new requirements. For more information, visit http://provost.vcu.edu/media/provostdevelopment/media/AdjunctFacultyAppointments-CompliancewithACAandManpowerControlProgram.pdf.

Procedures for Re-Employing State Retirees

1. The hiring department must complete the Approval Form for Re-Employment of Retiree (attached) certifying the above criteria have been met. The department head and dean (if applicable) sign and forward the form to the appropriate vice president for certification (signature). Departments should not initiate discussion of re-employment until at least one full calendar month after the employee’s retirement date and re-employment cannot occur until at least 26 weeks after the retirement date.
   - For nine-month faculty, discussion should not take place until one full calendar month after retirement and after the beginning of the next regular session semester (fall/spring) to demonstrate there has been a bona
fide break in service. Re-employment cannot occur until at least 26 weeks after the date of retirement under VRS or the ORP.

- For research faculty who serve as principal investigators/key personnel on grants and contracts, it is likely a faculty member cannot continue to serve in the same role (e.g., principal investigator) on the same projects after retirement because federal (and most other) sponsors require notification of the termination/retirement of these positions. Failure to notify sponsors at the time of separation would demonstrate there was a re-employment agreement and/or no bona fide break in service.

2. Once the vice president has approved the re-hire, as documented by his/her signature, the department can offer the retiree re-employment with VCU.

3. The signed approval form must be attached to the PAF to re-hire any retiree.
To be completed by retiree:

Retiree name:     Date of retirement:

Type of retirement (check all that apply):   VRS   ORP   VaLORS

Former position type:   Faculty   Classified

Former position rank (if faculty) and/or title:

Former department:

Brief description of former duties (prior to retirement):

To be completed by hiring department:

Date of employment agreement:
(Cannot be prior to retirement date shown above)

Effective date of re-employment:
(Must be at least 26 weeks after the retirement date listed above)

Proposed duration of re-employment assignment:

Brief description of duties for new position:

Proposed hiring status (check one):   Hourly (H1)   Adjunct (AJ)

Proposed percent of work effort (indicate up to 100%):

Source of funding:

Proposed salary and justification:

___________________________________________ _______________________________
Department Head signature   Date

___________________________________________ _______________________________
Dean signature (if applicable)   Date

I, __________________________, certify, to the best of my knowledge, that all of the re-hire criteria have been met.

Vice President signature

Date: ______________________