

3359-11-15 Reemployment Procedures for Retirees Other Than Retirees Who Elected to Retire Under a University of Akron Early Retirement Incentive Program.

- (A) Am. Sub. Senate Bill 144, effective September 14, 2000, and other relevant sections of the Ohio Revised Code facilitate the reemployment of qualified STRS Ohio benefit recipients by removing past restrictions on this process. These changes to Ohio law permit qualified retirees from The University of Akron the opportunity to retire and begin receiving their personal annuity benefits and be reemployed full-time with the University of Akron at no additional cost to The University of Akron.
- (B) Full-time University of Akron employees who are eligible to retire from an Ohio pension system affected by the enactment of Am. Sub. Senate Bill 144 may seek an agreement with The University of Akron, in advance of retirement, to be reemployed full or part-time with The University of Akron as permitted by law in the same or similar position following retirement, without the necessity of a formal search process under the university's affirmative action plan. All such agreements shall be reduced to writing and shall be subject to prior approval by the Board of Trustees. This rule shall not be deemed to obligate the board to approve any such agreement or to create any right to such reemployment or expectancy of reemployment or expectancy of any right to reemployment for any employee or retiree of The University of Akron.
- (C) Such reemployment agreements, in the case of tenured or tenure-track faculty, shall expressly provide that tenure and any right or expectancy to obtain tenure shall terminate upon the employee's retirement; and any such reemployment with The University of Akron thereafter shall not include any grant of tenure or any expectancy or other entitlement whatsoever to obtain tenure as a result of reemployment or otherwise. Any period of reemployment shall not count or in any way be used to count toward the obtainment of tenure at The University of Akron. The reemployed retiree shall be entitled to retain the appropriate academic rank achieved upon retirement.
- (D) Unless otherwise approved by the Board of Trustees, such reemployment agreements shall include the following in addition to any other specific provisions that may be included in any agreement:
 - (1) The term of any reemployment agreement.
 - (2) If permitted by the applicable retirement system, the retiree shall generally not participate in The University of Akron's group medical and health insurance plans, but shall, if available to the retiree, elect retiree coverage through the retired employees' State of Ohio pension system and thereby waive participation in The University of Akron's group medical and health plans.
- (E) These procedures shall not be available to employees or former employees of The University of Akron who elected to retire from The University of Akron through participation in an early retirement incentive program (ERIP). Individuals who

participated in an ERIP, and for whom the university purchased personal service credit under an ERIP program, and who thereafter seek reemployment at The University of Akron are subject to the reemployment limitations and provisions in 3359-11-14.

(1) Definitions

- (a) “Superannuate” means a former teacher receiving a service retirement allowance under sections ~~3307.38~~ 3307.58 or ~~3307.39~~ 3307.59 of the Ohio Revised Code from the state teachers retirement system (STRS) or a combined service retirement benefit paid in accordance with section ~~3307.44~~ 3307.57 of the Ohio Revised Code, regardless of which retirement system is paying the benefit.
- (b) “Other system retirant” means a member or former member of the public employees retirement system (PERS), police and firemen’s disability and pension fund, school employees retirement system (SERS), state highway patrol system, or Cincinnati retirement system who is receiving age and service or commuted age and service retirement, or a disability benefit from a system of which he is a member or former member.

(2) State Teachers Retirement System (STRS)

- (a) ~~Teachers receiving a service retirement allowance from the STRS may be employed as temporary teachers, if at least two months have elapsed since the effective date of retirement and the employment does not exceed 85 school days per school year (or the equivalent of that number of days in fractional service). (R.C. §3307.381(B)).~~ The university of Akron may employ a superannuate or other system retirant as a teacher. (R.C. §3307.35(B)).
- (b) ~~Service retirees may assume a full-time teaching position if they have received a retirement allowance for at least 18 months. (R.C. §3307.381(C)).~~ Any superannuate or other system retirant employed as a teacher at the University of Akron shall contribute to the state teachers retirement system. (R.C. 3307.35(C)).
- (c) ~~Any other system retirant may be employed as a teacher, provided at least two months have elapsed since the effective date of his retirement. (R.C. §3307.381(A)(2)).~~ Any superannuate or other system retirant who has received retirant benefits for less than two months shall forfeit the allowance or benefit for any month the superannuate or retirant is employed prior to the expiration of such period. (R.C. §3307.35(F)).

(3) School Employees Retirement System (SERS)

- (a) A public employer may employ a SERS retirant or other system retirant and, if so employed, the retirant must contribute to SERS. (R.C. §3309.341(B)(1)).
 - (b) A SERS retirant or other system retirant who has received his retirement allowance or disability benefit for less than two months when reemployment begins will forfeit his retirement allowance or disability benefit for the period that begins on the date the employment commences and ends on the date that is two months after the date on which the retirement allowance or disability commenced. (R.C. §3309.341(C)).
- (4) Public Employees Retirement System (PERS)
 - (a) A PERS retirant who has received a retirement allowance for less than six months when employment begins will forfeit the allowance for the period that begins on the date the employment begins and ends on the date that is six months after that date on which the retirement allowance began. (R.C. §145.38(B)(4)).
 - (b) A PERS retirant who enters into a contract to provide services as an independent contractor to the employer by which the retirant was employed at the time of retirement or, less than two months after the retirement allowance commences, begins providing services as an independent contractor pursuant to a contract with another public employer, will forfeit the pension portion of the retirement benefit for the period beginning the first day of the month following the month in which the service begin and ending on the first day of the month following the month in which the services end R.C. §145.38(B)(6).

Effective: November 17, 2002

Certification:

Ted A. Mallo
Secretary
Board of Trustees

Prom. Under: 111.15

Statutory Auth.: 3359.01

Rule Amp.: Ch. 3359

Prior Effective Dates: 5/25/02