

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS
Phased Retirement Program Policy
Policy #629

Source of Authority: UNC Policy Manual § 300.7.2

Authority: Board of Trustees

History: **First Issued:** February 14, 2013

Related Policies:

Responsible Offices: Provost

Effective Date: July 1, 2013

I. Purpose

This policy enables University of North Carolina School of the Arts (UNCSA) faculty to participate in the University of North Carolina (UNC) Phased Retirement Program (PRP).

II. Scope

This policy applies to UNCSA faculty that meet the program eligibility requirements.

III. Definitions

IV. Policy

A. Eligibility Requirements

- a. This program is available only to full-time faculty members currently employed under at least a five-year fixed term contract. Other faculty members are not eligible.
- b. Except as set forth in section IV.B below, the PRP is available to all full-time faculty members currently employed under at least a five-year fixed contract who:
 - i. Have at least five years of full-time service at UNCSA;
 - ii. Are age 62 or older for members of TSERS, or 59 ½ years or older for participants in the ORP; AND
 - iii. Are eligible to receive retirement benefits through either TSERS or ORP, as applicable.
- c. The PRP contemplates actual retirement and reemployment of participating faculty on a part-time basis for a limited period. For purposes of the PRP, “normal retirement age” is 62 years of age for TSERS members and 59½ for participants in the ORP. When a faculty member has achieved the above-listed age for his or her applicable participating retirement program, he or she will have reached “normal retirement age” and, therefore, need not undertake a break in service prior to entering the PRP.
- d. Eligible faculty concurrently occupying full-time administrative positions are not eligible to participate in the PRP until they vacate such administrative positions. Thus, only individuals under faculty appointment involving teaching, creative activity/research, and service are eligible to participate in the Program.

- e. Individual faculty members are responsible for providing to UNCSEA all information necessary for it to determine their eligibility as to age, service at the Institution, and retirement benefit eligibility within either TSERS or the ORP. For these purposes, UNCSEA shall determine an applicant's age and service longevity with reference to the August 1 that follows submission of an application for participation.
- f. As set forth in Section IV.B, Eligible Faculty Members do not have an absolute right to participate in the PRP. Rather, UNCSEA may limit participation in the PRP based on various conditions. However, if an Eligible Faculty Member and UNCSEA tentatively agree to an Eligible Faculty Member's participation and "work plan" as described below, the final decision to enter or not enter the PRP rests with the Eligible Faculty Member.
- g. Once made, a decision to enter the PRP (signified by the Eligible Faculty Member's signing and non-revocation of the Phased Retirement Application and Reemployment Agreement and Release) is binding.

B. Limitations and Eligibility

- a. Eligible Faculty Members do not have an absolute right to participate in the Program. UNCSEA may limit participation in the PRP under any of the following conditions:
 - i. UNCSEA may establish departmental, school and/or institutional caps or limits on the number of Eligible Faculty Members who may participate in the PRP.
 - ii. UNCSEA or one of its instructional programs may deny an application to participate in the PRP in response to a bona fide finding that financial exigencies of UNCSEA prohibit further enrollment in the PRP. This finding must be based on quantifiable budget constraints of the PRP, consistent with Section 605A. of the UNC Code.
 - iii. UNCSEA or one of its instructional programs may also deny an application to participate in the PRP upon a finding that granting the application would substantially weaken academic quality or disrupt program sequence in the department, school or UNCSEA. This finding must be supported by external measures of academic quality, such as accreditation standards.
- b. Phased retirement under the program will be for a period of two years.
- c. Upon entering the PRP, Eligible Faculty Members give up their five or ten-year contract. They terminate full-time employment and contract for a period of half-time (or equivalent) service to UNCSEA. Half-time responsibilities may vary by department, school, or program. In addition, half-time service may consist of full-time work for one-half of a year (e.g., full-time work for one semester of an academic year) or half-time work for a year (e.g., half-time work in each of the two semesters of an academic year).
- d. Under either pattern, the enrollment period for the PRP begins with the fall semester, with actual participation to commence at the start of the next academic year (provided an Eligible Faculty Member's application is approved). (Teaching, creative activity/research and service assignments during the period of phased retirement are individually negotiated by the Eligible Faculty Member and the

appropriate supervisor. The details of such half-time service (a “work plan”) must then be set forth in a University of North Carolina Phased Retirement Program Application and Reemployment Agreement.

- e. Participating Faculty Members will remain subject to The Code and Policies of UNC and UNCSA. In addition, without expressly or constructively terminating any Agreement, UNCSA may place a Participating Faculty Member on temporary leave with pay and/or reassign a Participating Faculty Member’s duties during or as a result of any investigation or disciplinary action involving the Participating Faculty Member. Such authority shall be invoked only in exceptional circumstances when the Participating Faculty Member’s department or division head determines that such action is in the best interests of the Institution. Further, nothing in the PRP or these guidelines shall in any way be interpreted to provide a Participating Faculty Member with greater rights, claims or privileges against UNCSA or UNC regarding continued employment than otherwise provided in The Code and Policies of UNC and UNCSA.

V. Revision History

- A. February 14, 2013 – Adopted by UNCSA Board of Trustees

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS
Phased Retirement Program
Procedure #629

I. The PRP Application Process

A. Announcement of PRP Eligibility

- a. The Provost will inform, by September 1st preceding each PRP year, those faculty currently employed under at least a five-year fixed term contract who, according to institutional data, appear to meet the age and service requirements for PRP eligibility as of the following August 1st. The notification will indicate that the PRP materials on the web should be reviewed for information on the terms and conditions of the PRP and how to apply for participation.
- b. It is an individual faculty member's responsibility to ensure that UNCSA has all information necessary to determine his or her eligibility regarding years of service at UNCSA, service within either TSERS and/or a UNC System ORP, and date of birth. UNCSA shall determine an applicant's age and service longevity at UNCSA based upon the August 1st that follows submission of a PRP application.

B. Applying for the PRP

- a. After receiving notification of eligibility to participate in the PRP, it is an individual faculty member's responsibility to determine whether to apply for participation in the PRP.
- b. In order to guarantee consideration for the PRP, a faculty member must apply for the PRP between September 15th and February 15th of the academic year immediately preceding the desired beginning of the Phased Retirement Program.
- c. August 15th is defined as the date for PRP entry each fall semester for academic year appointments and is used as the basis to define the September 15th to February 15th PRP application window described above. This application window also applies to a fiscal year appointment even though the PRP entry date for a fiscal year appointment is July 1st.
- d. A faculty member formally applies to the PRP by submission of the UNC Phased Retirement Program Application and Reemployment Agreement (the "Agreement") and a waiver of rights (the "Release") and claims under the Age Discrimination in Employment Act (the ADEA). In this application, the dean, after conferring with the faculty member, propose the duties for a half-time work plan during the 2-year PRP term.
- e. After receipt of an application, UNCSA will verify an applicant's qualifying conditions, i.e., age, years of contributory participation in TSERS and/or a UNC ORP, and years of full-time service at UNCSA. This verification is necessary to confirm the data file information used to initially identify any faculty member who appeared to be eligible.
- f. The dean will advise a PRP applicant as soon as practical whether or not an established limitation as described in UNCSA Policy 629 will prevent PRP participation.

C. Development of the PRP Work Plan

- a. An eligible faculty member who is considering applying for admission to the PRP must meet with her or his dean and negotiate the terms for half-time employment. A typical work plan will usually cover services to be rendered full-time for one regular-term semester or half time over two regular-term semesters of an academic year. For academic and fiscal year appointments, no work plan may include duties incident to summer school curricula.
- b. The full range of faculty activities should be considered in these negotiations. These activities include undergraduate teaching, graduate teaching, research and creative activities, academic advising, writing of grants, publications, committee membership for graduate student thesis research, presentations, participation in public service-related activities, participation in professional society-related activities, and departmental administrative activities. The percent of time an applicant will be involved in any of these activities will depend upon the level of time commitment agreed upon between the faculty member and the dean as they create the half-time work plan.
- c. The assigned duties during the PRP should be consistent with the skills and abilities of the faculty member and the objective needs of the instructional program. The applicant and the dean should also discuss in detail the aspects of the assignments associated with half-time employment including, but not limited to, office assignments, lab space, computing facilities, and travel funds. It is the dean's responsibility to ensure that a faculty member who requests to participate in the PRP is offered meaningful work assignments that are consistent with departmental objectives and the skills and abilities of the faculty member. Work assignments are expected to vary from department to department and across faculty within a department.

D. Signing the PRP Reemployment Agreement and Release

- a. After the faculty member and dean agree upon the half-time work plan, the dean will prepare and sign the Agreement. If approved, the dean will sign the Agreement and submit the Agreement to the Provost. If approved by the Provost, the faculty member will be provided a finalized signed [by the dean and Provost] version of the Agreement and the UNC Phased Retirement Program General Release (the "Release") to consider and sign. As required by the Age Discrimination in Employment Act (ADEA), the faculty member shall be allowed at least forty-five (45) calendar days to execute and return the Agreement and the Release. The forty-five day period begins on the date of delivery to the faculty member, as evidenced by the return receipt signed upon delivery. The faculty member shall submit the original signed Agreement and Release to the Provost.

E. Faculty Member Option for Revocation of PRP Agreement and Release

- a. A faculty member electing to participate in the PRP has the right under the ADEA to revoke the Agreement and the Release anytime within seven (7) calendar days of the date both documents are fully executed by all parties, i.e., all required signatures have been obtained. Once an application is fully executed, the commitment to enter the PRP becomes irreversible if no written revocation is

submitted from the faculty member to the dean within the seven (7) calendar day revocation period. A revocation shall be in writing, personally signed by the faculty member, and shall be accomplished by personal delivery of the revocation, or submission of it for postal delivery to the dean. (The date of revocation is the date on which the faculty member physically delivers the revocation to the appropriate institutional officer or office or the date on which the revocation is posted to that officer or office; the post mark date or date of receipt for postal handling of the revocation shall be prim facie evidence of the date of the revocation.) If the Agreement and the Release are effectively revoked, then the Agreement is void. The eligible faculty member will continue in his or her same full-time employment status as held immediately prior to the execution of the Agreement and the Release.

F. Changes or Renegotiations of the PRP Work Plan

- a. A faculty member participating in the PRP may seek to renegotiate his or her work plan duties with his or her dean. Any changes resulting from the renegotiations must be in writing and signed by the PRP participant, dean, and Provost with an effective date. A PRP participant who seeks to renegotiate his or her work plan is encouraged to do so at least one semester in advance of the effective date of the desired change(s). During PRP participation, the dean retains the right to make reasonable changes in assignments to address the needs of the department that are consistent with departmental needs and the participant's abilities.

G. PRP Rights, Responsibilities, and Evaluation

- a. A faculty member who enters the PRP retains his or her professorial rank and the full range of responsibilities and rights associated with it except for the status multi-year contract faculty status. As a faculty member without a multi-year contract, a faculty member on phased retirement is no longer eligible to vote with their instructional program faculty in reappointment and promotion cases. A PRP participant is subject to annual performance reviews and is eligible for salary increments and merit pay based on annual evaluations after the first year of PRP participation (any salary increase for a PRP participant would be subject to any limitations imposed under TSERS).

II. Participation in UNCSA Benefits/Programs/Services

- A. Eligible faculty members participating in the PRP remain eligible for participation in University-sponsored deduction and benefit programs available to regular half-time employees, with the exception of leave accrual.
- B. Enrolling eligible faculty members may elect to begin receiving the benefits they have accrued under either the N.C. Teachers' and State Employees' Retirement System ("TSERS") or the UNC Optional Retirement Program (the "ORP"), but they are not required to do so. However, so long as an eligible faculty member does not receive a

monthly retirement benefit, he or she will not receive the Retiree health benefits provided by the State (if eligible).

- C. If a faculty member does not elect to receive a monthly retirement benefit from TSERS or ORP upon entering PRP, he/she may continue participation in the State Health Plan as a regular half-time employee on a fully contributory basis. In that case, the faculty member would not be eligible to receive the University contribution.