

ELIZABETH CITY STATE UNIVERSITY Phased Retirement Program Guidelines

I. Purpose

The University of North Carolina Phased Retirement Program (the "Program") provides an opportunity for eligible full-time tenured faculty members to make an orderly transition to retirement through half-time (or equivalent) service for a predetermined period in return for half-time compensation. The goals of the Program are to promote renewal of the professoriate in order to ensure institutional vitality and to provide additional flexibility and support for individual faculty members who are nearing retirement. The Program is completely voluntary and is available when agreed to and entered into by a mutual written agreement between an Eligible Faculty Member and his or her employing institution.

Enrolling Eligible Faculty Members may elect annually to seek to participate in the Program during the enrollment life of the Program, with active participation to commence with the start of the next academic year following acceptance by the Eligible Faculty Member's employing institution. 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 university paid State Health Plan benefits.¹

The Elizabeth City State University Phased Retirement Program provides an opportunity for eligible full-time tenured faculty members to participate in this program for a three-year period.

II. Eligibility and Approval

- A. The Program is available only to full-time tenured faculty members. Non-tenured and tenure-track faculty are not eligible for the Program.

- B. Except as set forth in this Section II and Section III below, the Program is available to all full-time tenured faculty members who:

¹ If a faculty member does not elect to receive a monthly retirement benefit from TSERS or ORP, upon entering phased retirement he/she may continue participation in the State Health Plan as a permanent halftime employee on a fully contributory basis. In that case, the faculty member would not be eligible to receive the University contribution.

1. Have at least five years of full-time service at Elizabeth City State University;
 2. Are age 62 or older for members of TSERS or 59 ½ or older for participants in the ORP; and
 3. Are eligible to receive retirement benefits through either TSERS or the ORP, as applicable.
- C. The Program contemplates actual retirement and reemployment of participating faculty on a part-time basis for a limited period. For purposes of the Program, "normal retirement age" is 62 years of age for TSERS members and 59 ½ 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 Program.
- D. Tenured faculty occupying full-time administrative positions are not eligible to participate in the Program until they vacate such positions. Thus, only individuals under faculty appointment involving teaching, research and service are eligible to participate in the Program.
- E. Individual faculty members are responsible for providing to their Institution 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, the Institution shall determine an applicant's age and service longevity with reference to the August 1 that follows submission of an application for participation.
- F. Eligible Faculty Members may elect to enter the Program for the number of years specified by the Institution for all its participating faculty.
- G. Despite the above, Eligible Faculty Members do not have an absolute right to participate in the Program. Rather, departments, schools or Institutions may limit participation in the Program based on various conditions. One condition is the finding that financial exigencies prohibit enrollment in the Program. The second condition is that further enrollment in the Program will substantially weaken academic quality or disrupt program sequence. Further, a department or school or an Institution may each establish a cap or limit on the number of Eligible Faculty Members who may enter the Program. ECSU reserves the right to limit the number of eligible faculty who can participate in the Program based on preservation of academic quality. Factors which may require limitations on participation include: a shortage of professors in a department or school; required number of faculty necessary for the department or

institution to operate; student/faculty ratios, etc. These factors will not be based in any way on age or the expected retirement of specific faculty members.

- H. An application to enter the Program must be submitted to the Eligible Faculty Member's department. Approval is subject to the conditions noted above, development of a mutually agreed upon "work plan", and final approval by the chief academic officer. However, if the limitations do not apply and a final "work plan" is agreed upon, the final decision to enter or not enter the Program rests with the Eligible Faculty Member.
- I. Once made, a decision to enter the Program (signified by the Eligible Faculty Member's signing and non-revocation of the Phased Retirement Application and Reemployment Agreement and Release) is binding.

III. Terms and Conditions

A. Phased retirement under the Program is subject to the following terms and conditions:

1. Faculty participation in the Phased Retirement Program shall be for a period of three years. Participation in the Program may not be extended or renewed beyond completion of the three-year period.
2. Upon entering the Program, Eligible Faculty Members give up tenure. They terminate full-time employment and contract for a period of half-time (or equivalent) service to their Institution. Half-time responsibilities may vary by Institution and among departments in the same Institution. 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).
3. An Eligible Faculty Member may apply for the Phased Retirement Program not earlier than eleven (11) months prior to commencement of the first semester of the Program participation and not later than six (6) months prior to that semester.

Eligible Faculty Members should arrange to meet with departmental chairs to discuss their interest in participating in the Phased Retirement Program. During these initial meetings, Eligible Faculty Members should discuss their intent to participate in the Program, the potential limits on participation for faculty members in the department, the formal process, etc.

Applications for participation in the Phased Retirement Program from Eligible

Faculty Members shall be accepted on a first-come first-served basis until the departmental limit is reached. If a department receives more applications for the program than it has available spaces due to the limit, eligibility will be determined based on institutional seniority; the faculty member with the most institutional seniority will have priority to participate in the Program.

4. The enrollment period for the Program 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, research and service assignments during the period of phased retirement are individually negotiated by the Eligible Faculty Member and the appropriate supervisors and/or personnel committee(s). 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 (the "Agreement").
5. In conjunction with the Agreement to be executed under the Program, an Eligible Faculty Member must also execute a waiver of rights and claims under the Age Discrimination in Employment Act (the "ADEA") and other laws (the "Release").
6. Assuming that Elizabeth City State University's departmental limit has not been met, such faculty members should discuss with their chairs the initial details of their half-time work plan. Once a preliminary half-time work plan has been agreed upon, based on the departmental needs and schedules, the details of the plan are to be submitted to the Office of the Provost/Vice Chancellor for Academic Affairs by the Chair and Dean for preparation of the Elizabeth City State University Phased Retirement Application and Reemployment Agreement and General Release.
7. After the Agreement and Release are drafted, the Agreement is signed by the appropriate administrators, and the Agreement and Release are delivered to the Eligible Faculty Member. The Eligible Faculty Member shall have forty-five (45) days within which to consider the Agreement and Release. Eligible Faculty Members are encouraged to carefully review the terms of the Agreement and the Release and to consult an attorney prior to executing such materials. However, Eligible Faculty Members may sign the Agreement and Release before the end of the 45-day period, if they so choose.

Once an Eligible Faculty Member signs the Agreement and Release, he or she also has the right under the ADEA (if he or she so chooses) to revoke the Agreement and the Release at any time within seven (7) calendar days of the date both documents are fully executed by all parties. Revocations must be in writing, personally signed by the Eligible Faculty Member, and must be effected by

personal delivery or posting by United States mail to the office or official to whom the prior application to participate in the Program had been submitted. An election to participate in the Program then does not become final until after the 7-day revocation period has passed without the Eligible Faculty Member's revocation.

If an Eligible Faculty Member elects to revoke the Agreement and Release within the 7-day revocation period, the Agreement is void. Moreover, in such circumstances, the Eligible Faculty Member will continue in his or her same full-time employment status as the Faculty Member held immediately prior to the execution of the Release.

8. Participating Faculty Members initially receive a salary equal to fifty percent (50%) of the full-time salary they received immediately prior to phased retirement (e.g., based on the Faculty Member's prior nine- or twelve-month contractual term, as applicable). In addition, compensation paid during phased retirement is paid over twelve (12) months irrespective of the pattern of duties under the Faculty Member's work plan. Subject to any limitations imposed under the State Retirement System and the legislative appropriations process, Participating Faculty Members are eligible for salary increases and merit pay in subsequent years of Program participation based on annual evaluations.
 9. Participating Faculty Members will remain subject to *The Code and Policies of The University of North Carolina* and their respective campus. In addition, without expressly or constructively terminating any Agreement, an Institution 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 Program or these guidelines shall in any way be interpreted to provide a Participating Faculty Member with greater rights, claims or privileges against his or her Institution and/or the University regarding continued employment than otherwise provided in *The Code and Policies of the University* and their respective campus.
- B. Eligible Faculty Members who elect into the Program will retain their professorial rank and the full range of responsibilities, rights, and general benefits associated with it, except for tenured status or as otherwise modified pursuant to an Eligible Faculty Member's agreed-to "work plan." (The Institution, however, will keep records of participation so as to note those faculty who are in phased retirement.)

Eligible Faculty Members participating in the Program are eligible to participate in the following employee benefit plans or programs:

Social Security and Medicare Tax
Federal and State Income Tax
Workers' Compensation
Colonial
State Health Plan
AFLAC

College Foundation of NC
After-Tax Dental Insurance
Credit Union Deductions
NC Flex Pre-Tax Benefits
Legal Shield
Life Insurance

IV. General Provisions

- A. Nothing in the Program precludes a participating faculty member from terminating his or her phased retirement at any time upon the mutual agreement of the parties.
- B. Eligible Faculty Members participating in the Program do not enjoy the benefits of tenure. They may not serve on committees that require members be tenured. Otherwise, participants have the same academic freedoms and responsibilities as other faculty members and have access to all grievance and appeal procedures available to non-tenured members of the faculty who are not participating in the Program.
- C. Participating faculty members are expected to maintain high levels of professional commitment to their Institution.

V. Institutional Measures to be Taken to Inform Eligible Faculty of the Program

Program materials will be sent every September 1 to those tenured faculty who appear to qualify for participation by the following August 1. Such faculty will be sent a "Letter to Eligible Faculty" announcing the Phased Retirement Program along with the following program materials:

- A. "UNC Policy 300.7.2 (UNC Phased Retirement Policy)
- B. "Elizabeth City State University Phased Retirement Program Guidelines"
- C. "Elizabeth City State University/Phased Retirement Application and Reemployment Release
- D. "Elizabeth City State University/Program General Release"
- E. "List of individuals, by faculty rank, who appear eligible or ineligible to participate in the Program.

All documents related to Phased Retirement will be posted on Elizabeth City State University's website.

300.2.8.1 [G]

Adopted: 06/14/05

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UNC President Approved: 09/22/09

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Program officials will schedule at least one information session by designated Program officials per semester for each academic year of the program. This is designed to fully inform those faculty members who become eligible.