

William & Mary
Faculty Retirement and Return to Work Policy

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1. Purpose

This policy outlines a program to assist the College's instructional faculty in transitioning from full-time active service to retirement and to facilitate the possible subsequent part-time reemployment as a temporary restricted employee. Subsequent reemployment will be permitted on a case-by-case basis in the College's discretion, consistent with unit staffing needs and with consideration of financial and other factors.

1. Background

The Virginia General Assembly passed legislation in spring 1988 making it possible for institutions of higher education in the Commonwealth to propose retirement incentive plans for tenured faculty at or over the age of 60. Any such program must be funded by the institution's own resources and must meet the applicable requirements as specified by the *Code of Virginia* and the Appropriations Act.

2. Policy

This policy allows part-time reemployment of selected retired faculty as temporary restricted faculty. The program shall be called the Faculty Retirement and Return to Work (FRRW) program. The program does not preclude faculty from negotiating other contracts after retirement.

2.1 Program Objectives

1. To allow selected retired faculty to return to reduced, temporary and part-time teaching¹ responsibilities at a proportionally reduced salary while receiving – but no longer accruing – retirement benefits.
2. To provide the College some added flexibility in hiring new, replacement faculty.

¹ Additional service duties are also possible.

3. To allow the College the benefit of continuing service by qualified teachers toward the end of their academic careers.

2.2 Eligibility for Participation in the FRRW Program

Participants in the program must:

1. must be at least 60 at the time or if less than 60, have a minimum of thirty years of service to the Commonwealth when participation in the program begins, i.e., when one begins teaching as an adjunct in the semester following retirement and the signing of an FRRW agreement;
2. have retired and surrendered tenure, if applicable;
3. have been, at the time of their retirement, a full-time instructional faculty member;
4. have at least ten years of full-time service at the College of William and Mary (full-time service may include periods of leave with full or partial pay, and selected periods of leave without pay in which full benefits were provided);
5. have a finding of satisfactory in teaching on the most recent post-tenure review, or a satisfactory evaluation of teaching in the last three years of annual merit evaluations;
6. have withdrawn from active membership in the *Virginia Retirement System* (VRS) or *Optional Retirement Plan* (ORP); and
7. sign a binding FRRW agreement at a time in compliance with applicable state and federal laws.

2.3 Major Program Elements and Terms

Part-time reemployment as a temporary restricted faculty member may be considered a desirable option for faculty who would like to utilize their professorial talents but with a reduced workload. A primary criterion in the approval of an employment arrangement must be the enhancement of the academic or research program of the academic unit.

Faculty members may assume part-time, temporary restricted teaching roles where their expertise will make a significant contribution to the employing unit. By utilizing temporary employment, the College hopes to make it possible for long-term faculty to remain actively involved in the life of the College while reducing their professorial responsibilities.

The following guidelines apply to the part-time temporary restricted employment program. These guidelines are intended to ensure compliance with VRS rules, the Code of Virginia and the provisions of the Internal Revenue Code:

1. Part-time, temporary restricted employment following retirement is not a faculty right, but is arranged on mutual understanding of the faculty member, and the department chair and program director, if applicable, with the approval of the dean.²
2. Unless otherwise provided by law, the faculty member must have been retired – that is, he or she must have actually ceased employment and been removed from the College’s payroll – for a minimum of 30 days during what would be a normal pay/work period for that employee.³
3. The temporary work after retirement cannot be identical to the work performed prior to retirement. Typically this requirement can be satisfied by reemployment performing part, but not all, of the faculty member’s prior duties – for example, by removing the expectation of research for TE faculty or by a reduced teaching load for NTE faculty.⁴
4. The faculty member may not return to a position that provides retirement benefits. The College will cease contributions to the faculty member’s VRS or ORP at the effective date of their retirement from their full-time faculty position. If reemployed, the faculty member will be in a part-time, temporary restricted position that does not accrue retirement benefits.
5. Any agreement for reemployment (a “FRRW agreement”) must be in writing, but may not be offered until after retirement. The agreement will specify the nature and duration of the assignment and the amount of compensation. The reduced salary will reflect the the work assignment and the pre-retirement salary.
6. Employment under a FRRW agreement will be as a part-time NTE faculty member. Typically, contracts will be for no longer than one year, annually renewable on mutual agreement for up to a total of five years. The FRRW agreement should be reevaluated annually, or on a similar periodic cycle based on the term of the assignment. In the normal course of events, no salary increases will be provided during the term of the agreement. i
7. Faculty in the FRRW program may earn no more than 50% of their pre-retirement salary. The faculty member may request a release from the teaching obligations in the agreement with timely notice (see Section 3.3 below)

² If the department chair does not approve the request, an Arts & Sciences faculty member may appeal to the A&S Dean. In the professional schools, if a dean does not approve the request, a faculty member may appeal to the Provost. The Provost and/or Dean of Arts and Sciences may reverse the decision if the denial was not reasonably related to the legitimate interests of the academic unit.

³ As of 10/29/13, this provision means that a faculty member on a 9-, 10- or 11-month contract who retires at the end of a given semester may not return to work under this policy until at least 30 days into the next academic semester, excluding summer session. Federal or state laws may extend this period.

⁴ The focus of this program is on teaching and possibly some service. Part-time reemployment in the FRRW Program will be based on instructional and service responsibilities (not for research, writing, or publishing). Exceptions for research in all units or advisory services at the School of Marine Science will be reviewed on a case-by-case basis.

8. Appropriate office/professional space (perhaps shared) and reasonable access to clerical support and departmental operating resources may be furnished.

3.Procedures

3.1 Reemployment Agreement.

An agreement for reemployment as a part-time, temporary restricted faculty member after retirement may be negotiated and signed only after retirement. The reemployment agreement will be made only upon the satisfaction of the requirements outlined under Section 2.3 above and the other terms of this Policy. The FRRW agreement should be approved by the department chair and program director, if applicable, and the dean.

Prior to retirement, a faculty member may notify his department of his interest in participating in the program.

3.2 Criteria for Approval.

It is understood that participation in the FRRW Program is not an entitlement and is not guaranteed. In addition to satisfaction of the requirements described in Sections 2.2 and 2.3, above, chairs, directors, and deans must certify that there will be no negative budgetary or instructional impacts within the unit as a consequence of an agreement. In the normal course of events, deans are not to approve such requests if they have reasonable concerns that the unit's instructional capacity or financial well-being will be harmed by its approval. Other grounds for denial may include: 1) lack of confidence in the retiree's teaching skills or ability even with findings of satisfactory in teaching, or 2) insufficiency of funds released by the retirement to allow the dean to fill the vacated tenure line position in a timely manner.

3.3 Termination of Agreement.

The College may terminate a signed FRRW agreement only for cause. Under normal circumstances, such cause may include: 1) financial exigency, 2) failure of the part-time, temporary restricted faculty member satisfactorily to perform his/her duties, or 3) violation of any College policy as described in the *Faculty Handbook* that would warrant a severe sanction. Notification will be provided no less than two months prior to the faculty member's next teaching assignment and the faculty member may appeal such termination to the dean or provost as appropriate.

A part-time, temporary restricted faculty member may terminate his/her agreement with timely notice to the chair and director, where applicable, and the dean. Timely notice shall be considered to be sufficient time to replace or cancel scheduled courses with no negative impacts on the curriculum or student progress. Should a part-time, temporary restricted faculty member wish to cancel his/her teaching on a one-time basis (i.e., for one semester) as a consequence of his/her health or the health of an individual for whom he/she is the primary care-giver, the FRRW agreement may be allowed to continue in force by timely mutual agreement.

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