

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: RETIREMENT INCENTIVE PROGRAM

**POLICY
REFERENCE NUMBER: 8-1-100**

**DIVISION OF
RESPONSIBILITY: Human Resource Services**

DATE LAST REVISION: June 15, 2018

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/ THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/ THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

The purpose of the Retirement Incentive Program (RIP) is to allow the System Office/College to maximize savings by offering options for employees to voluntarily retire. The RIP allows agencies to purchase service credit on behalf of employees who are currently eligible to retire or purchase the amount of time necessary to make employees eligible to retire. The RIP is in accordance with §§ 9-1-1140 (I) and 9-11-50 (I) of the South Carolina Code of Laws.

The intent of this procedure is to be used as a management tool and is not designed as a universal employee benefit. The System Office/College may opt to utilize the RIP through the development of a written plan (which must be

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developed in accordance with the Division of State Human Resources (DSHR) model found at www.admin.sc.gov to be submitted through the System Office's Human Resource Services in consultation with DSHR.

The following minimum program requirements must be incorporated in a System Office/College plan.

II. PARTICIPATION ELIGIBILITY

- A. Only employees in full-time equivalent (FTE) positions who are currently eligible to retire under the SC Retirement System (SCRS) or the Police Officers Retirement System (PORS), or who purchase enough service credit to become eligible to retire are eligible to participate in the RIP.
- B. Employees who are exempt from the State Employee Grievance Procedure Act, are not eligible to participate in the RIP.
- C. All decisions to request participation in the program are voluntary by each eligible employee.
- D. All decisions concerning approval of participants are within the discretion of the System/College President and in accordance with the approved plan. A System Office or College plan may declare an employee or categories of job classifications ineligible based on financial considerations or on the business needs of the organization to retain the employee(s) in order for the System Office or College to continue its mission. Exclusion from participation is not a grievable or appealable action. The decision of the System/College President is final.
- E. Employees choosing to participate in the RIP must retire and separate from service with the State of South Carolina no later than the effective separation date as specified in the approved plan.
- F. Employees participating in a Voluntary Separation Program are not eligible to participate in the RIP.

III. PROGRAM COMPONENTS

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- A. The System/College President has overall responsibility for the implementation of the plan.
- B. The System Office/College must fund the RIP within existing funds.
- C. The plan must be based on the System Office/College's ability to demonstrate cost savings within two (2) fiscal years, beginning with the fiscal year in which the RIP was implemented.
- D. An employee who is selected to participate in the RIP will agree to the following:
 1. Retire from the System Office/College on or before the plan's effective date; and
 2. Not become employed with any entity (System Office or College) of the South Carolina Technical College System in an FTE position for a period of at least two (2) years from the date of retirement; however, a participating employee may be employed with another state agency in an FTE position, adjunct, temporary, temporary grant or time-limited position after a period of no less than 15 calendar days from separation in accordance with S.C. State Code of Laws. If the participating employee returns to employment in any of the above mentioned statuses, SCRS earnings limitations may apply.
- E. Participating employees may receive only one of the following options:
 1. The purchase of service credit by the System Office/College to the South Carolina Retirement Systems, not to exceed one year's base salary for the eligible employee. Service credit purchased by the System Office/College may be for "qualified" or "non-qualified" service credit.
 2. The System Office/College may, as a part of a RIP, elect to convert service credit earned under the South Carolina Retirement Systems (SCRS) to service credit in the Police Officers Retirement Systems (PORS). The System Office/College may only pay the costs to convert up to five (5) years SCRS earned service credit to PORS service credit. The cost of conversion may not exceed the employee's annual salary.
- F. Participating employees will receive payment for unused annual leave/faculty non-work day balances as provided for in the State Human

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Resources Regulations and the SBTCE procedure 8-3-101.1 Upon retirement from State government, an employee who is a Class II member is eligible to receive service credit for up to 90 days of unused sick leave; however, any remaining unused sick leave will be forfeited.

- G. All decisions made under this plan by employees to retire are voluntary and are not considered grievable or appealable actions.
- H. The RIP plan must include a written agreement for employees who elect to participate in the program. The agreement must contain a release of claims an employee could bring against the State and the System Office/College, including claims under the Age Discrimination in Employment Act and the Older Workers' Benefit Protection Act. The plan will not require a release of existing Workers' Compensation claims. The employee and the System/College President or designee must sign the agreement.
- I. Individuals who are eligible to participate in the RIP must apply by the date specified by the System Office/College's approved plan.
- J. In accordance with the Age Discrimination in Employment Act and the Older Worker's Benefit Protection Act, eligible employees must be offered up to forty-five (45) calendar days to consider whether to participate in the RIP. An individual may waive the forty-five (45) day period in writing.
- K. In accordance with the Age Discrimination in Employment Act and the Older Workers Benefit Protection Act, eligible employees will have seven (7) calendar days from the date of their acceptance to revoke the agreement. An individual may not waive the seven (7) day period.
- L. Implementation of the plan will be based on fair and objective criteria developed by the System Office/College.
- M. The System Office/College is not required to delete the FTE position after the participant has vacated the position.

IV. APPROVAL AND REPORTING

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- A. A voluntary RIP plan may be developed and implemented in consultation with the System Office's Human Resource Services, DSHR and the Public Employee Benefits Authority (PEBA) Retirement Benefits.
 - B. The System/College President must approve the System Office or College RIP plan prior to implementation.
 - C. Upon final approval of the RIP plan, the System Office/College shall notify all eligible employees of the plan and the process for participation.
 - D. The Colleges must report the results of the RIP through the Systems Office's Human Resource Services to DSHR following the effective date of implementation