



OFFICE OF THE VICE PROVOST --  
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT  
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Oakland, California 94607-5200

August 22, 2011

COUNCIL OF VICE CHANCELLORS  
LABORATORY DIRECTOR ALIVISATOS  
ACADEMIC COUNCIL CHAIR SIMMONS  
ANR VICE PRESIDENT DOOLEY

Dear Colleagues:

**Re: Systemwide Review of Proposed Revised APM - 200, General and Proposed New Policy, APM - 205, Recall for Academic Appointees**

Enclosed for systemwide review are proposed revisions to APM - 200, General and new proposed policy, APM - 205, Recall for Academic Appointees. The proposals are responsive to campus requests for revision and clarification of the existing policy for recalling retired academic appointees to active service in academic titles. The proposed new Recall for Academic Appointees policy also includes information currently contained in Appendices A and B to the existing recall policy.

Proposed APM - 205 would provide campuses with the flexibility to recall retired academic appointees to active University service. Many of the University's academic appointees continue to make major contributions in their fields after retirement. The proposed policy will allow the University to leverage the considerable talents of its retirees in a manner that is productive and meets the needs of both the recalled academic appointee and the University.

Teaching, research, and administrative needs may be met and the University's best interests served by recalling retired academic appointees on a term appointment basis, at a maximum appointment rate of 43 percent for each fiscal year. The 43 percent appointment cap is in line with federal government policies and regulations governing health plan benefit eligibility.

As this is a systemwide review of Academic Personnel policy, employees should be afforded the opportunity to review and comment on proposals, which are available online at: <http://www.ucop.edu/acadpersonnel/apm/review.html>. Enclosed is a model communication which can be used to inform non-exclusively represented employees affected by these proposals.

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We would appreciate receiving your comments by November 18, 2011. Please submit your comments to Sharon.Thomas@ucop.edu.

Sincerely,



Susan L. Carlson  
Vice Provost  
Academic Personnel

Enclosures:

1. *Clarification on Maximum 43 Percent Appointment Requirement Concerning Health and Welfare Benefits*
2. *Model Communication*
3. *APM - 200 (draft revisions)*
4. *APM - 205 (proposed policy draft)*

cc: President Yudof  
Chancellors  
Provost Pitts  
Senior Vice President Stobo  
Senior Vice President Vacca  
Vice President Duckett  
Vice Provosts--Academic Personnel  
Council of University of California Emeriti Association  
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Special Assistant Price  
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Systemwide Policy Director Capell  
Director Saxton  
Labor Relations Consultant Donnelly  
Manager Lockwood

## **Clarification on Maximum 43 Percent Appointment Requirement Concerning Health and Welfare Benefits**

Policy Provisions in Proposed Policy APM - 205:

### **205-16-a Restrictions**

Compensation for recall appointments may not exceed a total of 43 percent time for each fiscal year, inclusive of all recall appointments.

### **205-20-f Terms and Conditions of Employment Percentage of Effort**

All concurrent recall appointments must be included when calculating the appointment percentage, not to exceed a maximum total of 43 percent time for each fiscal year.

- The 43 percent restriction is based on Medicare's rules governing responsibility for payment of health care and welfare benefit claims ("health care claims") for covered retirees or the retiree's covered spouse or partner ("Medicare covered retirees").
- For Medicare covered retirees and retirees with retiree medical coverage (e.g. Health Net, Kaiser, Blue Cross, etc.): Medicare assumes primary responsibility and retirees' medical insurance carrier takes on secondary responsibility for payment for health care claims.
- According to the University's group health insurance plan ("Plan") and University policy, retirees recalled to an academic appointment at over 43.75 percent of a full time appointment receive Plan health and welfare care benefits.
- At the 43.75 percent juncture, according to Medicare rules, the Plan rather than Medicare becomes the primary payer for health care claims made by Medicare covered retirees. Understandably, the University wants to avoid this switch in status from happening and avoid the significant adverse financial impact the Plan appointments of more than 43.75 percent would trigger. By limiting recall appointments to 43 percent or less, the University makes certain that appointments are well under this 43.75 percent threshold-- where primary health care claim responsibility shifts from Medicare to the Plan. Exceeding the percentage maximum for recall appointments may lead to federal funding consequences for the University.

August 2011

200-0 **Policy**

It is the policy of the University to evaluate objectively and thoroughly each candidate for appointment, promotion, or merit increase. Promotions and merit increases are not automatic, but are based on merit.

~~Every~~ Faculty members shall be reviewed at least every five years, except for those serving as Deans, who are exempt from the five year mandatory review of their academic appointment. The Chancellor, with the advice of the Academic Senate, shall determine the level and type of review and shall develop appropriate implementing procedures.

The Chancellor may exempt from this five-year review faculty who are also members of the ~~Executive Program~~ Senior Management Group (“SMG”). SMG members with an underlying academic appointment are subject to SMG policies and procedures, rather than Academic Personnel policies. ~~(See APM 240-80 regarding the five-year review of academic Deans and Provosts.)~~

For faculty who are not SMG members of the Executive Program, the five-year review may not be waived; in exceptional circumstances, the Chancellor may defer

the review for one year. Specifically, see also, APM - 240-80 and APM - 240 Deans, Implementation Guidelines, Section 8, Review Procedures ([http://www.ucop.edu/acadpersonnel/documents/deans\\_imp\\_guidelines.pdf](http://www.ucop.edu/acadpersonnel/documents/deans_imp_guidelines.pdf)) regarding the five-year review procedures for the administrative portion of an academic Dean's duties. For full time Faculty Administrators, see also APM - 246-80.

200-8 **Types**

Appointment and promotion policies and procedures for certain specific title series will be found in Manual sections following this general APM - 200.

On each campus the officers reviewing professional research appointments and promotions and reviewing staff appointments will be expected to notify and consult with one another when there is any doubt as to whether a proposed appointment should be classified as professional research or staff personnel. When the officers cannot agree, the question shall be referred to the Chancellor for resolution.

200-17 **Effective Service Dates**

a. **Effective Date of Appointment – General**

The effective date of an appointment, merit or promotion to another approved title is the initial date of the change for purposes of payroll and record keeping and indicates the first day on which the payment begins for appointments.

Salary increases associated with merits and promotions will be paid as described below.

The University's annual fiscal operating budget year begins July 1. The University's budget is adopted after the State's budget is signed, which may occur after July 1. For merits and promotions that are effective on July 1, the date of payment of associated salary increases depends on when the University's budget is adopted for the fiscal year. In the event the University's budget is not adopted in time to meet applicable payroll deadlines for a July 1 effective date, there may be a delay in payment of salary increases until the University's budget is adopted. Under these circumstances, salary increases will be paid as soon as possible, with retroactive payment to the effective date of the merit or promotion.

b. **Effective Date of Promotions**

The effective date for promotions within any of the title series is July 1 of each year; however, Chancellors and the Vice President—Agriculture and Natural Resources are authorized to promote personnel within the authority granted in APM - 200-24 at any effective date during the year.

c. **Beginning Date of Service**

The beginning date of service for a new appointee, or of service in a new status for a continuing appointee, is the first day on which the appointee is required to be on duty under the terms of the appointment or new status. This date will be different from the effective date for academic-year appointees paid in twelve installments.

200-19 **Normal Periods of Service at Rank and Step**

For those titles in which normal periods of service at ranks and steps within ranks have been established the following shall apply. (Please note that the following periods are not relevant for purposes of determining retirement credit or sabbatical leave credit.)

- a. An academic-year appointee who has served at least two full quarters or one full semester in any academic year will receive service credit for one year at rank and step.
- b. An academic-year appointee who has served one quarter or less in any academic year will not receive service credit for that year.

- c. A fiscal-year appointee with an effective date of appointment in the period July 1 through January 1 will receive service credit for one year at rank and step.
- d. A fiscal-year appointee with an effective date of appointment in the period January 2 through June 30 will not receive service credit for that year.
- e. A period of leave after service of at least one full quarter may be counted toward service in reckoning the number of years at rank and step if this is deemed appropriate by reviewing authorities. For periods of leave in relation to the eight-year limitation of service, see APM - 133-17-g.

~~200-22~~ **Recall Appointments for Academic Appointees<sup>†</sup>**

- a. ~~The University may recall to active service, on a year to year basis, academic appointees who have retired, provided such appointments are not in conflict~~

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<sup>†</sup> ~~These provisions are consistent with Regents' Standing Order 103.6, and the President's delegation of authority letter dated August 17, 1989, to Chancellors, Laboratory Directors, the Senior Vice President—Business and Finance, and the Vice President—Agriculture and Natural Resources concerning service following retirement.~~



~~with the terms of the University of California Retirement Plan and/or  
University policy.<sup>2</sup>~~

b. ~~Authority<sup>2</sup>~~

~~The Chancellor has the authority to approve salaried and non-salaried recall  
appointments on a year to year basis.~~

e. ~~Criteria~~

~~In general, a campus fills a vacancy created by retirement with a long-term  
appointment. However, delays in such appointments can occur for a number  
of reasons. Recall appointments may be approved under these and certain  
other circumstances.~~

~~The following criteria shall be considered in determining whether to  
recommend or approve a recall appointment:~~

- ~~(1) The teaching, research, and/or administrative needs of the department or  
unit.~~

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<sup>2</sup> ~~See APM 200, Appendix A, Pre-Retirement Recall Guidelines for Faculty Recalled for  
Post-Retirement Teaching, for exceptions that apply to certain faculty age 60 and older  
who enter a pre-retirement agreement for a recall for teaching appointment.~~

- ~~(2) Availability of office and laboratory space.~~
- ~~(3) Budgetary resources.~~
- ~~(4) Ability of the candidate in the areas required for appointment in the particular academic title or series (e.g., Professor series). Documentation of these areas should specifically include an evaluation of activities during the current year and the last several years. If the candidate has not served in the University within the past year, the department may evaluate activities over the last several years of service and/or activities during retirement.~~

d. Procedure

~~The department chair, an equivalent administrator, or the individual academic appointee may request a recall appointment. The request should be made well in advance of the desired starting date in order to allow sufficient time for academic and administrative review. The campus shall establish a time period for submission of requests.~~

~~The department chair will evaluate whether the appointment of the candidate is the best way to fulfill temporary staffing needs, for example, during~~

~~recruitment of a permanent ladder rank faculty member to fill this position. In  
accord with department procedures, the chair will have appropriate  
consultation with the department faculty. The request is reviewed by the Dean  
or Provost of the College or School and also may be reviewed by the  
Committee on Academic Personnel, pursuant to campus procedures.~~

~~The Chancellor makes the final decision on the recall appointment.~~

e. Recall Appointments and Reappointments<sup>2</sup>

~~An appointment may be made only for a period of one year or less and shall  
have a specific ending date. An appointment expires on that date, and no  
notice is required.~~

~~Reappointments are not automatic. Following review, an appointment may be  
renewed.~~

200-24 **Authority**

- a. Chancellors are authorized to approve all appointments, reappointments, merit increases, and promotions of academic personnel under their jurisdiction except those positions appointments involving appointments designated as

SMG , i.e., Vice Chancellors and academic Deans whose sole reporting responsibility is to the Chancellor; above-scale salaries beyond the Regental compensation threshold (See Section 101.2 (a) of the Standing Orders of The Regents); and appointments of Regents' Professors and University Professors.

- b. On an exception basis and with suitable justification, the Chancellor, Vice President—Agriculture and Natural Resources and Provost and ~~Senior~~ Executive Vice President—Academic Affairs may approve appointments, reappointments, merit increases, and promotions within the authorization granted in APM - 200-24-a retroactively (that is, with the beginning date of service prior to the actual approval), subject to the condition that a new appointee must have completed and subscribed to the State Oath of Allegiance on or before the beginning date of service under the terms of appointment.

All individuals, including U.S. citizens, under the Immigration Reform and Control Act of 1986 (as amended), must present evidence through the employment verification process that they are legally eligible to work in the United States.

- c. For authority of the Vice President—Agriculture and Natural Resources and the Provost and ~~Senior~~ Executive Vice President—Academic Affairs with respect to personnel under their jurisdiction, see the section on the particular

title or title series for specific statements concerning authority to appoint and promote for that title or title series.

200-30 **Academic Personnel Actions – Personnel Review Files**

The personnel review file is that portion of the academic personnel records pertaining to an individual maintained by the University for purposes of consideration of personnel actions under the relevant criteria set forth in this Manual. An individual's personnel review file shall contain only material relevant to consideration of personnel actions under these criteria. Final administrative decisions concerning appointment, promotion, merit increase, appraisal, reappointment, nonreappointment, and terminal appointment shall be based solely upon the material contained in the individual's personnel review file.

200-96 **Reports**

The Chancellor shall maintain records of personnel actions and submit reports to the President as required by policy and/or administrative directive ~~needed~~.

### **Pre-Retirement Recall Guidelines for Faculty Recalled for Post-Retirement Teaching**

Campus administrators may enter a pre-retirement agreement with a faculty member age 60 (sixty) or older for a recall to service after retirement.

**Timing and Duration of Appointment:** By agreement between campus administration and the faculty member, the recall period may be up to three academic years, subject to annual renewal after the agreed initial period. Retirement plan regulations require that there generally be a break in service of at least 90 (ninety) days between the retirement date and the date of the recall appointment start date. However, in no case may the recall date be earlier than 30 (thirty) days following the retirement date.

**Compensation:** In general, the recall rate for academic year appointees will be  $1/9^{\text{th}}$  of the base salary at the time of retirement per quarter course or  $1/6^{\text{th}}$  of the base salary per semester course, not to exceed the current salary rate for Professor, Step VII. Fiscal year salaries should be converted to the academic year equivalent salary. Campus administrators and faculty may negotiate a higher or lower salary rate, as appropriate to the nature of the course, to reflect specific needs. The base salary is defined for the purposes of these guidelines as the faculty member's academic year (nine month) salary or fiscal year (twelve month) salary at the time of retirement augmented by any subsequent range adjustments. Merit and promotion increases are not granted after retirement.

**Appointment and Space Assignment:** The recall appointment effort may not exceed 46% (forty six percent) time. However, due to potential Medicare complications, recall appointments will generally be 43% (forty three percent) time or less. Assignment of office space is subject to the agreement reached between campus administrators and the faculty member. Recall for teaching appointments will not normally include any commitment of research space.

**Benefits:** Recalled faculty may contribute to the 403(b) Plan and 457(b) Plan. Health benefits are determined by the terms of the recall appointment. Since eligibility for benefits is a critical and complex issue, recall appointees should consult with the campus Benefits Office about how the recall appointment may affect their benefits eligibility. See the Returning to UC Employment After Retirement Factsheet for further information available at: [http://atyourservice.ucop.edu/forms\\_pubs/checklists\\_factsheets/returntowork.pdf](http://atyourservice.ucop.edu/forms_pubs/checklists_factsheets/returntowork.pdf).

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OFFICE OF THE SENIOR VICE PRESIDENT—  
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September 11, 2003

VICE CHANCELLORS—ACADEMIC AFFAIRS  
VICE CHANCELLORS—ADMINISTRATION  
DEPUTY LABORATORY DIRECTORS—OPERATIONS

**UCRP Reappointment Guidelines for Rehired Retirees**

This memo is in response to inquiries on how the change in the University of California Retirement Plan (UCRP) Normal Retirement Date affects the UCRP Guidelines for Rehire of UC Retirees. UCRP recently was amended to change the Normal Retirement Date to age 60 with 5 years of Service Credit, to support the University's ability to arrange recall appointments, especially faculty who would fill limited teaching assignments.

As background, the Internal Revenue Service (IRS) defines Normal Retirement Date as the date specified by the plan when a member's right to benefits is nonforfeitable. Arrangements made for post-retirement employment before individuals reach the plan's normal retirement date could disqualify the pension plan if the IRS believes there has not been a bona fide termination of employment. Plan disqualification would result in immediate taxation to members, based on the value of a member's accrued benefit in UCRP at the time of disqualification.

The current UCRP Guidelines for Rehired Retirees (copy attached) continue to apply to all rehired retirees regardless of age, including the requirement of a 30-day minimum break in service. However, due to the change in the UCRP Normal Retirement Date, discussions about reemployment may now begin before separation or retirement if a Member is age 60 and has at least 5 years of Service Credit. (The Guidelines and related information are available on the Internet at [http://exchange.ucop.edu/documents/UCRP\\_Waiver\\_for\\_Rehired\\_Retirees/](http://exchange.ucop.edu/documents/UCRP_Waiver_for_Rehired_Retirees/)).

Michele E. French  
Executive Director  
HR/Benefits Policy and Program Design

cc: Senior Vice President Mullinix  
Associate Vice President Boyette  
Executive Director French  
Chief Human Resources Officers  
Academic Personnel Directors  
Benefit Managers  
Team Leaders and Unit Heads  
University Counsel Clark  
University Counsel Dana

1/14/05

205-0 **Policy**

The University of California may recall to active service, for a term appointment, an academic appointee who has retired from the University. Recall may be for teaching, research or administrative service in an academic title. This policy applies both to appointees who receive retirement income and to those who have received a lump sum payout from the University of California Retirement Plan (“UCRP”).

205-2 **Purpose**

Recall appointments serve the essential academic needs and interests of the University by allowing campuses to employ retired academic appointees on renewable term appointments.

205-14 **Eligibility**

- a. Recall appointments are limited to individuals returning to an academic title following their retirement from an academic appointment and who receive retirement income (or have received a lump sum payout) from UCRP.
- b. Individuals are not eligible for recall by virtue of retiring from appointments
  - 1) in the Clinical Professor-Volunteer series or
  - 2) as paid staff or in the Senior Management Group without an underlying concurrent academic appointment.
- c. Emeritus Title

A concurrent Emeritus title is not required for an academic appointee to be recalled for active service.



205-16 **Restrictions**

- a. Compensation for recall appointments may not exceed a total of 43 percent time for each fiscal year, inclusive of all recall appointments.
- b. Academic appointees may be recalled to faculty administrative titles, as described in APM - 240 and - 241, for a term of one year or less subject to renewal on an annual basis.

205-18 **Salary**

- a. Rate of Salary

An academic appointee may be recalled to a compensated or a non-compensated appointment. Compensated appointments should be percentage-based. The maximum salary rate for recall appointments that include teaching, research, or other non-administrative duties is the individual's annual base salary rate for the academic position held at the time of retirement, range adjusted forward. Additional compensation earned prior to retirement, including stipends, negotiated salary components, and summer salary, is not to be factored into the salary rate for such recall appointments.

The salary for academics recalled to faculty administrative titles is a negotiated rate. The negotiated rate is based on the nature and scope of the duties assigned, other comparable positions and the relevant administrative experience of the individual.

- b. Rate of Salary for Faculty Retired from a Health Sciences School
  - 1) For faculty who were appointed in a Health Sciences school at the time of their retirement, membership in the Health Sciences Compensation Plan

(“HSCP”) as a recall academic appointee is determined by the HSCP salary structure. Appointees recalled to base salary appointments are not members of the HSCP and are not eligible to receive additional compensation, but have no limitation on remuneration for outside professional activities. Base salary is defined as the faculty member’s base salary (HSCP Academic Programmatic Unit (“APU”) Salary Scale X and X’) at the time of retirement, range adjusted forward.

- 2) Faculty members who are recalled at a salary rate greater than base salary (X and X’ plus Y), regardless of percentage effort, are required to be members of the HSCP. As members of the HSCP, all of the terms and conditions of the HSCP apply. Remuneration for any clinical activities performed at any time must be remitted to the HSCP. All outside professional activities must be reported annually.

c. Salary Increases

Recalled appointees are ineligible for merit or promotion increases.

205-20 **Terms and Conditions of Employment**

a. Pre-Retirement Recall Agreements

Campus administrators may only make a pre-retirement recall agreement with an academic appointee age 60 or older with five years of service credit (“UCRP normal retirement age”). By such agreement between campus administration and the faculty member, the recall period may be up to three academic years, with the possibility of annual renewal after the agreed initial period. Administrators may not pre-arrange recall appointments with academic appointees who retire before the UCRP normal retirement age.

b. Return to Service

A recall appointment may occur no earlier than 30 days following the academic appointee's retirement date.

c. Length of Recall Appointments

Recall appointments are normally one year or less but may be up to three years in cases of pre-retirement agreements, or if faculty have active research grants with secured funding for the recall period. Recall appointments are term appointments for a specific period of time and expire on the end date with no further notice required.

d. Reappointment

Following a review, recall appointments may be renewed on an annual basis.

e. Early Termination

At the discretion of the University, with a minimum of 30 days notice or pay-in-lieu of notice, the University may terminate a recall appointee with or without cause, prior to the specified original end date.

f. Percentage of Effort

All concurrent recall appointments must be included when calculating the appointment percentage, not to exceed a maximum total of 43 percent time for each fiscal year.

g. Benefits

Recalled appointees are ineligible for active employee health, welfare and retirement benefits due to the percentage limit on the appointment but may contribute to the UCRP 403(b) and 457(b) Plans.

h. Compliance with University Policies

Recalled academic appointees are required to comply with all applicable University policies, procedures, and training requirements.

205-24 **Authority**

- a. The Chancellor or the Chancellor's designee has the authority to approve academic recall appointments. This authority may be redelegated.
- b. The Chancellor or Chancellor's designee has the authority to approve recall appointments in excess of 43 percent time in each fiscal year and/or where the recall salary exceeds the base salary at the time of retirement. This authority may not be redelegated below the Executive Vice Chancellor/Provost. Appointments in excess of 50 percent time in each fiscal year constitute a return to active University employment with a required suspension of retirement benefits.
- c. The University Provost has the authority to approve a recall appointment with a salary exceeding the Indexed Compensation Level.
- d. In special circumstances, the President may approve a recall reappointment for up to five years. (See Regents Standing Order 103.6.)

205-80 **Procedures**

Each campus shall develop a procedure and approval process for recall appointments consistent with this policy.