

Volunteering After Retirement

4-OP-C-7-C5

Responsible Executive:	Finance and Administration
Approving Official:	President and Vice President for Finance & Administration
Effective Date:	TBD (Notice and Final Approval)
Revision History:	New

I. INTRODUCTION

This policy guides university managers and retirees within the State University System Optional Retirement Plan (SUSORP) or the Florida Retirement System (FRS) Pension and Investment Plans seeking to volunteer with the University after retirement.

Scope: Who is retired:

- An individual is considered a retiree of a Defined Contribution Plan (SUSORP or the FRS Investment Plan) if they have been separated from all FRS employment for three full calendar months and have received a distribution of their account funds or have reached their normal retirement date and have taken a 10% distribution after one month of separation.
- An individual is considered a retiree of a Defined Benefit Plan (FRS Pension Plan, including those who participated in the Deferred Retirement Option Program (DROP)) if they have separated from all FRS employment and received a monthly retirement benefit.

II. POLICY

Volunteer service to the University includes but is not limited to serving on committees, engaging in advisement, conducting research, fundraising, and consultations. Volunteering may include any contribution of personal time. No State of Florida Retiree, regardless of their individual plan(s), may provide volunteer service to the ~~university~~University, except as outlined in this policy, if they are within twelve months of their retirement date.

Volunteering after retirement with the University requires that the statutory requirements be met in Sections 121.021(65) and 121.091(15), Florida Statutes. These requirements are for volunteer services and are limited to the following for the first twelve (12) full calendar months following:

1. Before the date of retirement, there was no agreement or understanding between the employer (FSU) and the retiree that the retiree would provide any service for the employer.
2. The employer or a third party may not provide any form of compensation, including any cash equivalents, to a volunteer for the retiree's volunteer service.
3. A volunteer may not be provided with any employee benefits, including health or life insurance benefits.
 - a. However, a volunteer may be provided with certain perquisites necessary for, and for the limited purpose of, completing tasks associated with the volunteer program, such as an assigned uniform or the provision of equipment.

4. The number of volunteer hours per week, including training hours, that the volunteer may provide is no more than 20 percent of the number of hours that the volunteer was expected to work per week before his or her date of retirement.
5. There is a clear distinction between the duties of a volunteer and the duties of an employee.
6. The schedule of a volunteer, including the number of hours volunteered and the number and type of assignments for which he or she agrees to volunteer, is controlled by the volunteer.
7. The employer and the retiree are both required to maintain adequate records to document adherence to the criteria listed in this subsection. The records must be made available to the department, state board, or the ~~university's~~University's human resources staff upon request.

Additional Requirements

Volunteering with Florida State University does not constitute employment by the University. Volunteer retirees must comply with University policies and practices regarding volunteering at the University. For faculty, instructor, and researcher equivalent services, a courtesy appointment must be processed before any such volunteer services can be rendered. Individual departments or units may have applicable requirements for specific volunteer positions.

Retirees considered retired by the State of Florida for more than 12 complete calendar months may volunteer or seek employment with the ~~university~~University without restriction and receive applicable benefits or retirement distributions.

It is the responsibility of the department working with the volunteer to ensure that the volunteer and the department are maintaining accurate records. Failure to do so may result in suspension of volunteer services. Any violation of University policy and practice may result in the termination of volunteer services for that retiree.

Considerations

Florida State University encourages University retirees to consider the following before agreeing to volunteer at the University:

- This policy does not circumvent the reemployment provisions outlined by the FRS and Division of Retirement.
- Review guidance provided by the FRS and the Division of Retirement for those considering retirement from any Plan.
 - If a retiree has already received a retirement benefit from one of the plans (s), then they should review the provisions regarding the subsequent restrictions and limitations that retirement has on all FRS employment.
- The consequences of a violation of reemployment provisions are outlined by the FRS in the [FRS-TAR](#), the [ORP-TAR](#) and the [FRS-IP-TAR](#).
 - SUSORP retirees are subject to FRS reemployment provisions administered by the Division of Retirement.
 - These consequences include but are not limited to retirement fund forfeiture and the requirement to repay all funds deposited by the Plan(s).
- The Voluntary Retirement Plans and 401(a) FICA Alternative Plan (Bencor) are not impacted or included in these employment provisions. Distributions from those accounts can still be taken when applicable.

- However, volunteers are not permitted to make additional contributions to these plans as they are not employees of the University and, accordingly, do not have said privileges.
- Failure to comply with this policy may result in termination of volunteer services.
 - Retirees can volunteer post-retirement, provided they comply with 121.021(65) and 121.091(15), Florida Statutes. There are potential financial consequences for both the retired volunteer and the University if this policy and Florida Statutes, as defined and imposed by the Division of Retirement, are violated. Volunteering after retirement does not constitute FSU's verification that an FRS Retiree meets any or all legal requirements and restrictions. It is the responsibility of the retiree to ensure adherence to all reemployment provisions as set forth by FRS.

II. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

The President holds delegated authority from the Board of Trustees to establish personnel policies and ~~university-University~~ administration and oversight in BOG 1.001. The President has delegated authority over personnel matters to the Vice President for Finance and Administration. Other Constitutional authority, state statutes, Florida Board of Governors regulations, and University regulations authorize the policy. See specifically:

- Florida Statutes Chapter 121.091
- Florida Statutes Chapter 121.021

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.