

EARLY RETIREMENT REQUEST PROCEDURE**PROCESS FOR REQUESTING EARLY RETIREMENT
OF SOUTHWESTERN OREGON COMMUNITY COLLEGE EMPLOYEES
HIRED BEFORE MARCH 1, 2002**

PURSUANT TO A JUDGMENT ENTERED IN COOS COUNTY CIRCUIT COURT ON DECEMBER, 28, 2005, THE 1997 VERSION OF THE COLLEGE'S EARLY RETIREMENT POLICY (No. 6.3.044) WAS REINSTATED FOR ALL EMPLOYEES HIRED BEFORE MARCH 1, 2002.

THE PROCESS FOR REQUESTING AND APPROVING EARLY RETIREMENT IN THE FUTURE UNDER THE 1997 VERSION OF THE POLICY IS SET FORTH BELOW.

I. ELIGIBILITY**A. Employees hired between July 1, 1997 and March 1, 2002**

Current employees hired on or after July 1, 1997 and before March 1, 2002 will be eligible to request early retirement under the 1997 policy if they have a minimum of twenty (20) years of full-time employment with the College, are at least 58 years of age, and are eligible for retirement under PERS.

No one in this group will be eligible to request early retirement under the policy until the year 2017. The College may establish a different process for those employees to request early retirement at that time.

A. Employees hired before July 1, 1997

All current employees of the College who were hired before July 1, 1997 are covered by the 1997 policy, except part-time faculty, temporary employees and student workers. Employees in this group may request early retirement when they have a minimum of ten years of employment with the College, are at least 55 years of age, and are eligible for retirement under PERS.

II. PROCESS FOR REQUESTING EARLY RETIREMENT BEGINNING FISCAL YEAR 2007

- A. Because the total annual benefits paid under the College's early retirement program currently exceeds the \$150,000 cap, no requests for early retirement will be considered during the 2005-2006 fiscal year.
- B. Beginning in the 2006-2007 fiscal year, requests may be submitted on or after October 1 of each year, for early retirement effective at the end of that fiscal year. If October 1 falls on a weekend or holiday, early retirement requests may be submitted beginning the next business day. The early retirement request must be submitted on an application form that will be available on the College intranet, as well as through the Human Resources office.
- C. Requests for early retirement must be submitted to the Human Resources office before 5 p.m. on October 8 of each year (or the next business day if October 8 falls on a weekend or holiday). Requests received after that deadline will not be considered.
- D. After receiving an employee's request for early retirement, the College shall examine the personnel records and determine if the employee meets the eligibility requirements to request early retirement under the 1997 version of the policy. Requests will be deemed valid if the employee is eligible, and the request has been filed within the time periods stated in Paragraphs B and C above. Employees will be notified in writing within ten (10) business days if their request is or is not valid, and the reason for the determination if it is not valid.

- E. All valid requests will be considered in the order of length of service to the College. Length of service shall be based on the employee's start date as a regular employee of the College. **All years of full-time employment will count toward length of service.** If two or more employees submit valid requests and have the same length of service, the order of consideration will be determined by random selection (e.g. flipping a coin, drawing straws or drawing names).

FOR CLARIFICATION:

EARLY RETIREMENT – 1997 POLICY

In the event that two or more employees submit valid requests and have the same length of service, the order of consideration will be determined by the random drawing of names. If the benefit cost of the employee whose name is drawn first exceeds the \$150,000 cap, there is no mutuality of benefit and the employee's early retirement request will be denied. If this is the case, the Board may continue the random drawing of names to determine whether the benefit cost of the next employee whose name is drawn exceeds the \$150,000 cap. If it does not exceed the cap and there is a mutuality of benefit, this employee's early retirement request will be granted by the Board.

EARLY RETIREMENT – 2002 POLICY

In the event that two or more employees submit valid requests and have the same length of service, the order of consideration will be determined by the random drawing of names. If the benefit cost of the employee whose name is drawn first exceeds the \$250,000 cap, there is no mutuality of benefit and the employee's early retirement request will be denied. If this is the case, the Board may continue the random drawing of names to determine whether the benefit cost of the next employee whose name is drawn exceeds the \$250,000 cap. If it does not exceed the cap and there is a mutuality of benefit, this employee's early retirement request will be granted by the Board.

- F. The Board of Education shall grant or deny an early retirement request from an eligible employee within thirty (30) days after the request is received, and the College shall promptly notify the employee of the decision in writing. If the request is denied, the Board's written notice to the employee shall include the general reason(s) for the denial (e.g., the \$150,000 cap; mutuality of benefits) **and the opportunities for additional benefits.**
- G. The early retirement approval shall be binding on the Board when it is given, and shall thereafter be binding on the employee unless:
- the employee asks the Board in writing to set aside the decision; and
 - the employee demonstrates extraordinary circumstances (i.e., good cause) to the Board; and
 - the College has not acted in response to the early retirement request (e.g., taken action to find a replacement for the employee).
- H. If an employee's request for early retirement is denied for any reason, the employee must submit a new Early Retirement benefit application form in the following academic year, under the process stated above, in order to be considered for early retirement in that year.

- I. This process outlines steps for application and receipt of Early Retirement benefits only. Employees should refer to the Human Resources Office for other benefits.***

III. SICK LEAVE BUY-OUT

For employees retiring under the 1997 Early Retirement Policy, the formula for calculating sick leave buy-out will use an adjustment rate of 100% for all employees, regardless of age.

Note: Under the policy, the adjustment rate is multiplied by one-half the accumulated unused sick leave.

Adopted by the Board of Education:

Procedure # 1.056: May 18, 1987

Revised: February 1989

Revised: October 19, 1992

Adopted by the Board of Education:

Procedure # 6.3.044: February 18, 1997

Revised: January 28, 2002

Procedure # 6.3.044 – 2002 & Procedure # 6.3.044 – 1997 moved to BP 7100 –New APP
Renumbered/renamed/combined into one Procedure May 7, 2014