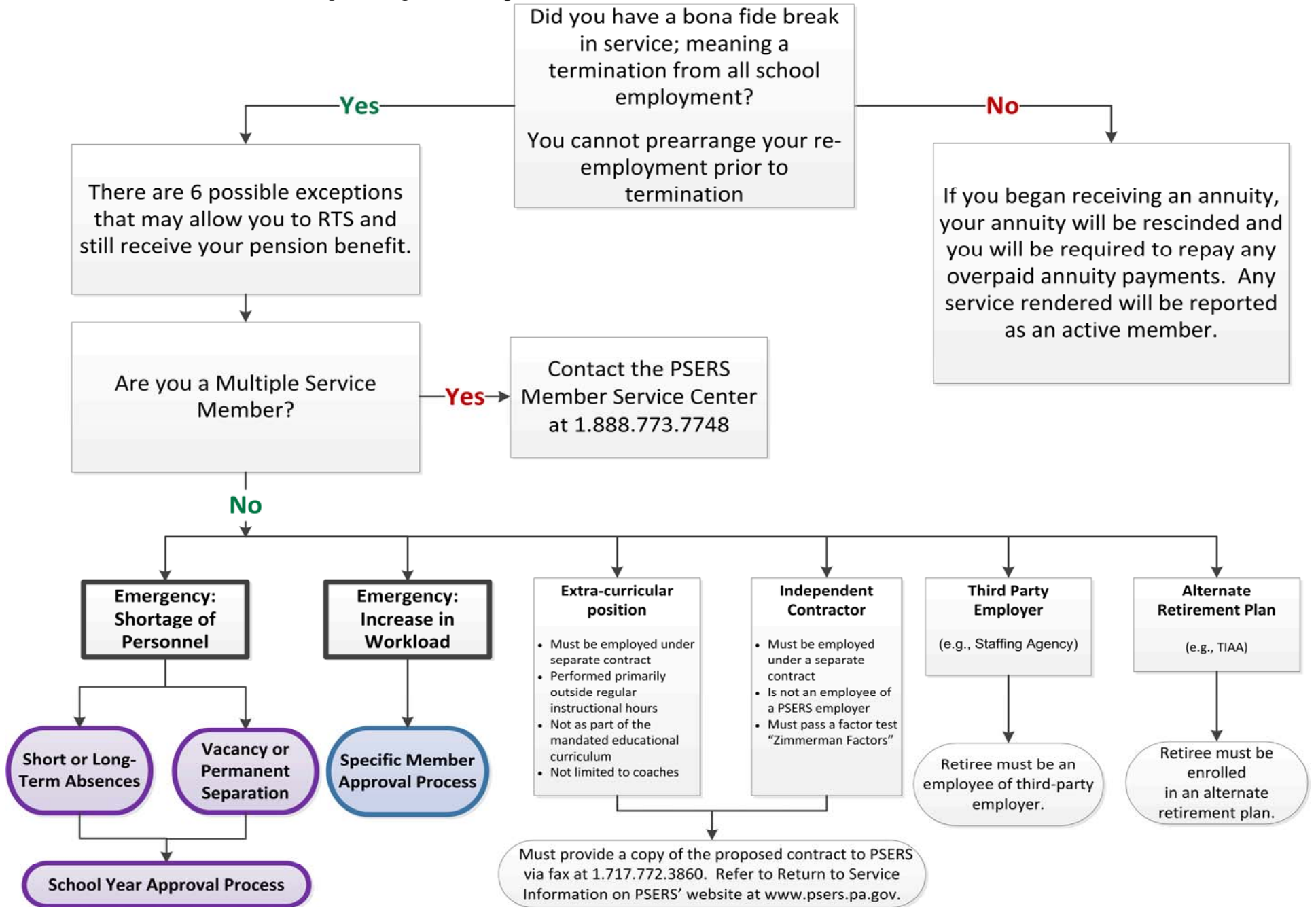


# Return to Service (RTS) Exception Guidance



### Emergency: Shortage of Personnel – School Year Approval Process

**A school employer may use the School Year Approval Process under the following circumstances:**

- Absences, short-term and long-term
- Vacancy with no advanced notice of a permanent separation
- Vacancy when an employer is prevented from replacing a terminated employee because of a legal challenge

**To apply for the School Year Approval Process to use PSERS retirees** - The school employer must submit a letter to PSERS requesting a general approval and certifying the process used to hire all PSERS retirees under the Emergency Exceptions provisions throughout that school year. The letter submitted to PSERS should confirm that:

- The school employer will establish and maintain a current candidate list that distinguishes between those who are PSERS retirees and those who are not.
- If the candidate list is established directly by the employer and the need for a candidate arises, the employer will first notify and exhaust a candidate list of those who are not PSERS retirees before employing a PSERS retiree.
- If the employer uses a third party vendor to place candidates, then the employer confirms that: 1) the third party vendor employs the candidate directly, and 2) the employer will not employ a PSERS retiree until the third party vendor attempted, but was not able, to place a candidate.
- The school employer will make available to any PSERS retiree who will or could be employed by the employer, upon request by the retiree, a copy of the school employer's request to PSERS for the School Year Approval Process and PSERS' response to the school employer's request.
- The school employer will only use the School Year Approval Process for absences, short-term and long-term; a vacancy with no advanced notice of a permanent separation; and a vacancy, when an employer is prevented from replacing a terminated employee because of a legal challenge.
- If a school employer has a short-term absence that transitions to a long-term absence the employer will repeat the search for a candidate who is not a PSERS retiree before offering it to a PSERS retiree.
- In filling a vacancy with no advanced notice of a permanent separation, the school employer will immediately begin an *Adequate and Good Faith Search* for a permanent replacement.
- The school employer will use the Specific Member Approval Process when hiring a PSERS retiree who retired within the last school year and who is filling a vacancy or absence in the position that they recently retired from or a vacancy in a similar position.

### Emergency: Shortage of Personnel – Specific Member Approval Process

**A school employer must use the Specific Member Approval Process under the following circumstances:**

- A vacancy because an existing employee is no longer employed in their position and is not expected to return
- An employer creates a position that did not previously exist
- An emergency increase in workload
- All other instances that do not qualify under the School Year Approval Process

To request approval to employ a PSERS retiree under this process, the employer must provide the following, as applicable:

- The name and social security number of the PSERS retiree.
- If the retiree retired within the last school year from the same employer, the employer must provide the following:
  - Copies of the formal notice of the termination/retirement, e.g., a resignation letter, internal memo, board minute documenting the notice, etc.
  - Copies and explanations of all relevant employment contracts and severance agreements (both oral and written).
  - If the retiree is filling the same position, provide an explanation of why the retiree could not have simply remained in his/her position instead of retiring.
- An explanation of how and when the position became vacant, including copies of any notice of termination/retirement/leave resulting in the vacancy/absence.
- An explanation of the *Adequate and Good Faith Search* taken by the employer to find someone who is not a PSERS retiree and the dates of each step in the process.
- For an *Emergency Creating an Increase in the Workload*, identify what created the emergency, when the emergency was created, how long the school employer expects the workload to be at the increased level, and why the increase in duties cannot be performed by existing staff.

If the employer does not provide sufficient information and/or documentation to satisfy an *Emergency* exception, the request will be denied and, if the retiree renders service, may result in the retiree being reenrolled in PSERS and the retiree's benefit being stopped retroactive to the date the retiree first began service.

Refer to the PSERS *Return to Service Exceptions* for more information.

*Disclaimer: The information contained in this publication is strictly meant to serve as a general aid to answering many of the typical circumstances or questions that may arise from a member considering a return to service. It is not intended to serve as the final answer. It is recognized that all circumstances are unique. When in doubt a member or employer should contact PSERS for additional clarification.*