

Office of the President

TO MEMBERS OF THE COMMITTEE ON GOVERNANCE:

ACTION ITEM

For Meeting of January 17, 2013

REPEAL OF STANDING ORDER 103.6, RETIREMENT AND REAPPOINTMENT FOLLOWING RETIREMENT

RECOMMENDATION

The President recommends that the Committee on Governance recommend to the Regents that following service of appropriate notice, Standing Order 103.6, Retirement and Reappointment Following Retirement, be repealed, as shown in the Attachment.

BACKGROUND

Standing Order 103.6 has contained a mandatory retirement age for bona fide University executives since at least 1979. In the intervening period, employment law and practices have substantially evolved. All of the senior executives currently governed under Standing Order 103.6 are “at-will” employees, meaning that their employment may be terminated by the University at any time, without cause. Therefore, the mandatory retirement age is not necessary for efficient University functioning.

There are a number of current employees whose appointments have been approved by the President on a year-to-year basis due to the employees having attained their applicable retirement age. Upon repeal of Standing Order 103.6 by the Board at the next regularly scheduled meeting, an item will be presented to the Committee on Compensation to convert the appointments of current employees that have been extended on a year-to-year basis due solely to the fact that the employee had attained his or her mandatory retirement age to open-ended appointments. The conversion of these appointments will effectively eliminate the mandatory retirement age retroactively for those employees.

The repeal of Standing Order 103.6 is intended to eliminate only the mandatory retirement age. It is not intended to eliminate restrictions related to reappointments made after retirement. Such reappointment restrictions will continue in effect pursuant to: *Regents Policy 7706, Reemployment of UC Retired Employees Into Senior Management Group and Staff Positions*, as well as *APM 205, Recall for Academic Appointees*.

Additional conforming action will be undertaken by the Office of the President as required for all related University policies, including *PPSM II-65, Retirement*.

(Attachment below)

Deletions shown by strikethrough

~~STANDING ORDER 103.6~~

~~SPECIAL PROVISIONS CONCERNING OFFICERS, FACULTY MEMBERS, AND
EMPLOYEES OF THE UNIVERSITY~~

~~RETIREMENT AND REAPPOINTMENT FOLLOWING RETIREMENT~~

~~103.6 Retirement and Reappointment Following Retirement.~~

~~No date of retirement is prescribed for faculty members and other employees of the University. The date of retirement for Officers and members of the University's Executive Program shall be as follows:~~

- ~~(a) — For bona fide executives who participate in the University of California Retirement Plan and are Officers of The Regents, Officers of the University, or members of the University's Executive Program, the date of retirement shall be the July 1 coinciding with or next following the person's 67th birthday, except as provided in federal or state law.~~
- ~~(b) — For bona fide executives who participate in the Public Employees' Retirement System and are Officers of The Regents, Officers of the University, or members of the University's Executive Program, the date of retirement shall be the July 1 coinciding with or next following the person's 70th birthday, except as provided in federal or state law.~~

~~The President may appoint on a year-to-year basis employees who have attained their applicable retirement age or retired. In special circumstances, the President may also approve multiple year reappointments of retired faculty for up to five years at a time. No such appointment shall be in conflict with law, including federal laws relating to distribution of retirement benefits.~~