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THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE

The purpose of this policy is to provide information and guidance on employing individuals who have separated from State Government employment either as Teacher and Employee Retention Incentive (TERI) Participants or as Retirees (without TERI participation) through the Public Employee Benefit Authority (PEBA) Retirement System. Managers are encouraged to consider the information herein during workforce and succession planning sessions.

This directive is consistent with Proviso 117.77 of the General Appropriations Act (GP: Cost Savings When Filling Vacancies Created by Retirements), by the SC General Assembly and the South Carolina Code of Laws.

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DEFINITIONS

TERI Retiree: A person who has completed his/her participation in the TERI program through the PEBA Retirement System, and has separated from State Government employment.

Non-TERI Retiree: A person who separated from State Government employment via retirement through the PEBA Retirement System without being a participant in the TERI program.

DDSN Facility Administrators and hiring managers are encouraged to regularly review and discuss the workforce requirements of their operations, and develop appropriate succession plans prior to impending employee retirement.

Retirees seeking State re-employment are advised to discuss governing regulations with PEBA Retirement System well before employment with DDSN.

GUIDELINES

A. Reemployment

Determining the employment of TERI and Non-TERI Retirees of the PEBA Retirement System is based on DDSN's alignment and organization of its resources. **DDSN makes no guarantee of** employment to a TERI or Non-TERI Retiree.

TERI or non-TERI Retirees may be paid at a salary or hourly rate deemed appropriate and within the guidelines of the Division of State Human Resources (DSHR) classification and compensation regulations. Salary is negotiable, and DDSN makes no guarantee that TERI or Non-TERI Retirees will be compensated at the rate earned prior to separation from employment.

B. Retirement Contributions

TERI and Non-TERI who are re-employed in temporary or Full Time Employee (FTE) positions are required by state law to contribute to the South Carolina Retirement System (SCRS) or Police Officers Retirement System. DDSN is also required to pay its portion of State retirement contributions.

C. Leave Accrual

TERI and Non-TERI retirees rehired in FTE positions, time-limited and temporary grant positions may earn annual and sick leave in the same manner as other employees; however, temporary employees do not earn annual or sick leave or have paid holidays.

D. Grievance Rights

Rehired TERI and Non-TERI employees do not have grievance or reduction-in-force rights, and may be terminated at any time, with or without cause, at the discretion of the office/Division Director with concurrence from the Department's Human Resources Director.

E. Waiting Periods

1. Non-TERI Retirees must wait 30 consecutive calendar days before returning to state employment that is covered by SCRS. Failure to wait the 30 consecutive calendar days will result in suspension of retirement payments while the Retiree remains employed by the covered employer.
2. For TERI retirees, time participating in the TERI program counts towards the 30 consecutive calendar day waiting period; however, a post-TERI Retiree must be off payroll for at least one work day prior to re-employment.

F. Advertising Vacancies created by Retirements

1. All classified FTE positions are posted in compliance with S.C. Code of Laws and State Human Resources Regulations. Employees, including post-TERI and post-retirement employees, may apply for any advertised vacancy.
2. Unclassified positions are exempt from posting requirement, but may be posted at the discretion of DDSN.
3. Interested candidates, including retirees, may apply for vacant positions by accessing the online recruitment site www.jobs.sc.gov. As with any advertised position, interviews will be conducted, and selections will be determined according to candidate qualifications and interview performance.



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