

October 20, 2008

Professor Mary Croughan
Chair of the Academic Council

RE: Retiree Rehire Policy

Dear Mary,

Thank you for the opportunity to review the Retiree Rehire Policy. Upon receipt, I invited all Academic Senate Committees to review the proposal, and specifically requested the Faculty Welfare Committee (FWC), the Council on Planning and Budget (CPB), and the Executive Board to respond. I am enclosing the response of the CPB and FWC, which have been endorsed by the Executive Board. The Executive Board speaks for the UCLA Division on matters such as this. The consensus of the UCLA Academic Senate is that this policy in great need of revision. Please allow me to explain.

It was noted that this policy appears to have been designed in response to infractions of the previously existing policy. Had that existing policy simply been adequately monitored and enforced, and had infractions been dealt with accordingly, there would be no need for this new policy. Moreover, if the underlying administrative shortfalls that allowed the previous policy to have been disregarded are not addressed, this new policy will in all likelihood be confronted with similar instances of noncompliance. The Executive Board believes that a more effective means of dealing with policy infractions is to better monitor existing policies, not to establish new ones without addressing enforcement.

The consensus is that this policy will place an undue burden on small departments. For example, the policy as written imposes an arbitrary limit of 12 months of service for recalled retired staff; the Senate is not aware of any public policies that would mandate such a limit and the document provides no rationale for this limit. Imposing such a limit will curtail departmental flexibility with regard to filling staffing vacancies. To illustrate matters, consider the following hypothetical situation:

The History Department's MSO takes a twelve week leave of absence for the purposes of bonding with a child. To fill the position temporarily, and to minimize the necessary learning curve, the department chair wants to hire the former MSO from the English Department, who had retired the year before. The English Department's MSO is willing to assist the History Department in this way, but has also just completed a recall assignment for the Department of Molecular, Cell, and Developmental Biology Department, whose MSO had left for a parental leave of absence and decided not to return from work, which extended the need for an interim appointment to nearly twelve months.

One can see how the services of the retired MSO, working at 43%, would add great value to the University while remaining in compliance with public policy, even if the recall periods extended beyond 12 months in duration. Such service would unnecessarily be precluded by the existing policy.

Additionally, the Senate believes that the level of approval (Chancellorial, Regental, etc..) is unreasonable. This will create further burden and hardship to departments seeking to recall an employee.

Thank you again for the opportunity to opine.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Goldstein". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael Goldstein
UCLA Academic Senate Chair

Cc: Martha Kendall Winnacker, J.D., Executive Director, UC Academic Senate
Jaime R. Balboa, Ph.D., CAO UCLA Academic Senate

October 10, 2008

TO: Michael Goldstein
Chair, Academic Senate

FR: Joseph Bristow
Chair, Council on Planning and Budget

RE: Response to the Retiree Rehire Policy

Dear Professor Goldstein:

Thank you for the opportunity for the Council on Planning and Budget to review the Retiree Rehire Policy. The documents pertaining to this issue were distributed to members of the Council and were discussed at the Council's meeting on Monday, October 6, 2008.

The members reviewed the documents and addressed the article in the *San Francisco Chronicle*, which reported specifically on the agreement between UC Berkeley and Police Chief Victoria Harrison who retired, took a lump sum payout, and was then rehired at a higher compensation. Under the UC policy, it was reported that an employee is not retired if he or she takes the lump sum payout.

The council members had strong feelings that the policy is being put in place after the fact and specifically in response to the arrangement between UC Berkeley and the campus police chief. Some council members wished to know how many staff employees were likely to be affected by this new policy.

Council members agreed that most of the details that were referred to as scandal are not covered in the guidelines and that it is a mistake to adopt policy in response to an emergency relating to a single case. For this reason, it was recommended that the approved policy with regard to rehiring staff employees be rescinded.

Please feel free to contact me if you have any questions.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Robin Garrell, Vice Chair, Academic Senate
Linda Mohr, Assistant Chief Administrative Officer, Academic Senate



MEMORANDUM

Academic Senate Executive Office
Los Angeles Division
3125 Murphy Hall
140801

October 15, 2008

To: Michael Goldstein
Academic Senate, Chair

From: Mitch Wong
Faculty Welfare Committee, Chair

Re: Senate Item for Review: Retiree Rehire Policy

The Faculty Welfare Committee reviewed and discussed the Retiree Rehire Policy at their meeting on October 14, 2008. The Committee's concerns are very much in line with those expressed by the UC Faculty Welfare Committee.

1. Executive Summary: The Policy needs to explicitly state that the recall of faculty into academic appointments is not covered by this policy.
2. Section C-1 Exigent Circumstances: This process presents an obstacle for departments, which might result in the department not recalling a highly qualified individual or disregarding the policy by rehiring without approval.
3. Section C-3 Appointment Percentage: The limitation of 43% time should not apply to those retirees who are ineligible for Medicare. In addition, 43% time is not specific. The measure of *time* needs to be included.
4. Section C-4 Duration of Reemployment: An explanation for 12-month limitation on reemployment is not present.
5. Section C-5 Reemployment into Career Appointments: A retiree should not be prohibited to work at the university due to their choice of retirement payout. An explanation for the prohibition was not presented.

We thank you for the opportunity to participate in this process.