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Applicability: All DDSN State Employees

**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 persons who have separated from State Government employment either as TERI Participants or as Retirees (without TERI participation) through the South Carolina Retirement Systems (SCRS). Managers are encouraged to consider the information herein during workforce and succession planning sessions.

## DEFINITIONS

***TERI Retiree:*** A person who has completed her/his participation in the Teacher and Employee Retention Incentive (TERI) program through the South Carolina Retirement Systems, and has separated from State Government employment.

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

### DISTRICT I

P.O. Box 239  
Clinton, SC 29325-5328  
Phone: (864) 938-3497

Midlands Center - Phone: 803/935-7500  
Whitten Center - Phone: 864/833-2733

9995 Miles Jamison Road  
Summerville, SC 29485  
Phone: 843/832-5576

### DISTRICT II

Coastal Center - Phone: 843/873-5750  
Pee Dee Center - Phone: 843/664-2600  
Saleeby Center - Phone: 843/332-4104

## **COST SAVINGS WHEN FILLING VACANCIES CREATED BY RETIREMENTS**

DDSN has a responsibility to the State of South Carolina to realize savings given workforce attrition. Re-employment of TERI or Non-TERI retirees require the approval of the State Director, or her designee, and will be based upon the business needs of the Agency.

Proviso 89.114 of the General Appropriations Bill passed in June, 2010, by the SC General Assembly reads as follows:

“During the current fiscal year, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least 25 % in the aggregate when managing these vacant positions. Prior to filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for the position as well as determine whether the agency can manage without filling the position, or by delay in filling the position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.”

*Please note that Proviso 89.114 does not affect employees who choose to participate in the Teacher and Employee Retention Incentive (TERI) program since there is no immediate requirement to separate from employment at the onset of participation.*

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.

## **GUIDELINES FOR EMPLOYING RETIREES**

1. TERI or Non-TERI Retirees may express an interest in employment with DDSN by completing and submitting the attached form to the appropriate District Director, **Facility Administrator, or Associate State Director**. The completed form with appropriate recommendations and supporting documentation should be forwarded to the DDSN Director of Human Resources (HR) for coordination of required actions and approval of the State Director.
2. All decisions to hire TERI and Non-TERI Retirees are at the discretion of the State Director after consideration of recommendations from the appropriate District Director, Facility Administrator, or Associate State Directors, and **will be based on the business needs of the Agency as it relates to DDSN’s ability to continue its mission**.
3. Determining the employment of TERI and Non-TERI Retirees of the South Carolina Retirement Systems is based on DDSN’s alignment and organization of its resources. DDSN makes no guarantee of employment to a Non-TERI Retiree or to a TERI participant after his/her completion of the TERI program.

4. Non-TERI and TERI Retirees may request to be reemployed in either a temporary capacity or in a Classified FTE position such as they were previously employed at DDSN. The decisions to rehire retirees, and whether to reemploy retirees into a Classified FTE position or a temporary position will be made by the State Director, or her designee, after consideration of recommendations from appropriate facility or district staff. Former employees who are approved for rehire and return to employment in the same position/classification will have their positions reviewed on an annual basis thereafter, and continued employment will be at the discretion of the State Director or her designee.
5. Former TERI and Non-TERI Retirees are not restricted from applying for FTE or Temporary position vacancies posted in the department.
6. TERI or non-TERI Retirees may be paid at a salary or hourly rate deemed appropriate and within the guidelines of the Human Resources Division's (HRD) 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.

## GOVERNING REGULATIONS

TERI and non-TERI retirees approved for re-employment must be separated from state employment and **experience a break in service of at least 15 days before they can be rehired or scheduled to work in *any* capacity within the agency.**

It should be noted that **all accumulated sick leave is forfeited** upon separation from state employment with a break in service (not including retirement wherein up to 90 days accumulated sick leave may be applied to service credit).

Accumulated annual leave is paid at the time of separation/termination of FTE employment as outlined in current Human Resources Division Regulations.

Upon separation from employment, an employee will receive a lump-sum payment for unused annual leave not to exceed 45 days. Office of Human Resources-regulated exceptions are as follows:

1. Retired members of the SC Police Retirement System (PORS) who are hired by a state agency **are not eligible** for a lump-sum payment for unused leave regardless of initial retirement date.
2. Employees who began participation in the TERI program after June 30, 2005, are not eligible for a lump-sum payment upon their entrance into the TERI program; rather they are eligible for a lump-sum payment of unused annual leave upon separation from State employment after completion of the TERI program participation.
3. All other Non-TERI Retirees who were hired by a State agency after June 30, 2005, are not eligible for a lump-sum payment of unused annual leave.

4. Rehired retirees occupying a full-time equivalent (FTE) position will continue to be eligible for accrual of annual leave at the bonus rate.

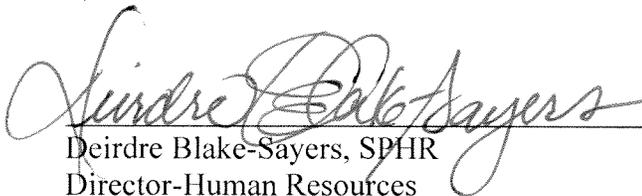
Effective July 1, 2005, current and future retired members of the South Carolina Retirement System, (except TERI participants who entered the program prior to June 6, 2005,) who are hired by DDSN to fill all or some fraction of a full-time equivalent (FTE) position ***will be exempt from the State Employee Grievance Procedure Act.***

**Current and future retirees, (except TERI participants who entered the program prior to June 6, 2005,) who are hired into a full-time equivalent (FTE) position will be exempt from the State Employee Grievance Procedure Act; and therefore will not retain reduction-in-force rights.**

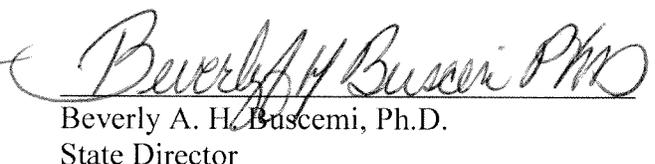
### **Earnings Limitation**

Beginning January 2, 2013, persons who retire before reaching age 62 (SCRS) or 57 (PORS) and return to covered employment, will be subject to a \$10,000 per year earnings limitation. This earnings limitation applies regardless of one's age upon return to work. For example, if you are an SCRS member who retires at age 58 with 30 years of service, and returns to work when you are 63 years old, you would still be subject to the \$10,000 earnings limitation since you retired before you reached age 62. *The earnings limitation policy is mandated by the SC Retirement Systems (SCRS) and is not subject to DDSN review or intervention.*

Re-employed retirees, who continue to work after earning \$10,000 in a calendar year, will have their monthly annuity suspended for the remainder of that year, by the SC Retirement Systems. Certain SCRS members are exempt from the \$10,000 per year earnings limitation. These include members who retired prior to January 2, 2013; members who retire after age 62 (SCRS) or 57 (PORS); members who are elected to office; members appointed by the governor and confirmed by the South Carolina Senate; and members who are appointed by the General Assembly.



Deirdre Blake-Sayers, SPHR  
Director-Human Resources  
(Originator)



Beverly A. H. Buscemi, Ph.D.  
State Director  
(Approved)

**Attachment:** TERI/Retiree Employment Interest Form

**THE ABOVE INFORMATION IS TO BE USED AS A GUIDE AND IS NOT INTENDED TO BE ALL INCLUSIVE. 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.**