

POST-RETIREMENT VOLUNTEERING AND OTHER SERVICES GUIDELINES

- A. These guidelines outline the requirements set forth in section 121.091(15), Florida Statutes, which State of Florida retirees must meet to provide services to state entities after retirement, as well as the obligations of retirees to comply with State of Florida requirements for providing services after retirement, which are specific to an employee's retirement plan.
- B. These guidelines apply to all University of South Florida employees who are participants in the Florida Retirement System (FRS) and any individuals who have been employed by an FRS employer and are engaged in, or seeking to engage in, post-retirement **Volunteer Services**.
- C. Definitions
1. *FRS Retiree* means an individual who has retired from an FRS-covered employer through one of the methods of Retirement.
 2. *Retirement* according to the State of Florida occurs when:
 - a. An FRS Pension Plan (FRS PP) participant (1) separates employment from all FRS state agencies, (2) establishes a retirement date through the application process with the State, AND (3) cashes or deposits their defined benefit payment. (For DROP participants, retirement is defined by when the employee separates from service.)
 - b. An FRS Investment Plan (FRS IP) participant (1) separates employment from all FRS state agencies, AND (2) files a request to receive a distribution or withdrawal from their defined contribution account.
 - c. A State University System Optional Retirement Program (SUSORP) participant (1) separates employment from all FRS state agencies, AND (2) files a request to receive a distribution or withdrawal from their defined contribution account.
 3. *Services* means an FRS Retiree engaging in any activities for or on behalf of the University that may create an employment relationship through any arrangement (paid or unpaid), including but not limited to OPS, adjunct, election poll work, consulting, and providing temporary employment or services, and/or working through a third party that provides services to an FRS employer (including but not limited to vendors and contractors). As an employer, the University is prohibited from rehiring any retiree of the Florida Retirement System (FRS) until six full calendar months following retirement have elapsed. An FRS Retiree may not perform any Services during the first 6 calendar months after the Retirement with the State of Florida, except as outlined in this guideline. Service may be provided in the 7th calendar month after Retirement with the State of Florida. *Post-retirement volunteer services that meet the conditions and requirements outlined in this guideline and in section 121.091(15), Florida Statutes, do not constitute employment by, or provision of services to, the University.*
 4. *Post-Retirement Volunteer Services* means an FRS Retiree engaging in unpaid activities for, or on behalf of, the University within the first 6 calendar months following Retirement with the State

of Florida that meet the requirements in the Post-Retirement Volunteer Services section of this guideline. Post-Retirement Volunteer Services do not constitute employment by the University.

D. General Guidelines

The retirement plans of the University are administered by the State of Florida Division of Retirement. The administration of retirement is based upon guidelines set in state legislation. Prior to providing Services, FRS retirees should consider the following:

1. FRS Retirees seeking authorization to provide Services must comply with all requirements and restrictions regarding State of Florida retirement benefits. No Services may be provided by an FRS retiree who does not meet the requirements of the State of Florida.
2. Review guidance provided by FRS to an FRS-covered employee preparing to receive a retirement benefit or distribution from the State of Florida, regarding the requirements, restrictions and limitations related to providing Services to an FRS employer, including the University, after taking a distribution or receiving a benefit from an FRS retirement program, such as the FRS Pension Plan, FRS Investment Plan, or the State University System Optional Retirement Program (SUSORP), including the Deferred Retirement Option Program (DROP) payout.
3. There are consequences to individuals and the University for violating these requirements, restrictions and limitations, including retirement fund forfeiture and other penalties.
4. University employees shall not take any distributions or receive a benefit from an FRS retirement program that conflicts with the FRS reemployment retirement restrictions and limitations.
5. Individuals who are providing or plan to provide Services to the University shall not take any distribution or receive a benefit from an FRS retirement program without first notifying the University and receiving approval to engage in or continue the Services.
6. FRS retirees may not provide Services during calendar months 1-6 following Retirement.
7. After 6 calendar months following Retirement, an FRS Retiree may provide Services to the University as a rehired employee, subject to applicable hiring requirements and policies.
8. Returning to FRS employment too soon after an FRS employee has retired may have significant financial consequences. **An individual who is receiving a retirement benefit or plans to receive a retirement benefit from the State of Florida while providing Services of any kind to an FRS employer should consult with the Florida Retirement System or the Florida Division of Retirement prior to providing such Services to ensure compliance with statutory restrictions.** The FRS Retiree is strongly encouraged to call the Division of Retirement (1-866-446-9377- Option 2 or 3, depending on Plan the employee is enrolled) to confirm that the intended employment will not impact FRS benefits. See My FRS, Working After Retirement, Informational Flyers and https://www.myfrs.com/pdf/forms/reemployment_flyerpp.pdf and https://www.myfrs.com/pdf/forms/reemployment_flyerip.pdf

E. Post-Retirement Volunteer Services

1. An FRS Retiree may provide unpaid Post-Retirement Volunteer Services to the University within the first 6 calendar months following Retirement if the Services comply with this guideline and Florida Statute 121.091(15).

2. Post-Retirement Volunteer Services do not constitute employment by the University.
3. FRS Retirees may participate in Post-Retirement Volunteer Services to provide civic, charitable, and humanitarian services during the first 6 calendar months following Retirement, provided that the Post-Retirement Volunteer Services meet the following criteria:
 - (a) Before the date of retirement, there was no agreement or understanding between the University and the FRS Retiree that the FRS Retiree would provide any services to the University.
 - (b) Neither the University nor any third party may provide any form of compensation, including cash equivalents, to a volunteer for his or her services.
 - (c) Employee benefits provided to active employees, including health or life insurance benefits, may not be provided in exchange for Post-Retirement Volunteer Services. However, a volunteer may be provided certain perquisites that are necessary for completing tasks associated with volunteer activities, such as an assigned uniform or the provision of equipment.
 - (d) The number of volunteer hours per week, including training hours, is limited to no more than 20 percent of number of hours the volunteer was expected to work per week before his or her date of Retirement.
 - (e) There has to be a clear distinction between the Post-Retirement Volunteer Services and the duties of an employee. An assessment of the totality of the previous duties and comprehensive nature of the previous role will be considered when evaluating the Post-Retirement Volunteer Services.
 - (f) The volunteer must maintain control of their volunteer schedule, including the number of hours volunteered and the number and type of assignments for which they agree to volunteer.
 - (g) The volunteer and the University are both required to maintain adequate records, to document adherence to the criteria listed in this subsection, including, but not limited to, detailed tracking of volunteer hours. The records must be made available to appropriate administrators upon request.
4. The University's affiliation with an FRS Retiree who provides Services or Post-Retirement Volunteer Services does not constitute University verification that an FRS Retiree meets any or all legal requirements and restrictions. **FRS Retirees are required to independently confirm their ability to provide any Service and Post-Retirement Volunteer Services and assume all financial and other risks if it is determined their Service or Post-Retirement Volunteer Service is inconsistent with the law as interpreted or applied by the State of Florida.**

5. These FRS reemployment restrictions and limitations do not impact participation in or distributions from voluntary 403(b) plan or the State of Florida 457 Deferred Compensation Plan for employees.
6. The following departments are responsible for overseeing implementation of and assuring compliance with these guidelines:

USF Benefits [benefits@usf.edu or (813) 974-2970]

Volunteer Services [volunteerservice@usf.edu or (813) 974-2970]