



4511.1: VOLUNTARY SEPARATION PROGRAM

The District may offer a Voluntary Separation Program (hereinafter "Program") for certificated employees and non-certificated administrative employees. Upon written application and approval of the Superintendent of Schools and the Board, eligible employees may participate in the Program. The Program may be reviewed annually for possible modification. Modification shall not affect persons who have already begun receiving payments under the Program.

Purpose of the Program

The major purpose of the Program is to encourage eligible employees who are considering separation of employment or retirement to accelerate their plans. Program objectives include but are not limited to the following:

- I. To offer financial incentives, which will assist long-term Millard Public Schools employees considering separation or retirement.
- II. To reduce District costs by replacing maximum salary employees with lesser salary employees.
- III. To provide a better balance of employee experience.
- IV. To reduce or eliminate the possibility of certificated employee layoffs.
- V. To provide the District the opportunity to select and retain the highest quality staff by establishing February 15 as the application deadline.

Program Eligibility Requirements and Provisions

I. Administrators, Teachers, and Nurses must be at least age fifty-five (55) and, must have twenty (20) or more years of credited service in the Millard Public Schools as a certificated employee or non-certificated administrator.

Conditions and Limitations

I. The employee's application for the Voluntary Separation Program shall constitute a voluntary resignation and termination of the employee's continuing contract at such time the application is accepted and approved. Participants who are accepted and approved for the Voluntary Separation Program shall resign their employment and agree to waive any continuing contract and tenure rights.

II. Employees participating in the Program desiring to return to employment at a later date may do so only as provided below:

a. From the time beginning with resignation of employment and ending with 12 months after the participant receives his or her final voluntary separation payment, the participant:

- 1. May not return to regular part-time or full-time employment; and**
- 2. May be considered for temporary ("on call") substitute employment at the District's sole discretion, subject to applicable state and federal laws.**

b. If 12 months or more have passed from the date of the participant's final voluntary separation payment, the participant:

- 1. May not return to regular part-time or full-time employment in the same or similar primary employment position held by the participant prior to separation of employment; and**

2. May be considered for temporary (“on call”) substitute employment at the District’s sole discretion, subject to applicable state and federal laws; and

3. May be considered for regular part-time or full-time employment in an employment position different than the primary position held by the participant prior to the separation of employment.

III. Any eligible employee selecting to participate in the Program shall not have any prearranged employment agreement to rehire the participant at the time of separation of employment.

IV. Any eligible employee electing to participate in the Program shall be required to complete the school year before retirement commences, unless this requirement is waived by the Board. Any resignation related to the Voluntary Separation Program shall be effective at the end of the contract year unless the Board agrees to a different effective date of the resignation.

V. Employees receiving long-term disability benefits are not eligible to participate in this Program.

VI. An employee is not eligible to participate in the Program if his or her employment is terminated by the District.

VII. An employee shall not be eligible for benefits under this Program if the employee has been on a total of more than a one (1) year leave of absence within the five (5) most recent years of employment prior to voluntary separation.

Definitions

I. Years of credited service shall mean:

- a. Any school year in which an employee is paid by the District for at least 135 days of full-time work as a certificated employee or non-certificated administrator; or,**
- b. Any two (2) school years in which the employee is paid for the equivalent of at least 135 days of part-time work each year as a certificated employee or non-certificated administrator; or,**
- c. Any two (2) school years in which the employee is paid for the equivalent of at least 67.5 days of full-time work each year as a certificated employee or non-certificated administrator.**
- d. Years of employment as a substitute shall not be counted toward years of service under this plan.**

II. Age shall mean an employee's age on June 1 of any given school year.

III. Year of Plan Eligibility is determined by the school year when the employee is first eligible to participate. When an employee first meets the qualifications described in the eligibility section above, the employee is in his or her 1st year of eligibility. The following school year is the employee's 2nd year of eligibility; this pattern continues until the employee elects to participate or until the final year when the employee is no longer eligible to participate.

Application Process

I. Eligible employees desiring to take advantage of the Program may do so by submitting a written request to Human Resources. The written request must be submitted by February 15 of the elected year of separation on a form provided by Human Resources. The request shall set forth that the employee resigns his or her position, effective at the end of the school-year, upon tender, provided, however, and subject to the acceptance and approval of the employee's request by the Superintendent and the Board.

II. The Human Resource Department shall review the employee's record to determine eligibility for the Program and make a recommendation to the Superintendent and the Board regarding the request. The Board shall act upon the request by April 15. The action of the Board of Education shall be final, and any employee electing to participate in the Program relinquishes all employment rights in the District.

Benefit Table

An eligible administrator, teacher, or nurse who has been approved by the Board for participation in the Program shall receive a total benefits equal to the amounts indicated in the table below. The total benefit shall be divided into equal monthly payments as indicated in the table below.

<u>Year of Plan Eligibility</u>	<u>Total Benefit</u>	<u>Number of Equal Monthly Payments</u>
1	\$35,000	24
2	\$35,000	24
3	\$35,000	24
4	\$35,000	24
5	\$35,000	24
	Eligibility Ends	

Payment of Benefits

I. Monthly payments will begin in August following the date of separation. In any contract year, the District may determine that payments be made through a Post-Retirement 403(b) plan as established by the District or through direct payments to the employee. Employees shall not be permitted any election or choice in how to receive benefits.

II. If the employee dies after the Board of Education has approved the employee's application to participate in the Voluntary Separation Program and before all payments have been made, the beneficiary shall receive the remaining payments as established. The District reserves the right to accelerate the remaining payments to a beneficiary in the form of a single lump sum payment.

III. The District shall withhold from any amount payable or to be paid under this Program all federal, state or other taxes as shall be required pursuant to any law or government regulation or ruling, and any other amounts required by law or court order.

Health, Dental and Life Insurance

Following separation, Program participants may be eligible to continue their health, dental and other insurance coverages; provided, however, the employee pays the premiums and follows the rules set forth by the underwriter and complies with the provisions of COBRA or other applicable law.

Date of Adoption

September 6, 1983

Date of Revision

November 17, 1986

September 20, 1993

June 15, 1998

October 20, 2003

March 6, 2006

July 2, 2012

July 10, 2017

July 6, 2020

Reaffirmed

October 18, 2010

Related Policies and Rules

[4511: Voluntary Separation Program](#)