

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT
RELATIONS BOARD

UNI-UNITED FACULTY, Complainant,)	
)	
and)	CASE NO. 8558
)	
STATE OF IOWA (BOARD OF REGENTS, UNIVERSITY OF NORTHERN IOWA),)	
Respondent.)	

Proposed Order and Ruling

Complainant UNI-United Faculty filed this prohibited practice complaint August 29, 2012. United Faculty alleges that respondent State of Iowa--through the Board of Regents and the University of Northern Iowa (collectively UNI) – violated Iowa Code sections 20.10(2) (a), (e) and (f). The dispute centers on an incentive payment package UNI offered to certain employees who chose to resign voluntarily from their employment.

United Faculty’s complaint asks the PER Board to rule UNI should have first bargained over this incentive payment package, rather than bypassing United Faculty and dealing directly with its faculty members. United Faculty alleges this was a prohibited practice and also requests the PER Board require UNI to permit employees who accepted the incentive payment package the option of rescinding their decision and, presumably, return to work at UNI.

On September 18, 2012, UNI filed its answer denying it committed a prohibited practice. UNI contemporaneously filed a motion to dismiss claiming United Faculty belatedly filed its complaint. On October 1, 2012, United Faculty responded asserting its complaint had been timely filed.

On November 28, 2012, the undersigned administrative law judge was assigned as hearing officer. Pursuant to notice and agreement of the parties this ALJ held a recorded telephonic hearing on December 17, 2012. A week later, on December 24, 2012 both parties filed post-hearing briefs.

Attorney Nate Willems represents United Faculty; Attorneys Thomas Evans and Timothy Cook represent UNI.

After a review of the pleadings and arguments of counsel, this ALJ concludes UNI’s motion to dismiss must be granted and the complaint dismissed. The PER Board lacks subject matter jurisdiction over this matter because United Faculty did not file the complaint in a timely manner.

I. Applicable Law

Iowa Code section 20.10 marks several legal boundaries which neither party to a public employment contract may cross. Of these prohibited practice provisions, United Faculty specifically alleges UNI did:

- 1.) Interfere with, restrain or coerce public employees in the exercise of rights granted by this chapter. § 20.10(2)(a);
- 2.) Refuse to negotiate collectively with representatives of certified employee organizations as required in this chapter. § 20.10(2)(e); and,
- 3.) Deny the rights accompanying certification granted in [Chapter 20]. § 20.10(2)(f).

Iowa Code section 20.11(1) provides United Faculty with the statutory right to have these allegations heard by the Public Employment Relations Board (PER Board). The statute provides:

Proceedings against a party alleging a violation of section 20.10 shall be commenced by filing a complaint with the board *within ninety days* of the alleged violation, causing a copy of the complaint to be served upon the accused party. The accused party shall have ten days within which to file a written answer to the complaint. *However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint.* The board shall promptly thereafter set a time and place for hearing in the county where the alleged violation occurred, provided, however, that the presiding officer may conduct the hearing through the use of technology from a remote location. The parties shall be permitted to be represented by counsel, summon witnesses, and request the board to subpoena witnesses on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.

Iowa Code § 20.11(1) (emphasis added).

As emphasized above, a prohibited practice complaint (PPC) must be filed with the PER Board within ninety (90) days of the alleged violation. Filing the complaint within this ninety day window is jurisdictional. This means a PPC

filed *outside* the ninety day window cannot be heard by the PER Board and must be dismissed. As the Iowa Supreme Court explained:

Iowa Code section 20.11 provides that proceedings alleging a violation of section 20.10 (“Prohibited practices”) “shall be commenced by filing a complaint with the board within ninety days of the alleged violation ...” That clear and unambiguous statute is mandatory and not directory only; it specifically limits the time within which proceedings charging a prohibited practice shall be commenced.

Brown v. Pub. Employment Relations Bd., 345 N.W.2d 88, 90 (Iowa 1984).

The PER Board’s administrative rule complementing Iowa Code section 20.11 provides similar plain language: “The complaint shall be filed with the board within 90 days following the alleged violation.” 621 IAC 3.1 (2010).

Finally, a PPC complainant has the burden to establish that it has satisfied this jurisdictional requirement. *Brown*, 345 N.W.2d at 94.

As for the motion itself, this ALJ notes that a motion to dismiss for lack of subject matter jurisdiction is neither expressly authorized by statute nor current PER Board rule. Nevertheless, the PER Board has long recognized this motion by practice. In this ALJ’s view, it is a necessary practice given the PER Board’s statutory duty to investigate and dismiss baseless (or untimely) claims.¹

In the instant case and with the agreement of both parties, this ALJ held a recorded telephonic hearing on UNI’s motion to dismiss. The hearing was non-evidentiary and limited to an examination of, and arguments over, the pleadings pursuant to Iowa Rule of Civil Procedure 1.421(f).

A Rule 1.421(f) motion admits the complaint’s well-pleaded facts for the purpose of testing their legal sufficiency. *Hawkeye Foodservice Distribution, Inc. v. Iowa Educators Corp.*, 812 N.W.2d 600, 609 (Iowa 2012). One cannot rely on evidence to support a motion to dismiss, nor can one rely on facts not alleged in the petition. *Id.* Although a motion to dismiss admits the truth of all well-pleaded, relevant facts, it does not admit mere conclusions of fact or law not supported by allegations of ultimate facts. *Hagenson v. United Tel. Co. of Iowa*,

¹ In addition to this statutory duty, case law requires the issue of subject matter jurisdiction to be addressed any time it is raised by a party, the agency, or a reviewing court. *See e.g., Cargill, Inc. v. Conley*, 620 N.W.2d 496, 501 (Iowa 2000); *Fort Dodge Firefighter Assoc. and City of Fort Dodge*, PER Bd. 5445, 5500, & 5526, at p. 20 (Feb. 14, 1997).

164 N.W.2d 853, 855 (Iowa 1969). This means a pleader must allege ultimate facts and not legal conclusions alone. A proper pleading consists of statements of ultimate facts and when so stated the pleader has a right to state conclusions based upon those facts. *Id.*

II. The Well-Pleaded Facts in United Faculty's Complaint

From United Faculty's complaint these facts are deemed admitted by UNI, but only for purposes of this motion:

1. In March 2012, UNI presented selected employees with the opportunity to apply for early separation. The details and the incentives offered were contained in a document entitled: "Early Separation Incentive Package" (or ESIP).

2. Enrollment in the ESIP was voluntary; however, UNI reserved the right to accept or reject a particular employee's request to leave or retire early.

3. If approved, UNI would provide the departing employee with a wage and insurance benefit package.

4. At a later date UNI amended the ESIP for certain employees. This amendment offered a modified phased retirement plan.

5. United Faculty filed a petition with the PER Board asking the Board to find UNI's ESIP to be a mandatory subject of bargaining.

6. The deadline to apply for both the ESIP and the amended ESIP passed.

7. Several employees timely applied for the incentive package and UNI approved these applications.

8. On May 30, 2012, the PER Board filed its ruling declaring "major portions" of the ESIP were a mandatory topic of bargaining. On June 29, 2012, the PER Board declined to reconsider its ruling. In turn, UNI appealed the PER Board's decision to the district court.

The merits of this motion necessarily turn on certain key dates not contained in United-Faculty's complaint. However, some of these dates were identified during oral argument when both attorneys referenced facts outside

the pleadings. Many of the references made were to public records, as well as other PER Board files involving these same parties and same attorneys.²

In light of these details raised in the oral argument, this ALJ concludes that a more clear resolution of this motion requires this ALJ to take official notice of certain additional facts within the knowledge of the agency. See Iowa Code section 17A.14(4) (permitting an agency to take official notice of facts within the specialized knowledge of the agency without giving the parties an opportunity to contest the facts and the agency determines fairness does not require such notice).

In this limited instance, only public documents and pleadings from two other contemporaneous PER Board cases will be noticed. Because these cases involve the same parties and attorneys this ALJ determines fairness does not require notice.

III. Additional Facts Officially Noticed

9. United Faculty is the certified representative of a bargaining unit composed of full-time and regular part-time faculty, including adjunct faculty and professional librarians with faculty status, at UNI. United Faculty and UNI are parties to a two-year collective bargaining agreement effective through June 30, 2013.

10. The State of Iowa and the Board of Regents are public employers within the meaning of Iowa Code section 20.3(11).

11. There are three recently filed and intertwined PER Board cases involving these same parties. United Faculty filed the first of its three cases on March 19, 2012: *United-Faculty and State of Iowa (Board of Regents, University of Northern Iowa*, PER Bd. 8502 (May 30, 2012), *reh. den.*, PER Bd. 8502-1 (Jun. 29, 2012).

12. United Faculty filed its second case—the instant case—on August 29, 2012.

² On the morning of the instant hearing United Faculty's counsel provided copies of emails dated April 16 and April 30. Although mentioned by United Faculty's attorney during the hearing, these emails have *not* been considered by this ALJ. Nor did this ALJ consider UNI's counsel's statement regarding Ms. Deberg's alleged PRP application on March 15th, nor her alleged status as a United Faculty grievance officer.

13. United Faculty filed its third case on December 24, 2012: *United - Faculty and State of Iowa (Board of Regents, University of Northern Iowa)*, PER Bd. 8603 (pending before the PER Board).

14. The origins of the first case began on March 5, 2012, when the Iowa Board of Regents approved and adopted a “Proposed 2012 Early Separation Incentive Program” (the ESIP) for certain UNI faculty members. Details of the ESIP are contained in Exhibit A to this decision. The ESIP contained an application deadline of April 23, 2012. (Ex A, p. 3).

15. This ALJ will refer to the first case as the ESIP Declaratory Order Request (or ESIP DO). In this March 19 complaint, United Faculty asked the PER Board to declare paragraphs 1(a)-(c) of the ESIP to be mandatory topics of bargaining.³

16. Six weeks later on April 27, the Board of Regents reviewed its existing phased retirement program (PRP). This program has been available for thirty years to qualified faculty or staff of all Regent universities, not just those employed at UNI. The PRP details are attached to this opinion as Exhibit B.

17. At its April 2012 meeting, the Regents renewed the PRP program to run for another five year term: from July 1, 2012, through June 30, 2017. (Ex. B, p.1)

18. United Faculty filed the ESIP DO on March 19.

19. On May 30 the PER Board ruled in United Faculty’s favor. The PER Board determined that almost all of the proposals contained in the ESIP were mandatory subjects of bargaining. In response to this ruling, UNI asked the PER Board to reconsider its decision.

20. On June 29, the PER Board ruled that its decision would remain the same. UNI timely filed an appeal with the district court.

21. On August 29, United Faculty filed the instant case citing both the ESIP and an “amended ESIP” as a basis for the PPC.

22. On December 19, this ALJ held a recorded telephonic hearing on the instant motion to dismiss.

³ The details of these three paragraphs are found in Ex A, p.2.

23. On December 24, United Faculty filed its third case against UNI. United Faculty asked the PER Board to determine whether the phased retirement plan (PRP) was a mandatory bargaining topic.⁴

IV. Conclusions of Law

a. The Ninety Day Window.

For purposes of determining the ninety day jurisdictional window and this motion, some basic, critical dates are missing from United Faculty's well-pleaded facts, #1-#8. The complaint, in essence, reduces to this bare timeline: UNI (the employer) committed certain prohibited acts in March of 2012 and, more than ninety days later United Faculty filed this PPC.

United Faculty's failure to plead any other relevant, specific intervening dates requires dismissal of the complaint. *See Marion Police Protective Association and City of Marion*, PER Bd. 1757 & 1859, at p.3 (Jun. 26, 1981) (where complaint expressly alleged dates both inside and outside the ninety day window, only outside dates would be dismissed).

Nor can this ALJ reach a different conclusion by taking notice of additional public facts known to the agency, #9-#23. A close review of the Board of Regents' public agendas (Exhibits A and B) as well as a close review of the other two PER Board case files reveals there never was an amended ESIP as claimed by United Faculty. Rather there was the ESIP and the PRP. Each is a separate, distinct program. The ESIP was a brand new program available to qualified UNI employees; on the other hand, the PRP was a thirty year old program offered to *all* qualified Regents' employees. Finally, the ESIP had an application deadline; the PRP did not.

It is significant that when United Faculty filed the ESIP DO, it did not also ask the PER Board to declare the PRP be declared a mandatory subject of bargaining.⁵ However, now in the instant PPC, United Faculty attempts to bootstrap the PRP into the ESIP by calling the PRP an "amended ESIP." This ALJ will not speculate on why; it is sufficient for this ALJ to determine that United Faculty's effort must fail because each program is separate and distinct.

⁴ In a brief filed January 18, 2013, United Faculty states this PRP "largely mirrors existing Employer policy with some changes." "Petitioner's Brief in Support of Amended Petition for Expedited Resolution on Negotiability Dispute," p.1, *United-Faculty and State of Iowa (Board of Regents, University of Northern Iowa)*, PER Bd. 8603 (pending before the PER Board).

⁵ That request would come nine months later in the third United Faculty filing.

To summarize, this ALJ concludes that regardless of whether one limits the Rule 1.421(f) inquiry to facts #1 through #8 or expands the inquiry to facts #1 through #23, United Faculty's complaint must be dismissed for lack of subject matter jurisdiction. Under either approach, the ESIP ninety day window began on March 5, 2012, and the PRP ninety day window began at least on April 27, 2012, if not sooner.⁶ The instant PPC filed on August 29 was filed outside both ninety day windows and must be dismissed.

b. Changing the Ninety Day Window Time Frame.

United Faculty raises a final issue. It contends that its PPC was not belatedly filed if the PER Board runs the ninety day window from May 30, the date United Faculty received its favorable PER Board ruling on the ESIP DO.

United Faculty does not offer any legal authority to support this argument. Rather, it contends that in the uncertain wake of the Iowa Supreme Court's decision in *Waterloo II*,⁷ it would have been inappropriate for United Faculty to file a PPC alleging employer conduct which now (post-*Waterloo II*) may or may not be prohibited. As this ALJ understands the argument, United Faculty decided to test the waters by instead filing a request for a declaratory order. According to United Faculty, in the event the PER Board ruled the ESIP was a subject of mandatory bargaining (as it did rule), then United Faculty should have ninety days from the favorable ruling to file its PPC.

This ALJ cannot agree to run the ninety day window from May 30. *Waterloo II* did not reverse years of existing precedent with regard to the ninety day jurisdictional window. As the PER Board has stated, "[a]n administrative agency may not enlarge its powers by waiving a time requirement which is jurisdictional." *Fort Dodge Firefighter Assoc. and City of Fort Dodge*, PER Bd. 5445, 5500, & 5526, at p. 20 (Feb. 14, 1997).

Precedent aside, as a practical matter to run the ninety day window from a favorable PER Board decision, as United Faculty suggests, would be unworkable simply because the start date for the ninety day window could then become a moving target. See *Baier and English Valley Community School District*, PER Bd. 2021, at p.4 (Jun. 23, 1982).

⁶ Whether the PRP allegation may be considered to have been a "continuing violation" since 1982 and thirty years outside the jurisdictional window need not be decided. See generally *Brown*, 345 N.W. 2d at 95; *Dubuque Policemen's Protective Assoc. and City of Dubuque*, PER Bd. 6105, at p.8 (May 24, 2000).

⁷ *Waterloo Edu. Assoc. v. PERB*, 740 N.W.2d 418 (Iowa 2007).

In *Baier* the issue was whether the ninety day window should run from when the school board took action to terminate a teacher's contract or ten days later after the teacher failed to appeal the termination. The PER Board held that the window ran from the earlier date. In dismissing the belatedly filed PPC, the PER Board rejected the complainant's argument that the school board's action was not final until the time to appeal had run. The PER Board reasoned:

[U]sing the Complainant's argument, if the [adjudicator's] decision were appealed, the filing of a complaint under Section 20.11(1), could be delayed for several years as the appeal made its way through the court structure. Such a system would require a constant monitoring of the various stages of the appeal under Section 279.17 in order to alert the parties to the commencement of the filing period for a prohibited practice complaint. *It would defeat the purpose of the Act in providing a system whereby such disputes are brought to the attention of the other side in a relatively short time period with a hopeful early resolution of the problem.*

Id. (emphasis added).

This ALJ is persuaded this cogent (and prescient) *Baier* reasoning should apply here as well, especially in light of UNI's subsequent appeal of the unfavorable ESIP DO ruling to the district court.

V. Order

For these reasons, this ALJ sustains UNI's motion to dismiss for lack of subject matter jurisdiction and dismisses United Faculty's complaint.

Dated at Des Moines, Iowa, February 18, 2013.



Robert D. Wilson
Administrative Law Judge

Attachments:

Exhibit A (4 pages)

Exhibit B (4 pages)

Original filed

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EXHIBIT A

BOARD OF REGENTS
STATE OF IOWA

AGENDA ITEM 1
MARCH 5, 2012

Contact: Thomas Evans

EARLY RETIREMENT INCENTIVE PROGRAMS

Actions Requested: Consider approval of the proposed Early Retirement Incentive Program (ERIP) for the University of Northern Iowa; and direct the University of Northern Iowa to submit a report regarding their Early Retirement Incentive Program at the August 2012 Board meeting.

Executive Summary:

An Early Retirement Incentive Program (ERIP) was first approved by the Board in 1986 for faculty and professional and scientific staff to comply with legislation enacted by the General Assembly. Eligibility for participation in the program was extended to staff of the Regent Merit System effective July 1, 1990. The original program was set to expire on June 30, 1991. In order that the institutions and the Board Office could properly evaluate the use, costs, and the benefits of the program and determine what effect, if any, changes in the Older Workers Benefit Protection Act had on the program, the Board approved a one-year extension of the original program through June 30, 1992. After review and evaluation by the Board Office and the institutions, the Board approved a modified program for a five-year period beginning July 1, 1992. The modified program changed the eligibility from a minimum age 57 and a maximum age of 63 with ten years of service to age 57 with 15 years of service. Changes were also made reducing the level of benefits provided under the program. In June 1996, the Board continued the program without change through June 30, 2002.

In July 2001, the Board voted to discontinue the ERIP on June 30, 2002, but allowed participation for an additional two years for faculty and staff who met the eligibility on June 30, 2002. At that time, the institutions and Board Office were directed to develop principles for any future early retirement/separation programs for presentation to the Board in November 2001. The following principles were approved in November 2001.

1. Comply with governing law;
2. Be designed as a voluntary window incentive program requiring administrative approval and be distinguished from other retirement programs;
3. Be independently designed to allow each institution flexibility to meet its strategic goals and human resource needs;
4. Be advantageous to each institution's programmatic, economic, and human resource perspective;
5. Offer economic benefits to employee participants;
6. Be evaluated periodically to assure that the program accomplishes its intended objective.

In March of 2002, the Board of Regents received a report from the Board Office and the institutions on Early Retirement Incentive Programs which concluded that no new early retirement programs were needed at that time. The report went on to state that new programs could be proposed when needed to meet institutional needs. The report also suggested that new early retirement/separation programs might include limited time availability programs (window programs) that targeted a limited number of staff, categories of employment, and certain operating units and departments. Future plans were to be individualized per institutional needs.

In 2009 the University of Northern Iowa requested approval for an ERIP and the program was implemented.

The proposed 2012 Early Retirement Incentive Programs (ERIP) for the University of Northern Iowa, which is captioned as an Early Separation Incentive Program (ESIP), will be used as a tool to shape, redirect, and focus the faculty work force.

The proposed ESIP of the University of Northern Iowa is set forth in Appendix A.

Appendix A

University of Northern Iowa
Proposed 2012 Early Separation Incentive Program

The proposed ESIP does not create a right for the employee. The request to participate in the program may not be approved if it is deemed not in the best interest of the University of Northern Iowa. Each application will be reviewed on an individual basis and will be subject to the approval of the Executive Vice President and Provost. Acceptance of the application shall be considered as a voluntary resignation effective on the date cited by the applicant on the application form.

The proposed program is a one-time program in which eligible employees have a defined 'window' period for application.

1. **Proposed Benefits:**

- (a) Payment of accrued sick leave, not to exceed \$2,000, for those who are either resigning or retiring. For those who meet the requirements to elect retirement, having attained age 55 and applying to begin at least minimum retirement benefits, this payment is made pursuant to IA Code 70.23.
- (b) Payment of one (1) year of salary based upon employee's appointment salary on the date of retirement or resignation.
- (c) Cash payment equal to the value of eighteen (18) months of COBRA premium for health and dental insurance based upon their coverage contract as of March 6, 2012.

2. **Eligibility** – Faculty members who hold a tenured appointment as of March 6, 2012 in a program area finally identified for closure and/or restructuring by the University.

Individuals who are in their final year of phased retirement are not eligible to participate in this plan.

3. **Application Requirements:**

- (a) Employees who meet the eligibility requirement must apply for the ESIP by April 23, 2012. No applications will be accepted after April 23, 2012. The decision to request such a benefit is voluntary and initiated by the employee. Employees who elect to participate will be provided seven (7) days to revoke their election.

4. **Commencement of Early Retirement:**

- (a) Employees must fully resign or retire no later than June 29, 2012.

5. **Re-employment:**

- (a) Re-employment into a benefits eligible position is not permitted.

6. **Backfill of Vacated Positions**

- (a) Restricted based upon need.

EXHIBIT B

BOARD OF REGENTS
STATE OF IOWA

AGENDA ITEM 3h
April 27-28, 2011

Contact: Marcia Brunson

RENEWAL OF BOARD OF REGENTS PHASED RETIREMENT PROGRAM

Action Requested: Consider renewal of the phased retirement policy for a five-year period from July 1, 2012, through June 30, 2017.

Executive Summary: The Board's phased retirement policy will expire on June 30, 2012. It has been the practice for the Board to consider renewal approximately a year before the expiration of the policy so that faculty and staff can better plan for their retirements.

The phased retirement program was first approved by the Board in 1982 for faculty and professional and scientific staff and later offered to merit system staff. It allows faculty and staff to transition from work to retirement over a period of time.

The current program provides for reduction of appointment time over a maximum of a five-year period with full retirement not later than the end of the fifth year.

From the initial approval in 1982 through June 30, 2010, 993 faculty and staff have participated in the program. There were 55 new entrants in FY 2010.

The institutions feel that this program continues to be an effective management tool. The program provides for incentives in pay and retirement contributions during the phasing period. The program has been renewed for five-year periods since its inception with little or no changes. No changes are proposed in the current policy.

The policy is shown in Attachment A.

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4.35 Phased and Early Retirement

A. Phased Retirement Policy

Eligibility: Faculty or staff of Regent universities, the special schools, and Board Office who have attained the age of 57 with at least 15 years of service with the Board of Regents are eligible for participation in the phased retirement program.

Approval: The phased retirement agreement and the phasing schedule will be developed between the employee and the department. Approval of the agreement and phasing schedule will occur at various levels within the institution, and no right to enter into a phased retirement agreement without approval by all officials as designated by the institutions is conferred by this policy. The Board of Regents will ratify entries into the phased retirement program as a part of the monthly Register of Personnel Changes.

Schedule of Phasing: A staff member may reduce from full-time to no less than a half-time appointment either directly or via a stepped schedule. The maximum phasing period will be five years with full retirement required at the end of the specified phasing period. At no time during the phasing period may an employee hold greater than a 65 percent appointment. After the completion of the fourth year, the appointment cannot exceed 50%. The phasing period will be set by agreement between the institution and the individual with full retirement required at the end of the specified phasing period. Once phased retirement is initiated, employees may not return to full-time appointment.

Compensation: Up to and including the 4th year of the phasing period, the salary received will reflect the reduced responsibilities plus an additional 10 percent of the budgeted salary, had the person worked full time. In the fifth year following the initiation of phased retirement, the staff member's appointment will be no greater than fifty percent, and the salary will be proportional to the budgeted salary had the person worked full-time.

Benefits: Up to and including the 5th year of the phasing period, institution and staff member contributions will continue for life insurance, health insurance, and disability insurance at the same levels that would have prevailed had the staff member continued at a full-time appointment. Retirement contributions to TIAA/CREF will be based on the salary which would have been obtained had the individual continued a full-time appointment. As mandated by law, FICA contributions will be based on the staff member's actual salary during the partial or pre-retirement period. The same is true for retirement contributions for those participating in the Iowa Public Employees Retirement System or Federal Civil Service System.

Accrual of vacation and sick leave will be based on percentage of appointment. During the phasing period individuals may exercise their rights to access funds in their TIAA-CREF (or substitute plans) retirement accounts in any manner permitted either by the retirement carrier or by Board policy but not to exceed 99% of their account balances.

Duration of Program: Subject to annual review, the program will expire on June 30, 2012, unless renewed by the Board prior to expiration.

Reporting Requirements: Annual report to the Board of Regents. Individual participants will be reported to the Board on the monthly Register of Personnel Transactions.

B. Early Retirement Program

The Board may approve early retirement programs for employees to meet specific institutional needs.