

# Post Retirement Appointments, Principal Investigator Role and Volunteering

Human Resources, in consultation with the Payroll & Tax Services, Sponsored Program Services, the Office of the Executive Vice President for Research and Partnerships, the Provost's Office and the Office of Legal Counsel, is publishing the following guidance related to post-retirement employment for faculty.

## I. Legal and Regulatory Requirement for Post-Retirement Re-employment

All retirees are required to have a *bona fide* break in service (i.e. a 30-day separation before a retiree can be re-employed by the University in any capacity). Federal law prescribes this "break-in-service." Those same provisions prohibit express or implied agreements for re-employment prior to retirement. Discussions regarding post-retirement employment opportunities must occur following retirement and any post-retirement employment may not begin until following a 30-day break in service.

## II. General Rules for Post-Retirement Faculty Appointments:

- A. Retired tenured faculty members can be re-employed by the University in a visiting faculty position that complies with Part I. Such an appointment is viewed as a temporary arrangement and the faculty member would not retain tenure status.
- B. In accordance with the Affordable Care Act and University policy, if the appointment is full-time for at least a semester, the faculty member would be eligible for benefits. If the appointment is less than full-time, the person would not be eligible for benefits.
- C. If a faculty member holds *emeritus* status, and the department determines that the position's title should reflect the "*emeritus*" status, the department must complete a [Faculty Position Request form](#) to establish a one-to-one visiting faculty position.
- D. Regardless of whether the position is "visiting" or "*emeritus*," the appointment must be documented with an offer letter using the Provost's Office [visiting faculty template](#) and is subject to Provost approval.

## III. Particular Rules for Faculty Participating in the Faculty Retirement Incentive:

- A. Consistent with the rules in Parts I and II, faculty members who elected to participate in the Faculty Retirement Incentive (offered during the eligibility period in 2017) can be re-employed by the University only if they satisfy three conditions:
  - 1. There was not a formal or informal agreement to rehire at the time of retirement.
  - 2. There is at least a 30-day break before being re-employed.
  - 3. They are rehired in a non-benefits eligible position. Note: this condition is unique to FRI faculty.

- B. FRI faculty who assume a post-retirement appointment, please prepare an offer letter using the Visiting Faculty template.
- C. FRI Visiting Faculty appointments must NOT reach benefit eligibility, which means visiting appointments can NOT be full-time for 4.5 months or greater. If the appointment is for 4.5 months or greater, the appointment must be part-time.
- D. Visiting faculty appointments have a limited duration of two years. Extensions will require prior approval of the Vice Provost for Faculty Affairs.

#### IV. Appropriate Roles for Retired Faculty

- A. **Guidance for serving as a Principal Investigator (PI).** All faculty (tenured, tenure-track, research and clinical) are eligible to be Principal Investigators. Others requesting to submit proposals as the principal investigator for the first time must obtain special approval. The request must be communicated to Sponsored Program Services early in the proposal stage. This will allow time to review the situation for the appropriate approval. Blanket approval should only be requested for staff in regular positions where serving as PI is part of the position duties and responsibilities.

1. To serve as a PI on a grant the individual must meet the following criteria:
  - a. Have the appropriate credentials
  - b. Be approved by the Department Head and Dean
  - c. Hold a compensated appointment (visiting faculty, research faculty, research scientist or other position) with the expectation that they have the appropriate FTE to fulfill the PI duties.

**Note:** Uncompensated Retired Faculty and Emeritus Faculty may serve in the role of Co-PI provided their effort is of a *de minimis* nature.

2. Additional guidance can be found at the following web sites:
  - a. [Who can serve as a PI?](#)
  - b. [Expectations of a PI.](#)
  - c. [Form to request PI status.](#)

- B. **Guidance for submission of new grant proposals.** Retired faculty may submit new grant proposals as long as they are in an appropriate (paid, part-time faculty) position and it is determined that doing so is in the department's, college's and university's best interests. This conclusion depends on prudential factors within the discretion of the Head, Dean, Executive Vice President for Research and Partnerships and Provost. There are times when a faculty member's experience and expertise are critical to securing and performing new research that is strategically important to the department, college or university. There are other times when the strategic mission of a department, college or research center is best served supporting proposals from active, full-time faculty. If a department

believes it is in its best interest to permit a retired faculty member to submit new proposals, the head should consult with the dean. Upon the dean's approval, the faculty member must be placed in an appropriate part-time, paid faculty position and obtain the approvals discussed in Part IV.A. Time spent preparing grant proposals cannot be compensated using sponsored program funding. This time is typically not allocable to most sponsors on a direct cost basis.

- C. **Retired Faculty as “volunteers.”** It highly unlikely an individual could perform the level of services and responsibility expected of a Principal Investigator as a “volunteer.” Federal law (the Fair Labor Standards Act or “FLSA”) and [university policy](#) each recognize the benefits of volunteerism. Still, both the FLSA and university policy recognize the limits to which the university may take advantage of volunteer services. Primarily, the law provides that the university cannot classify an individual as a volunteer when s/he is engaged in core commercial activities of the organization. [University guidelines](#) reflects this general rule and other regulatory requirements by prohibiting volunteers from: entering into any contract on behalf of the university; committing to the expenditure of any university funds, and working with export-controlled or hazardous materials.

## V. **Additional Information and Considerations**

- A. **Eligibility for PRF Research Grants.** Retired faculty are ineligible to receive PRF research grants. The Office of the Executive Vice President for Research and Partnerships [policy](#) on PRF Research Grants provides that those awards are distributed at the discretion of the deans to “full-time tenured or tenure-track faculty who support Ph.D. research.” Retired faculty cannot hold tenure, be on the tenure-track, and generally cannot work full time.
- B. **Proper documentation of intellectual property rights.** Retired faculty who are working as part-time faculty for the University are subject to the University's [Intellectual Property policy](#) and, like all faculty, must sign an appropriate [assignment of intellectual property](#). If retired faculty access university facilities on some basis other than in the capacity of a university employee, the university will ensure that the access is governed by an appropriate written agreement that will address the relevant parties' intellectual property rights. The extent of a retired faculty member's rights depends upon the nature of the work, the degree to which university resources are utilized and various other factors. Sponsored Programs Services can assist departments and colleges in assessing and properly documenting these relationships.
- C. **Retired and other faculty holding adjunct appointments.** Similar to the criteria in Part IV.A.1 adjunct faculty should typically not be assigned PI responsibilities on behalf of Purdue University because their primary allegiance is to the entity or institution who is paying them. However, it may make sense that an adjunct faculty collaborate with Purdue PIs or co-PIs and use Purdue facilities and equipment to further their research.