

P-5

Memo from Human Resources,  
"Archdiocesan Personnel  
Rehire Policy"  
(08/15/00)



THE ARCHDIOCESE OF SAN FRANCISCO  
HUMAN RESOURCES

445 CHURCH STREET, SAN FRANCISCO, CA 94114-1799 (415) 565-3625 FAX (415) 565-3648

## MEMORANDUM

**TO:** Pastors, Principals, Agency Heads, and Directors

**FROM:** Carl Feil, Director of Human Resources *CF*

**DATE:** August 15, 2000

**RE:** **Archdiocesan Personnel Rehire Policy**

I am pleased to enclose a new archdiocesan personnel policy (effective September 1, 2000) that has been approved by Archbishop Levada and his Cabinet.

In the past, the rehiring of pensioned retirees was not an option. The purpose of this new policy is to give parishes, schools, and other locations the discretion and flexibility to hire former employees who have had a distribution of pension benefits, and at the same time protect our archdiocesan pension plans' favorable tax qualification.

The pool of qualified employees eligible to work for archdiocesan parishes, schools and agencies has been restricted not only because of the unique nature of our ministry but also because of the extremely tight and competitive job market in the San Francisco Bay Area.

Currently, in the State of California, there is a critical shortage of school teachers. The Department of Catholic Schools has been impacted not only by the teacher shortage but also by the lack of substitute teachers. This "rehire" policy will help relieve our Archdiocesan schools' ability to fill substitute and short-term assignments. This policy will also benefit parishes, agencies and other locations by affording them the flexibility of rehiring former employees to fill in for employees who are on vacations, medical leaves, etc.

Moreover, implementation of this policy could be very attractive to many of our former employees who may wish to supplement their retirement income without jeopardizing their pension benefits.

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This policy has been developed following consultation with the Department of Catholic Schools as a result of a written survey sent to all pastors, principals, teachers and local school boards last Fall. The issue of enabling retired employees to return to work emerged as a high priority for those responding to the survey.

For your convenience, we have created the enclosed Rehire-Approval FORM for your site to use when it is proposed to re-employ a former employee. Please note that if the proposed rehire occurs after a one-year break, there is no need to submit this form at all.

Should you have any questions regarding this new policy or procedure please contact Angie Espinoza, Employee Benefits Manager at (415) 565-3627 and she will be happy to assist you.



ARCHDIOCESE OF SAN FRANCISCO

## PERSONNEL POLICY: TERMINATION AND REHIRE/PENSION PLAN

### (1) Background

(a) Federal law would disqualify a pension plan if it distributes benefits to an employee whose employment has not actually terminated (an "in-service withdrawal" of benefits). This rule applies to the Archdiocese of San Francisco Parochial Pension Plan, the Roman Catholic Welfare Corporation of San Francisco Money Purchase Retirement Plan, and The Archdiocese of San Francisco Retirement Plan (together the "Plans"). The Plans' governing documents and the participant booklets for the Plans state clearly that in-service withdrawals are prohibited.

(b) Purpose of Policy: This Policy is adopted in order to protect the Plans' favorable IRS qualification from being compromised by an unintentional in-service withdrawal, while at the same time providing Archdiocesan work groups the previously unavailable opportunity to rehire former employees. This Policy shall not be effective if it violates applicable law or the terms of a collective bargaining agreement. It applies to lay employees only and has no application to clerics or religious.

### (2) Policy

(a) Restrictions on Return to Employment. An employee of the Archdiocese who receives a distribution under any of the Plans shall not again be employed by the Archdiocese for a period of one (1) year from his or her termination of employment date. After such period, reemployment shall not be restricted.

(b) Exception Where No Claim Made. Notwithstanding paragraph (a), reemployment of an employee who does not submit a claim for pension benefits under any Plan shall not be restricted.

(c) Employment means any rendering of services for the Archdiocese for payment, and employee means the person rendering such services. These definitions apply for purposes of this Policy even if one or both of the parties characterize their

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relationship in a different manner, such as an independent contractor relationship. Service as a substitute teacher is an example of employment.

(d) Archdiocese, for purposes of this Policy, includes The Roman Catholic Archbishop of San Francisco, A Corporation Sole, The Roman Catholic Welfare Corporation of San Francisco, and The Roman Catholic Seminary of San Francisco.

(e) Distribution, for purposes of this Policy, means either a lump sum distribution or the commencement of monthly annuity benefits.

### **(3) Procedure**

If a parish, school or other diocesan location wishes to re-employ a former lay employee, please complete and submit the attached form if applicable to:

The Office of Human Resources  
445 Church Street  
San Francisco, CA 94114

Please allow 15 days for response time.

### **(4) Adoption and Effective Date**

This Policy is adopted effective September 1, 2000 for a period of two (2) years, during which period it will be reviewed and considered for permanent adoption. Comments on this Policy are welcome; they should be submitted in writing to the Director of Human Resources.

Please allow 15 days for response time.

THE ARCHDIOCESE OF SAN FRANCISCO

RE-HIRE OF A FORMER EMPLOYEE  
(Lay Employees Only. Does Not Apply To Religious.)

Send this form to the Office of Human Resources before rehiring a former employee.

**PART 1 - REHIRE POLICY**

A former employee who has terminated Archdiocesan employment within 12 months of his/her proposed rehire date, and who has received a distribution from the pension plan, or applied for a distribution from the plan in the interval between termination date and rehire date, may not be reemployed until at least 12 months from the applicant's latest termination date have elapsed. This restriction is solely for the purpose of avoiding adverse tax consequences to the employee and pension plan under the Internal Revenue Code. The purpose of this form is to provide the Office of Human Resources with the data needed to check a rehire candidate's pension file for compliance with this policy.

**PART 2 - REHIRE APPLICANT PROFILE**

(a) Name of Applicant: \_\_\_\_\_

(b) Social Security #: \_\_\_\_\_

(c) Most Recent Archdiocesan Termination Date: \_\_\_\_\_ (d) Proposed Rehire Date: \_\_\_\_\_

**Stop:** Do not submit this form if the applicant's termination date is more than 12 months from the proposed rehire date. Discontinue completing this form; there is no restriction on rehire date.

**Go:** If the applicant's termination date is within 12 months of the proposed rehire date, continue to the next sections.

	Yes	No	Unsure
(e) Since the applicant's most recent termination date shown in item (c) above, has he/she received a distribution from;			
--- the Parochial Pension Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- the High School Teachers Pension Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(f) Does applicant currently have an application for a distribution in process from;			
--- the Parochial Pension Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- the High School Teachers Pension Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(g) If any answer is "Yes" to (e) or (f), please list the applicant's most recent Archdiocesan employer.

<i>Prior Location Name</i>	<i>Termination Date</i>
_____	_____
_____	_____

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**PART 3 – TO BE COMPLETED BY LOCATION**

Location Name: \_\_\_\_\_  
Location No: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
Authorized Signature: \_\_\_\_\_ Title: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_

**PART 4 – TO BE COMPLETED BY OFFICE OF HUMAN RESOURCES**

Immediate Rehire OK  OK to Rehire After \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

The Office of Human Resources approval indicates *only* that the proposed reemployment is permitted under the Archdiocese personnel policy on rehiring terminated employees who have received a pension plan distribution, or have an application in process for a pension plan distribution. It does not reflect compliance with any other law, policy, or practice and does not evaluate the competency of the applicant/former employee.

**MAIL OR FAX FORM TO:**

The Office of Human Resources  
445 Church Street  
San Francisco, CA 94114  
FAX: (415) 565-3648