

D-4(e)

*Personnel Policy: Termination and
Rehire/Pension Plan*
(August 2000)
(Department of Catholic Schools)



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.