

Minutes: Meeting of the Faculty Senate Benefits and Professional Development Committee  
10/19/17

In attendance: Gregory Kaplan (Committee Chair), Aaron Buss, Celeste Carruthers, Pedro Tomás, Jon Gushen (representative from UT HR)

The meeting was called to order at 3.30 PM

### **1. University of Memphis Approved Motion on Ability to Withdraw Retirement Plan Funds**

The sole item on the agenda today concerned the University of Memphis Approved Motion on Ability to Withdraw Retirement Plan Funds (see text below). This is a matter of some urgency insofar as legislation to repeal the motion will be presented to state legislators in January 2018. After speaking with a government representative by phone, the Chair has learned that support for the motion from the UT Faculty Senate would be greatly appreciated in Nashville. Jon Gushen, from UT Human Resources, provided a PowerPoint presentation to the committee in which he stressed the following advantages of repealing TCA Section 8-25-211 (see full text of 8-25-211-below). Jon Gushen's PowerPoint presentation is included as an attachment with the email in which the minutes are being distributed. The committee is extremely grateful to Jon Gushen for his time and dedication to crafting this PowerPoint presentation and for his thorough explanation of the matter to the committee.

In light of the fact that a quorum was not present, the Chair and the committee members present decided that committee members would have until noon on Monday 10/23 to vote on whether to support or not support the University of Memphis Approved Motion on Ability to Withdraw Retirement Plan Funds. Committee members should submit their vote by email (yes [support the motion], no [do not support the motion], abstain) to the Chair ([gkaplan@utk.edu](mailto:gkaplan@utk.edu)) by Monday 10/23 at noon.

After the votes are counted, the Chair will report the result to the committee. If the committee were to support the motion, it would then be presented to the Faculty Senate Executive Council at its November 2017 meeting for another vote (to support/not support/abstain from supporting).

If the Faculty Senate Executive Council were to support the motion, it would then be presented to the Faculty Senate at its November 2017 meeting, at which Jon Gushen would repeat his presentation. After Jon Gushen's presentation, the Faculty Senate would vote (to support/not support/abstain from supporting).

### **Approved University of Memphis (Faculty Senate) Motion on Ability to Withdraw Retirement Plan Funds**

WHEREAS, Tennessee law restricts state retirees from full access to their ORP funds in retirement:

TCA Section 8-25-211. Upon retiring or otherwise terminating employment, an employee participating in an optional retirement program may elect to receive a cash withdrawal of up to fifty percent (50%) of such employee's accumulated account or accounts if permitted by the relevant optional retirement company, and if the employee applies for and begins receiving a lifetime distribution of the remaining portion of such employee's accumulated account or accounts. Any employee who receives a cash withdrawal pursuant to this section shall not be entitled to reestablish the withdrawn amount or any period of service represented by that amount in either the optional retirement program, the retirement system, or any other Tennessee state retirement program; and

WHEREAS, this restriction is highly unusual and is in direct conflict with the spirit of the optional retirement program that allows employees greater control over their retirement funding: Now, therefore,

BE IT RESOLVED, The University of Memphis Faculty Senate this fifth day of September, 2017, in the City of Memphis, Tennessee, respectfully requests that University President M. David Rudd and the University of Memphis Board of Trustees engage with the State of Tennessee General Assembly to exempt higher education faculty from TCA Section 8-25-211 or repeal this section of Tennessee Code.

The meeting was adjourned at 4.30 pm  
Respectfully submitted,  
Gregory Kaplan, 10/19/17