



# Charleston County Sheriff's Office Policy and Procedures Manual

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**Sheriff Carl Ritchie**

4-22

## Retire-in-Place (PORS / SCRS)

- ☐ NEW
- ☒ REVISED
- ☒ REVIEWED

ACA Standards Reference: 5-ALDF-7E-01  
CALEA Standards Reference: 22.2.2, 33.5.1, 33.6.1, 34.1.5  
NCCHC Standards Reference:  
SCLEA Standards Reference:  
SC Minimum Standards:

I. Purpose:

The Police Officers Retirement System (PORS) and South Carolina Retirement System (SCRS) allows eligible PORS and SCRS members to retire and return to work. This policy provides guidelines for participation in this program.

(Ref: CALEA 22.2.2)

II. Policy:

The Charleston County Sheriff's Office recognizes the benefits of maintaining an efficient and productive workforce. In some instances, this objective is best met by retaining experienced personnel. In other instances, this objective is best met by allowing adequate growth and opportunity for promotion. It is the policy of the Charleston County Sheriff's Office to establish a reasonable balance between these two equally important needs.

(Ref: 5-ALDF-7E-01)

III. Definitions:

- A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, and
2. civilian, non-sworn employee.

- B. *Employee*: When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

IV. Procedure:

A. Eligibility:

1. An employee must qualify for service retirement under the guidelines of the Police Officers Retirement System (PORS) and/or South Carolina Retirement System (SCRS).

2. The retired employee must be separated from the agency for a minimum of thirty (30) consecutive calendar days prior to returning to employment.
3. On the last day of employment before the mandated separation from the agency, the employee will relinquish custody of the following assigned items/equipment to the Logistics supervisor or designee for safe keeping: assigned vehicle, badge, credentials, issued uniform accessories, and all Sheriff's Office issued weapons. Furthermore, during the separation period, employees have no authority to perform agency related or law enforcement functions or present themselves as Charleston County Sheriff's Office employee.
4. Employees initially seeking to retire and return to work under the provisions of PORS or SCRS, must submit a written request to the Sheriff, through their chain-of-command, no less than ninety (90) days prior to their expected retirement date. Thereafter, each employee approved for participation must submit a written request annually (to the Sheriff through their chain-of-command) to continue participation by March 31<sup>st</sup> of each year.
5. Employees must be able to fulfill all the duties and responsibilities associated with the position they are seeking. (Ref: CALEA 22.2.2)
6. Employees initially seeking to retire and return to work, or seeking continued participation, must have successfully completed all in-service training required by state law and the Charleston County Sheriff's Office for the twelve (12) month period immediately preceding the effective date of the employee's request.  
(Ref: CALEA 33.5.1 and 33.6.1 item b)

**B. Application Process:**

Employees requesting initial authorization to retire and return to work, or seeking continued participation, must submit a completed *Request Authorization to Retire and Return to Work (CCSO PORS form-341, CCSO SCRS form-342 or SACDC form-308)* through the chain-of-command to the Sheriff requesting consideration.

**C. Approval Process:**

1. Upon receipt of an initial request to retire and return to work, or a request for continued participation, the Sheriff and/or designee(s) will meet to review the application. If the employee requesting or participating is of the rank of chief deputy, the request will be

reviewed by the Sheriff and/or designee. The rank of Undersheriff, if applicable, will be reviewed by the Sheriff.

2. The following criteria may be considered when reviewing an employee's request:
  - a. employee's level of education, skills, abilities and knowledge, specialized training, seniority, etc.;
  - b. work history and job performance of the employee, to include documented disciplinary action, performance appraisals, sick leave record, chronological entries, etc.;
  - c. recommendations made by the employee's chain-of-command;
  - d. agency impact, e.g., budgetary considerations, promotional opportunities, etc.; and
  - e. any other considerations linked to job qualifications, or any other considerations as they relate, in the Sheriff's or designee's sole discretion, to the needs of the Sheriff's Office.
3. Based on that review, a recommendation to approve / disapprove the request will be forwarded to the Sheriff or designee.
4. The final decision regarding an employee's request rests solely with the Sheriff or designee. Notification of the decision will be sent to the employee no later than the first working Monday in May.
5. If an employee is not allowed continued participation in the program, the employee's last day of employment with the Sheriff's Office will typically be June 30<sup>th</sup>. If the employee is not satisfied with the Sheriff's decision, the employee may grieve the matter to the Sheriff or designee in accordance with Charleston County Sheriff's Office Policy and Procedure 6-03 *Grievance Procedures*.

**D. Benefits:**

1. PORS and SCRS participants who retire and return to work will only be eligible for benefits if rehired in a regular full-time or regular part-time status.
2. If rehired, participants will be allowed to continue insurance coverage at the active employee premium rate.

3. Upon retiring, participants will not be paid for any accrued sick leave days nor will there be any carryover of accrued sick leave days if rehired.
4. Participants will be paid for up to a maximum 480 hours of annual leave (with 45 days to be applied to the employee's retirement Annual Final Compensation) in the last paycheck prior to their initial retirement. If rehired, participants will not be paid for any additional accumulated annual and sick leave or compensatory time upon their subsequent departure. All efforts will be afforded an employee to utilize accrued annual and compensatory time, if possible.
5. If rehired, participants will begin accruing annual leave and sick leave based on their rehire date with a zero annual and sick leave balance.
6. If rehired, retired participants contributing to PORS or SCRS are eligible for an increased group life insurance benefit, a payment equal to their one year's annual salary.
7. Upon retiring, exempt personnel (captain and above) will not be paid for accrued compensatory time. Non-exempt (lieutenant and below) and civilians may at their time of initial separation be paid for any accrued balance of compensatory time (not to exceed 40 hours).
8. If rehired, participants may not automatically be eligible for reduction in force rights (see Charleston County's Personnel Procedure 3.43, Reduction in Force).
9. PORS participants who return to work will not be eligible to participate in the promotional process. (Ref: CALEA 34.1.5 item c)

E. General:

1. This policy and its provisions in no way constitute a guarantee or contract of employment.
2. The Sheriff or designee reserves the right to terminate, or otherwise change, the conditions of this policy and/or the conditions under which an employee is allowed to retire and return to work at any time for any, or no reason.
3. At any time the Sheriff or designee determines it is in the best interest of the Sheriff's Office to discharge a rehired employee, they may do so without notice.

4. PORS and SCRS participants authorized to return to work, either initially or during the annual review process, do not have any guarantee as to salary, position, status, assignment, or rehire date.
5. Participants in the program are not eligible for future promotional opportunities. (Ref: CALEA 34.1.5 item c)
6. As a general rule, and unless some other provision of this policy is applicable, participants who retire and are rehired in a non supervisory position will not be restricted as to the length of time they can participate as long as they meet the criteria for continued participation.
7. As a general rule, and unless some other provision of this policy is applicable, PORS participants of a supervisory position who have retired and were rehired prior to January 2, 2013, will remain at their current rank until December 31<sup>st</sup> of the calendar year they reach age 57. At that point they may separate from employment with CCSO or continue to serve as a master deputy sheriff or detention deputy. If the employee chooses to and is approved to continue to serve as a master deputy sheriff or detention deputy, their pay will be calculated at the appropriate pay scale. The Sheriff or designee may waive these requirements for an individual if it is deemed that retaining the experienced individual at their rank outweighs allowing growth and opportunity for promotion and is in the best interest of the agency for an efficient and productive workforce.

PORS participants of a supervisory position who have or will retire on or after January 2, 2013, and are subsequently rehired, will remain at their current rank. Current law provides that eligible PORS participants electing to participate without limitations to their earnings must have obtained the age of 57 with 30 consecutive calendar days retirement separation from the agency.