

Are They Eligible to Contribute to the Plan?

School Termination of Employment Employer Cheat Sheet

REGULAR

Eligible based on hours or reemployment rules

A **regular employee** is someone hired to render regular, ongoing, and permanent employment with the employer participating.

NOTE:

In general, if an employee is not a substitute or temporary employee, they are a regular employee.

SUBSTITUTE

NOT eligible

A **substitute** is someone hired by a public school as a temporary employee (not on an ongoing basis) to assume the duties of a regular employee due to a temporary absence (not position vacancy).

TEMPORARY

NOT eligible

A **temporary employee** is someone hired to provide service for a limited period of time (cannot exceed one year) to accomplish a specific purpose or task.

IMPORTANT
State statutes require a start and end date for all contracts.

Establishing if a Bona Fide Termination of Service Has Occurred...

1. **Has the member stopped rendering all regular, ongoing, and permanent employment with the employer participating in the School Plan?**
 - A. If no, then the member did not terminate employment, must continue plan participation, and repay any distributions taken.
 - B. If yes, proceed to question 2.
2. **Is the member returning to work at an employer covered by the School Plan?**
 - A. If no, then the member terminated employment. Stop contributions and submit a Non-Contributing Member Form.
 - B. If yes, proceed to question 3.
3. **Have at least 180 days passed since the member terminated employment?**
 - A. If yes and the member rendered no more than 8 days of substitute and/or volunteer service in any calendar month during the 180 days, and had no prearranged return to service agreement, termination has occurred. Reevaluate the member for eligibility.
 - B. If yes and the member rendered more than 8 days of substitute and/or volunteer service in any calendar month during the 180 days, termination has not occurred. A new termination date must be established and the member must start a new 180-day separation period. Wages, contributions and service credit must be reported from the alleged date of termination of regular service to the last violation that occurred.
 - C. If no, proceed to question 4.
4. **Is the member rendering no more than 8 days of intermittent substitute and/or voluntary service in any calendar month during the 180 days following the termination of their permanent employment?**
 - A. If no, then the member did not terminate employment, must continue plan participation, and repay any distributions taken.
 - B. If yes, then the member terminated employment. Stop contributions on the day of termination and monitor the member's employment. If the member reemploys as a regular employee, reevaluate eligibility.

NOTE:

If none of these applies to the situation you are reviewing or you have more questions regarding their specific situation, please contact your employer reporting agent contact at NPERS.