

NPERS SCHOOL PLAN ELIGIBILITY CHECKLIST

Person's Name: _____ Date: _____

School: _____ Reporting Agent's Name: _____

Use this checklist to help you determine if/when an employee is eligible to participate in the School Plan. Please see the [School Manual for Employer Contacts](#) for more information on eligibility and enrollment.

IMPORTANT! The legal issues associated with the School Plan eligibility can be complex and consultation with an NPERS staff member is strongly recommended. School Plan eligibility is subject to change based upon laws enacted by the Nebraska State Legislature.

RETIREMENT EMPLOYMENT CLASSIFICATIONS:

Regular – Eligible. A person hired to render regular, ongoing, and permanent service on a part-time or full-time status. Generally includes coaching and extra duty.

Substitute – Not eligible. A person hired as a temporary employee to assume the duties of a regular employee due to a temporary absence.

Temporary – Not eligible. A person hired to provide a service for one year or less, to accomplish a specific purpose or task, and when the task is complete, the employment is over.

****If an employee is a regular employee at your school or ESU and also rendering any substitute or temporary service at your school or ESU, all hours need to be tracked and added together for eligibility. If they are already contributing, all hours and wages for regular and substitute/temporary service need to be combined and reported to NPERS.**

DEFINITIONS:

Bona Fide Termination – The 180-day separation period required to take a distribution; **the start date would be the later of:**

- Termination of NPERS eligible regular employment **or**
- The day NPERS received the application for distribution.
- During the 180-day separation period, a person must:
 - Render no more than a total of 8 calendar days (all service provided in one calendar day equals 1 day of service) of substitute or unpaid volunteer service in a calendar month at **any** School Plan employer **and**
 - Not have any prearrangement to return to service.
- **Failure to comply will result in a repayment of your distribution.** More information found [HERE](#).

Distribution – Any removal of funds from the Nebraska Public School Retirement Plan to include either a retirement benefit, rollover, or refund.

1. Is the person 18 years old or older?

Yes, proceed to question 2.

No, the person is **not** eligible for School Plan participation. Reassess retirement eligibility when the person is 18.

2. Is the person a U.S. citizen or lawfully present in the U.S.? For a list of supporting documents to establish lawful presence, click [HERE](#).

Yes, proceed to question 3.

No, the person is **not** eligible for School Plan participation. Reassess retirement eligibility if the person's immigration status changes.

3. Is the person being hired/rehired as a substitute (see definition above)?

Yes, substitutes are **not** eligible to participate.

- Monitor service and reassess if employment status changes.
- **Important:** If the person **is applying for, or taking a distribution**, they are only able to provide up to a total of 8 calendar days in a calendar month during their 180-day separation period at all employers covered by the School Plan combined.
- If the person is **not taking a distribution**, the person can provide unlimited substitute service.

No, proceed to question 4.

4. Is the person being hired/rehired as a temporary employee (see definition above)?

Yes, temporary positions are not eligible to participate.

- Monitor service and reassess if employment status changes or the duration exceeds one year.
- **Important:** If the person is **applying for, or taking a distribution**, they cannot provide **any** temporary service within the 180-day separation period at any employer covered by the School Plan.
- If the person is **not taking a distribution**, the employee can perform true temporary service if:
 - It is not an extension of their regular service and
 - There is clear documentation to support the temporary status.

No, this person is considered a regular employee and working on an ongoing basis. *Proceed to question 5.*

5. Has the person taken a distribution (see definition above) from the Nebraska Public School Retirement system?

Yes, proceed to question 6.

No, proceed to question 7.

6. Has the individual satisfied the 180-day separation period?

Yes, proceed to question 8.

No, CAUTION!! Individuals who are applying for, or have taken, a distribution must incur a 180-day separation period prior to reemployment at **ANY** participating school district or ESU. During this 180-day separation period, they may only provide up to a total of 8 calendar days in a calendar month of unpaid voluntary or substitute service. You must notify NPERS if the person is rehired during the 180-day separation period, and they will be required to repay the distribution in full.

7. Was this person previously employed at YOUR district (or ESU) and participating in the Nebraska Public School Retirement Plan due to hours worked during that time?

Yes, it is **mandatory** for this person to contribute regardless of intention of hours to be worked. Start contributions immediately.

No, proceed to question 8.

8. Will the person be working at your school district for 20 or more hours per week?

Yes, participation is **mandatory**. Begin participation immediately .

No, in order to participate, the person must be hired to work in a position requiring at least 20 hours per week on an ongoing regular basis. If the intention of hours worked is less than 20 or unknown at the time of hire, follow these steps:

- Monitor all hours worked at your district.
- If the position originally was intended for work less than 20 hours per week but changes to a position requiring 20 or more hours per week, the person should be enrolled in the Plan at the time of the hours of intention change.
- If the person is initially hired to work less than 20 hours a week or the expected number of hours to be worked is unknown, the hours need to be tracked for eligibility.
 - If the person ends up working an average of 20 hours or more per week in three calendar months of the Plan year (July 1 – June 30), **they must be enrolled in the Plan**.
 - The calculation defined in statute is: total number of hours worked in a calendar month divided by the actual number of days in the month times 7. Eligibility calculator can be found [here](#).
 - The 3 calendar months do not need to be consecutive.
 - The mandatory effective date of participation in the Plan is the next pay period following the pay period where the employee worked an average of 20 hours or more per week for each of 3 calendar months during the Plan year.

Participation is mandatory.

Not eligible for participation. *In order to participate in the future, the employee must meet mandatory enrollment requirements.*

MUST READ: By signing this form, the employee acknowledges that any return to employment during the 180-day separation period will result in mandatory repayment of any distributions received (with applicable interest) and missed contributions to be remitted to NPERS.

Enrollment Date (if applicable)

Employee

Employer