

Interpretive Memorandum 2012-1

DATE: REVISED AUGUST 17, 2015 (Originally Issued December 6, 2012)

POLICY TOPIC: GRANDFATHERED GROUP I MEMBER RETURNING TO WORK SUBJECT TO CURRENT 32 HOUR LIMIT NOT GRANDFATHERED HOURLY LIMIT FOR FULL-TIME

QUESTION/SCENARIO:

Can a Group I Member hired prior to 1/21/88, whose eligibility was determined by the Employer's rules in effect at that time, retire and collect an NHRS monthly benefit and return to the same position "part-time" while working the same number of hours? The Member is grandfathered under prior law that provided that full-time meant 30 hours per week under the pre-1988 rules. The Employer now considers full time to be 35 hours per week or more as provided in Ret 302.05. Under RSA 100-A:1, XXXIV, a Retiree can work up to 32 hours per week.

CONCLUSION:

Yes, a Retiree can return to work in the same position he/she retired from so long as the Retiree is working within the guidelines outlined in NHRS statute or administrative rules in effect for Retirees at the time of the return to work. In keeping with current NHRS laws and rules, this Retiree would be allowed to work a maximum of 32 hours per week, or any lesser number of hours that an Employer's policy deems to be part-time.

LEGAL REFERENCES AND SUMMARIES:

Administrative Rule Reference: Ret 302.05

Summary: Any Group I Member hired prior to 1/21/88 (the effective date of NHRS' Administrative Rule Ret 302.05 – Minimum Participation Standards) whose eligibility was determined by the Employer's rules in effect prior to 1/21/88, shall remain eligible for participation under the prior rules until the Group I Member terminates, retires from that position, or there is an amendment to NHRS' rules or statute. Any Group I Member whose hourly work status is subsequently reduced to a level below the grandfathered amount, shall be ineligible to make membership contributions during such period of employment at reduced hours.

Any Group I Member hired after 1/21/88 who was a Group I Member of the system on the 2009 effective date of the revised minimum participation standards, and whose membership was determined by a rule in effect prior to the 2009 effective date, shall

continue membership in NHRS. Any Group I Member whose hourly work status is subsequently reduced to a level below the minimum participation standards established in 2009, Ret 302.05 (b) shall be ineligible to make Membership contributions during such period of employment at reduced hours. Any such Member who subsequently meets the minimum participation standards provided in Ret 302.05 (b) shall resume making Membership contributions.

Any newly hired Group I Member for the same position will only be eligible for enrollment upon meeting NHRS' minimum participation rules in effect at the time of hire.

STATUTORY REFERENCE: RSA 100-A:1, XXXIV

Effective 6/11/12, allows retirees to work a maximum of 32 hours per week between all participating Employers.



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Approval Date