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Interpretive Memorandum 2012-3

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

TOPIC: GROUP I PROFESSIONAL ASSISTANT POSITIONS AT SCHOOL DISTRICTS OR SAU'S SHOULD BE REPORTED AS EMPLOYEE MEMBERS.

QUESTION/SCENARIO:

Should professional assistant positions at school districts or school administrative units (SAU's) be enrolled and reported to NHRS as Teacher or Employee Members?

CONCLUSION:

Assistant positions such as Certified Occupational Therapy Assistants, Certified Physical Therapy Assistants, Speech Pathologist Assistants, Nursing Assistants, or other types of assistants should be classified and reported to NHRS as Employee Members. The justification behind this decision is that professional assistant positions generally require less education and/or experience (such as a GED or Associates Degree); whereas, the occupants of professional positions such as Occupational Therapist, Speech Pathologist, or Physical Therapist are typically required to be fully licensed and/or certified by the State of New Hampshire. Assistants generally act under the direction of a supervisor who is fully licensed or certified at a higher level and assistants' duties are more restrictive than those of their supervisor.

Historically, NHRS has viewed professional assistant positions as non-teachers and employers have been directed to enroll occupants in these positions as Employee Members. When a few employers were surveyed by phone as to how they enroll assistants, employers responded that assistants do not have Teacher contracts and are not in the Teacher collective bargaining unit and often have different benefits; therefore, they enroll their assistants as Employee Members.

STATUTORY REFERENCE: RSA 100-A:1, V & VI

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Approval Date