

Interpretive Memorandum 2013-1

DATE: REVISED AUGUST 17, 2015 (Originally issued May 13, 2013)

POLICY TOPIC: JOB SHARING TEACHER PERFORMING ADDITIONAL PARAPROFESSIONAL DUTIES

QUESTIONS/SCENARIO DISCUSSION:

A participating Employer has a situation in which it did not enroll or report wages for an eligible Member who was occupying and equally sharing a job share teaching position. This is clearly a case of Employer enrollment oversight. The same Teacher also held an additional position for the remaining 50% of his/her day as a paraprofessional under the same Supervisory Administrative Unit (SAU). The Member has separate contracts for the two positions.

The Employer is asking if it should have reported the paraprofessional wages in addition to the teacher wages, even though the job share position falls under the definition of Teacher and the paraprofessional position falls under the definition of Employee.

Further, if the paraprofessional wages should have been reported, and the Member chooses to petition for oversight service credit, should the Employer use only the Teacher wages when calculating the Member's annual Base Compensation?

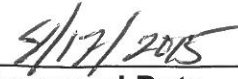
CONCLUSION:

Generally, in situations where two positions are not within the same Member classification, and there is a separate contract for each position, the wages associated with the position that does not qualify for membership standing alone (i.e., the part-time position) are not considered Earnable Compensation and are not reportable to NHRS. In this scenario, the Member is enrolled in NHRS in the Teacher class; and, therefore, only compensation as a Teacher can be reported. The pay for the extra hours worked as a paraprofessional is not "additional pay for extracurricular and instructional activities", as that term is used and interpreted by NHRS staff in the definition of Earnable Compensation under RSA 100-A:1, XVII. The paraprofessional pay is not additional pay as a Teacher but, rather, is separate pay as an Employee for services performed under a separate contract. In addition, the paraprofessional wages should not be included in the calculations for any employer oversight.

STATUTORY REFERENCE: RSA 100-A:1(a), XVII & RSA 100-A:4, III-b



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Approval Date