



Interpretive Memorandum No. 2013-4

DATE: **REVISED JULY 20, 2022** (Originally issued July 1, 2013 and revised August 17, 2015)

TOPIC: **COMBINATION OF PART-TIME EMPLOYEE POSITIONS AND ADDITIONAL COMPENSATION FOR PART-TIME DUTIES FOR GROUP I EMPLOYEE MEMBERS.**

PURPOSE:

The purpose of this memorandum is to discuss conditions under which a political subdivision Employer¹ may combine separate part-time positions to create a full-time position eligible for enrollment as a Group I Employee position? Also, if a full-time Group I Employee is paid additional compensation for a separate part-time position, or for duties that are in addition to his or her regular full-time position, is that compensation reportable as Earnable Compensation? This memorandum only applies to Group I Employee positions of political subdivisions; it does not apply to full-time Teacher positions or State Employee positions, which are subject to separate rules.

SUMMARY:

- A. A political subdivision Employer may formally combine one or more part-time positions to create a full-time Group I position that is eligible for enrollment.
- B. In addition, additional compensation paid to an Employee for additional part-time duties is Earnable Compensation if the Employer adds those duties to the Employee's position description and designates it as part of the Member's Base Compensation.
- C. Otherwise, additional compensation for duties relating to a separate part-time position is not Earnable Compensation.
- D. Employers have the discretion to combine positions and otherwise structure the duties of any full-time position as they determine to be appropriate; however, Member eligibility for NHRS participation for any such combined position shall be determined within the guidelines discussed herein.

¹ Capitalized terms shall have the meanings as provided in the Interpretive Memoranda Glossary of Terms.

ANALYSIS:

1. Combining Part-Time Positions.

RSA 100-A:1, V defines the term “employee”, in pertinent part, as “any full-time employee of [any participating employer]”. Ret 302.05(b) provides that Employees of political subdivisions may be enrolled if they are regularly scheduled to work at least 35 hours per week in a permanent position. Part-time positions requiring fewer hours are not eligible for enrollment. However, Ret 302.05(b)(8), provides that “*Employers may combine 2 or more part time positions in the same member class in order to attain the minimum required hours for participation.*” [Emphasis added.]. Thus, an Employer may combine two or more part-time Group I positions in order to create a full-time Group I position that is eligible for enrollment.

In addition, NHRS administrative policy is that a part-time Group I position may also be combined with a part-time Group II position to create a full-time Group I position. There is nothing in the definition of a Group I Employee, or in any other Member classification statute, that prohibits classification of a position as a Group I Employee position even if it may consist in part of duties that are Group II in nature. For example, if an Employee works 24 hours a week in the highway department and 16 hours per week as a firefighter, the two positions may be combined to create a full-time Group I position. Similarly, an Employer may combine positions where an Employee works 24 hours per week as a part-time dispatcher and 16 hours per week as a part-time certified police officer. In addition, a school employer may combine a part-time teaching position with a part-time non-teaching position (i.e., a paraeducator) in order to create an Employee positions. Any such person should be enrolled as an “Employee” not a “Teacher” but only if the particular school has elected to participate for its “Employees” pursuant to RSA 100-A:20

In each such case, the two positions must be formally combined in a single job description, or otherwise in accordance with the Employer’s personnel policies and procedures. Any such combination results in a Group I position. Alternatively, the employer may maintain the two part-time positions as separate positions that are not eligible to enroll in NHRS. Employers may not combine a part-time Group I position with a part-time Group II position in order to create a full-time Group II position.²

2. Additional Compensation for Part-Time Duties.

In general, when a Group I Member has a full-time position with an Employer and also receives additional compensation for a separate part-time position, such additional compensation is not Earnable Compensation because Earnable Compensation only includes compensation paid for the position with respect to the full-time position for which the Member is enrolled.

However, if the Employer adds the duties relating to the separate part-time position to the full-time job description of the Member, and designates any additional compensation as Base Compensation for NHRS purposes, then the additional compensation is reportable as Earnable Compensation, even if such compensation is determined in a

² See Interpretive Memorandum 2012-2 for a discussion of Group II positions

manner different from the compensation for the full-time position (i.e., by a stipend or a different hourly rate). The full-time position and the additional duties should be part of a single job description, or otherwise be memorialized in accordance with the Employer's personnel policies and procedures.



July 20, 2022

**Approved by Mark F. Cavanaugh, Esq.
Associate Counsel and Compliance Officer**

Approval Date