

**Ret. 302.05 readopted with amendment, effective 3/12/09.**

Ret 302.05 Minimum Participation Standards - Group I State and Political Subdivision Employees.

(a) The purpose of Ret 302.05 is to establish minimum eligibility standards for determining which Group I employees qualify for New Hampshire retirement system benefits.

(b) Membership shall be compulsory for all Group I state employees and all Group I political subdivision employees employed by a participating employer, subject to the following additional requirements:

(1) Employee members employed by political subdivisions shall be employed:

a. On a regularly scheduled basis;

b. 35 hours or more per week with the same participating employer; and

c. In a permanent position within the employee job classification;

(2) Teacher members shall be employed:

a. On a regularly scheduled basis or, if not regularly scheduled, for a cumulative minimum of 18 weeks during a school year;

b. 30 hours or more per week with the same participating employer and;

c. In a position within the teacher job classification;

(3) Teacher members who become eligible by meeting the 18 week cumulative minimum requirement in subparagraph (2)a. shall be immediately enrolled in the NHRS on a prospective basis only;

(4) Employee members employed by the State of New Hampshire shall be employed:

a. On a regularly scheduled basis;

b. Sufficient total hours to meet the standard for full-time State employment under New Hampshire law; and

c. In a permanent position within the employee job classification;

(5) For purposes of determining employee classification membership, "permanent position" means employment designated by an employer as "permanent" or "regular" or any employment that qualifies for employer provided vacation pay, sick pay or health insurance;

(6) For purposes of calculating total hours worked per week under Ret 302.05 (b), a School Administrative Unit (SAU) and its member school districts shall be considered to be the same employer;

(7) For purposes of calculating total hours worked per week under Ret 302.05 (b), the State of New Hampshire, its agencies and departments shall be considered to be the same employer; and

(8) Membership shall be optional for:

a. Elected officials and officials appointed for fixed terms who meet the eligibility requirements set forth in RSA 100-A:3, I(a);

b. Unclassified state employees; and

c. Eligible employees of the general court.

(c) Any Group I member whose hourly work status is subsequently reduced to a level below the minimum participation standards established in (b), shall be ineligible to make membership contributions. Any such member who has less than 10 years creditable service, shall not be entitled to receive a refund of accumulated contributions pursuant to RSA 100-A:11 until termination of all employment with all retirement system participating employers.

(d) Any former member who subsequently meets the minimum participation standards provided in (b) and who received a return of accumulated contributions pursuant to paragraph (c) or (d) may restore full service credit by reinstating the funds in accordance with RSA 100-A:3, VI.

(e) Any member who was a Group I member of the system on the 2009 effective date and whose membership eligibility was determined by a rule in effect prior to the 2009 effective date, shall continue membership in the New Hampshire retirement system. Any Group I member who continues membership as provided for in this section, whose hourly work status is subsequently reduced to a level below the minimum participation standards established in (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 (b) shall resume making membership contributions in accordance with the provisions of (e).

**APPENDIX**

(as required by RSA 541-A:3-a, II)

Specific sections of state statute which the rule is intended to implement:

**RULE**

**STATUTE**

**Ret 302.05**

**RSA 100-A:14,I; RSA 100-A:3; RSA 100-A:20**