

The following information was recently provided to NYSTRS' participating employers. As a Retirement System delegate, it is important you are aware of these issues.

Delegate News

Issue No. 2017-8

June 2017

Titles Reportable to NYSTRS

Recent reviews of participating employer contracts indicate that confusion may exist as to which titles and/or duties are reportable to the New York State Teachers' Retirement System (NYSTRS). This Administrative Bulletin attempts to provide guidance and clarity to participating employers regarding specific titles and/or duties.

NYSTRS membership is restricted to teachers as defined by [Section 501\(4\) of the Education Law](#). Teachers must also be employed by one of our participating employers in "Unclassified Service" pursuant to Section 35 of the Civil Service Law.

Positions reportable to NYSTRS are generally responsible for delivery or supervision of instruction and require professional certifications issued by the state Education Department under the supervision of the commissioner of education. Individuals employed as teachers, substitute teachers, superintendents, business administrators, guidance counselors, nurse teachers and teaching assistants¹ are considered unclassified and are eligible for membership in NYSTRS *only*.

Individuals employed as business managers, school nurses, teacher aides and other *non-instructional* positions are considered classified and are only eligible for membership in the New York State and Local Employees' Retirement System (ERS).

Directors

Director titles are most often reportable to ERS. However, there are a few exceptions. Generally, director titles are reportable to NYSTRS if they:

- *Require* a School District Leader (SDL) certificate;
- Involve more than 50 percent *instructional* duties; and,
- Result in *unclassified* service being performed.

(more)

¹ State University of New York (SUNY) graduate assistants, teaching assistants and clinical assistant instructors are eligible for membership in ERS only, not NYSTRS. Additional information for higher education employers may be found in NYSTRS' [Employer Manual \(Section 3: Employer Reporting for SUNY and Community Colleges\)](#).

Delegate News dating from 2005 to the present are available on our website at [NYSTRS.org](#). Select Delegates and visit the Delegate News page.

Examples of director titles reportable to NYSTRS include director of special education and director of pupil personnel services. A director of human resources, however, would **not** be reportable to NYSTRS.

Contact the state Education Department if you are unsure about the proper reporting of a director title. You may also reference the list of reportable earnings available in NYSTRS' [Employer Manual \(Section 4: Reportable Salaries\)](#).

If you have reported an employee to NYSTRS in error, please have the employee establish a membership with the appropriate New York State public retirement system. Once the new membership is established, the member may transfer their service credit from NYSTRS to the other retirement system. **Important Note:** The request to transfer must be received **while both memberships are active**.

Additional information concerning transfers may be found in NYSTRS' [Employer Manual \(Section 13: Transfers\)](#).