



New York State Teachers' Retirement System

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

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Titles Reportable to NYSTRS

This Administrative Bulletin is intended to provide guidance and clarity to participating employers regarding specific titles and/or duties reportable to the New York State Teachers' Retirement System (NYSTRS).

Unclassified Service vs. Classified Service

NYSTRS membership is restricted to "teachers" as defined by Section 501(4) of the Education Law. To be eligible, teachers must 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 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. The following positions are examples of "unclassified" titles eligible for membership in NYSTRS *only*.

- Teachers
- Substitute Teachers
- Teaching Assistants¹
- Nurse Teachers
- Guidance Counselors
- Principals
- Business Administrators
- Superintendents

In contrast, teacher aides, school nurses, business managers and other non-instructional positions are considered "classified" positions. Individuals employed in such positions are *only* eligible for membership in the New York State and Local Retirement System (NYSLRS).

(more)

¹Please note: State University of New York (SUNY) graduate assistants, teaching assistants and clinical assistant instructors are eligible for membership in NYSLRS 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.

Teachers on Special Assignment (TOSA)

Consistent with the May 1, 2009 decision of the Commissioner of Education with respect to tenure, the reportability of Teachers on Special Assignment (TOSA) is dependent on the job duties the individual is performing while on special assignment.

Type of Position	Description of Duties	Report Position to Which System
Instructional Support	Majority of duties are unclassified service, normally reportable to NYSTRS	NYSTRS
Not Instructional Support	Majority of duties are classified service, normally reportable to NYSLRS	NYSLRS

Questions on the reportability of TOSAs should be directed to NYSTRS' Employer Reporting Unit at employer@nystsr.org or (800) 348-7298, Ext. 6220.

Directors

Although director titles are considered unclassified service, director titles (e.g., director of human resources) are most often reportable to the New York State and Local Retirement System. The only permitted director titles reportable to NYSTRS are those that meet both of the following conditions:

- Require a School District Leader (SDL) certificate.
- Involve more than 50% instructional duties.

Examples of the exceptions reportable to NYSTRS include director of special education and director of pupil personnel services.

You may 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 \(Section 13: Transfers\)](#).