



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

## **Delegate News**

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### ***NYSTRS Publishes Guidelines to Assist Reportability for Consultants, Independent Contractors and Casual Employees***

In an effort to help NYSTRS' participating employers determine how to correctly classify non-regular employees and retirees who return to work — and how to report salary and service information for them — the Retirement System has created the *Guidelines to Assist Reportability for Consultants, Independent Contractors and Casual Employees* (RMS-96).

The enclosed *Guidelines* will assist employers in determining if the duties performed by an individual qualify him or her to be considered a regular employee or a consultant. A consultant is an independent contractor who is not performing a function that is ordinarily performed by a teacher or administrator of the school district. Consequently, all professional service providers must be hired by participating employers as consultants.

As a reminder, for all NYSTRS retirees, districts must submit consultant agreements to the System's Retired Member Services Unit prior to the agreements taking effect, or as soon as they are signed. Failure to do so may result in a substantial loss of a retiree's pension benefits. A final determination will be issued once the consultant agreement is reviewed by the Retirement System.

The glossary accompanying the *Guidelines* provides several important definitions and covers key concepts about consultant agreements, employer reporting and earnings limits in retirement.

Additional copies of the *Guidelines* are available in the "Forms and Publications" section of the Employers page at [www.nystrs.org](http://www.nystrs.org), or by calling our Hotline at (800) 782-0289.

Enclosure