

Employer Education Series



- Covered Membership
- Membership Enrollment
- Employer Reporting Detail Lookup

Agenda

Who is a Member?

Membership Breakdown

Contracted Services

SERS or STRS?

Member Enrollment

Employer Reporting Detail Lookup



Who is a SERS Member?

- A SERS member is anyone who works in a public school in a non-teaching position.
- Paragraphs (B)(1), (B)(2), and (B)(3) of section 3309.01 (B) of the Ohio Revised Code describes three separate definitions of “employee” for SERS-covered members.



Paragraph (B)(1) – Common Law Employee

- Any person “employed by a public employer” in a non-teaching position and that does not require a license under Ohio Revised Code 3319.22-3319.31
- Refers to an employee-employer relationship, also called “common law” employee-employer relationship
- Applies when the district contracts directly with an individual for services



Paragraph (B)(2) – Statutory Employee

- Who performs a service that is common to the normal daily operation of a school even though the person is employed and paid by one who has contracted with an employer to perform the service.



Paragraph (B)(3) – Post Secondary School Employees

- Employed in a non-faculty position in a school, college or other institution — wholly controlled and managed — and wholly or partly supported by the state or political subdivision.



Membership Breakdown

What is “common to the normal daily operation”?

1. Any service required to be provided by the educational unit by law, statute, or rule.
- **Example: A school district is required to provide meals, transportation, and nursing services.**



Membership Breakdown

What is “common to the normal daily operation”?

2. Any service necessary on a regular continuous basis to the efficient operation of an educational unit.
- **Example: Information Technology (IT services), grounds maintenance, cleaning services.**



Membership Breakdown

What is “common to the normal daily operation”?

3. Through custom and usage, has become a service commonly provided or procured by an educational unit on a regular continuous basis.
- **Example: Security Services**



Membership Breakdown

Services not “common to the normal daily operation,” include:

- Service to vending machines
- Service to equipment under an equipment warranty or purchase/lease service agreement
- Service and/or repair to equipment and/or facilities of the employer on an emergency basis
- Providing trash pick-up and disposal
- Providing student transportation in vehicles that are not identified by law or marked as “school buses”
- Advising and/or consulting on a temporary basis
- Persons performing such services are not SERS’ members.



Contracted Services

- Persons employed by a contractor to perform a service “common to the normal daily operation” must enroll in SERS.
- There is no exemption from the requirement to enroll even if:
 - A different employee is sent every day.
 - The work is part time.



Contracted Services

- Enrollments are needed for each new employee.
- Claiming that employees are independent contractors does not avoid membership in SERS.



SERS or STRS?

- Teacher's aides/Paraprofessionals
- Bus drivers
- Food service personnel
- Custodial or maintenance personnel
- Technology coordinators
- Treasurers
- Business managers
- Secretarial or clerical personnel



SERS or STRS?

- Regular preschool teachers, including head teachers and aides
- Special education preschool teachers, including aides but not head teachers
- Latchkey employees
- Early childhood instructors
- Ticket takers
- Security officers
- Auxiliary services personnel (in positions that do not require licensure under Ohio law)



SERS or STRS?

- Full-time and part-time teachers
- Preschool directors
- Special education preschool head teachers
- Adult education instructors
- Substitute teachers
- Tutors



SERS or STRS?

- County board of developmental disabilities teachers
- Superintendents
- Psychologists
- Guidance counselors
- Auxiliary service personnel (in positions that require licensure under Ohio law)



SERS or STRS?

With a question of membership, ask yourself:

1. **For coaches:** Does the individual hold a valid teaching license?
2. **For nurses:** Does the individual hold an Ohio Department of Education (ODE) school nurse license or is the individual a registered nurse (RN) with a bachelor's degree?
3. **For speech and language pathologists and audiologists:** Did your school receive an exception from ODE under Section 3319.224 of the Revised Code?



Membership

Determinations

- A determination request should include a completed Membership Determination form, and the job description and/or contract.
- Upon review, Employer Services will make a determination.
- If there are any questions, you may submit additional information, and a final determination will be provided.
- After the final determination, an appeal may be taken to the Board.
- **Any decision made by the Board is final.**



Membership

Payment of Unreported Time

- If it is determined that the employee is a SERS member, and services have already been provided, you have 30 days to certify all earnings paid to the employee on the **Certification of Salary for Non-contributing Service** form.
- Once calculated, the district has 30 days to provide payment.
- Failure to certify the earnings will result in a charge based on estimated figures.



Membership

Exemption

- Employees who may choose exemption include:
 - Students who are not members at the time of employment, and are employed by the school, college, or university in which the student is enrolled and regularly attending classes.
 - Emergency employees serving on a temporary basis.
 - Individuals who are employed in a program established under any federal job training program.



Membership

Exemption

- Such individuals must complete a **Request for Exemption from Membership Form** within the first month of employment. The district keeps the form on file indefinitely.
- This exemption is **irrevocable**.
- This form can be found on the Employer site under 'Forms and Publications'



Membership

Optional Membership

- School board or governing board members have the option to contribute to SERS.
 - Membership in SERS or Social Security must be chosen within the first 30 days of taking office.
 - If the board member chooses membership in SERS, a **New School or Governing Board Member Election for Membership to SERS** form will need to be completed and submitted to SERS.



Membership

Optional Membership

- Once membership is chosen, it is **irrevocable**.
- Governing authorities of community schools cannot belong to SERS.



Membership

Exclusion from Membership

- Those excluded from membership include:
 - Individuals who participate in an Alternative Retirement Plan (ARP) established by a college or university.
 - University of Akron police officers who are covered by the Ohio Public Employees Retirement System (OPERS).



Membership

Exclusion from Membership

- Individuals who have a license and are employed in an educational position through programs under federal law and financed by federal funds for which no license may be required.



Membership

Exclusion from Membership

- Non-teaching University of Akron employees who are initially employed after September 28, 2016, or who were employed by the university as of September 28, 2016, who subsequently terminated their employment and are then reemployed by the university at least 12 months after termination.



Membership

Exclusion from Membership

- Community School Operators:
- As a general rule, individuals employed after July 1, 2016, by community school operators who were withholding and paying Social Security taxes for employees on or before February 1, 2016, are excluded from membership.



Membership

Employment of Retirees

- A retiree of SERS or another Ohio system may be employed by a school in a position in which SERS contributions are required without limitation on the number of days or earnings.
- All reemployed retirees are required to contribute to SERS if employed in a SERS-covered position.
- Retirees should consider waiting two months so that they do not have to forfeit payment for each month worked during that waiting period.
- The reemployed retiree will need to be enrolled and contributions will need to be remitted.



Membership

Reemployed Retirees and Health Care

- Individuals who retire and then take a new job or go back to work for a public or private employer, may temporarily lose their eligibility for SERS' health care coverage while they are reemployed.
- Once reemployment ends, eligibility will be for health care will be reinstated.



Membership

Reemployed Retirees and Health Care

- This affects individuals who began employment on or after January 1, 2016, and are:
 - Under age 65 and not yet eligible for Medicare, or
 - Eligible but not enrolled in Medicare Part B
- Individuals not affected are:
 - Enrolled in Medicare Part B



Membership

Reemployed Retirees and Health Care

- SERS' health care eligibility is lost when an individual:
 - Is eligible for medical and prescription coverage through his or her new employer, or
 - Is not eligible for medical and prescription coverage through his or her new employer, but other employees in comparable positions are eligible for coverage. The coverage available to employees in comparable positions must be at the same cost as full-time employees.



Membership

Reemployed Retirees and Health Care

- Individuals will not lose eligibility for SERS' coverage if they do not have access to the employer coverage or it costs employees in comparable positions more than what full-time employees pay.
- This also applies to spouses, but not children.



Membership

Employing Disability Benefit Recipients

- A SERS disability benefit recipient cannot be employed by a SERS-covered employer; if a recipient is employed, the benefit ends.
- Schools that hire a disability benefit recipient must file notice of the employment, including the date of employment, with SERS.



Membership

Employing Disability Benefit Recipients

- A disability benefit recipient of another Ohio retirement system should contact the other system to determine any restrictions on returning to other public employment.
- A member is not eligible for a SERS disability benefit if the person is receiving a disability benefit from another Ohio retirement system.



Membership

Alternative Retirement Plan (ARP)

- An ARP is only an option for employees of colleges and universities.
- Employers are responsible for notifying SERS of an employee who is eligible for an ARP within 10 days of the employee's first day of employment by submitting a Notice of Employment or Reclassification of Employee Eligible for Alternative Retirement Plan form.



Membership

Alternative Retirement Plan (ARP)

- Eligible employees have 120 days from their first day of full-time employment to enroll in the ARP.
- An employee who chooses the ARP must sign the Retirement Plan Election Form and return it to the employer, who is required to file it with SERS within 10 days.
- Once submitted, is **irrevocable**.



Membership

Multiple System Coverage

- An employee who has more than one job may contribute to more than one Ohio retirement system.
- For each covered job, the appropriate contributions should be sent to the proper retirement system.



Membership

Enrollment

- Employees and reemployed retirees can only be enrolled electronically through eSERS.
- Use the “Upload Enrollment Files” or “Manual Enrollment Entry” applications.
- You will not be able to submit contribution reporting for an individual until an enrollment is uploaded or manually entered into eSERS.
- The SSA also can be uploaded into eSERS.



Thank you for joining us today!

Email: employerservices@ohsers.org

Call: 1-877-213-0861

