

A lot of questions were asked regarding the new WRS eligibility criteria as changed by WI Act 32. After returning to the office from the conference, our policy staff added additional information regarding this eligibility law change to the Act 10/32 Employer document on our website. The new document was posted to the website today. We will continue to update this document as new questions arise regarding Act 10/32. I hope this provides clarification from my presentation, as there were certain issues where I did not have a clear answer, such as high school students under the age of 20.

The document can be found at: http://etf.wi.gov/news/Act_10_Employer_Communications.pdf

The questions added to the document are listed below as well.

Questions Regarding Changes to the WRS Eligibility Requirement

Q: Does an individual who performed services without earnings (volunteer, unpaid teaching assistant, etc.) for a participating WRS employer prior to July 1, 2011, fall under the old eligibility criteria?

A: No. Wis. Stat. Sec. 40.02(26) provides that an employee is considered any person who receives earnings as payment for personal services rendered. An individual who provided services but was not compensated on a payroll by that employer is not considered an employee and would not fall under the old WRS eligibility criteria.

Q: Is there any type of employment with earnings that would not qualify an employee for eligibility under the old WRS eligibility criteria?

A: Yes, patients or inmates of a hospital, home, or institution who perform services for earnings in their respective hospital, home, or institution, are not considered employees under Wis. Stat. Sec. 40.02(26). Additionally, an employee classified as an independent contractor is not considered an employee of a WRS employer.

Q: An employee states that he or she worked for a WRS employer while enrolled in high school. Would this employment allow him or her to be evaluated under the old WRS eligibility criteria?

A: Yes, as long as that employee had received earnings prior to July 1, 2011 and the employer was a WRS participating employer at the time of employment. While Wis. Stat. Sec. 40.22(2) (gm) states that an employee under the age of 20 who is regularly enrolled, or is expected to be enrolled, as a full-time student in high school may not receive benefits from the Wisconsin Retirement System, the eligibility language in Act 32 does not require the employee's previous position to have been WRS eligible.

Q: If an employee in a school district educational support staff role, who previously worked for a school district in which support staff were not covered under the WRS, took a job in another school district with WRS coverage for support staff, would that employee come under the old eligibility requirements?

A: Yes, as long as that employee had worked for the previous school district prior to July 1, 2011. The eligibility changes in Act 32 provide that an employee who was initially employed by a participating employer before July 1, 2011, would come under the old eligibility requirements. The key would be that the previous employer was a WRS participating employer at the time of employment, even if the school district educational support staff were not covered under the WRS. Wis. Stat. Sec. 40.22(2m) does not require the employee's previous position to have been WRS eligible.

Will you please forward this email on to the attendees of my presentation at the WI Government Finance Officers Association Conference?

Rory McGarry

Policy Analyst

Division of Retirement Services

Department of Employee Trust Funds

608-264-8324

Rory.McGarry@etf.state.wi.us