



Ready, Set, *Report!*



PUBLIC SCHOOL & EDUCATION EMPLOYEE
RETIREMENT SYSTEMS OF MISSOURI

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Community Colleges Focus Session



PSRS/PEERS

PUBLIC SCHOOL & EDUCATION EMPLOYEE
RETIREMENT SYSTEMS OF MISSOURI

2018 Fall Employer Conference

PSRS CERTIFICATION

(and how to decertify when you realize that you may have gone too far)

What is it?

Law:

169.140. Any person employed in a public community college upon a full-time basis and who shall be duly certificated under the law governing the certification of teachers, or any person employed in said public community college in a full-time teaching, supervisory or educational administrative position certified by the executive officer of the institution for such full-time duties shall be a member of the public school retirement system of Missouri; except that, if the employee is a member of the public education employees' retirement system at the time such employment would qualify him for membership under this section, he may elect to continue in that system if he makes the election to continue at the time he becomes eligible for membership in the public school retirement system.

What is it?

That was a LOT of legislative mumbo-jumbo

What does it mean?

How does it work?

The law tells us that there are four categories of employees who either:

- Must be included in PSRS; or
- May be included in PSRS.

How does it work?

Must be included PSRS:

Any person employed in a public community college upon a *full-time basis* and who shall be *duly certificated* under the law governing the certification of teachers.

How does it work?

May be included PSRS:

Your school's Executive Officer *may* certify:

- Any person employed in *a full-time teaching position*.
- Any person employed in *a full-time supervisory position*.
- Any person employed in *a full-time educational administrative position*.

Can you certify any position?

No!

The law sets forth the categories of positions:

- Full-time teaching positions;
- Full-time supervisory positions; or
- Full-time educational administrative positions.

Only positions of these types may be certified!

Other positions should **NOT** be certified for inclusion in PSRS if they are outside of these three categories.

What if you want to decertify a position?

Which positions can be decertified?

- The law lists broad categories.
- Community Colleges have a great deal of discretion.
- PSRS/PEERS does not have a list of typical positions or guidance beyond the general types of positions set forth in the statute.

What does PSRS recommend?

First:

- We recommend that you **not** view this as decertifying employees currently in certified position.

Why?

- You certify/decertify “**positions**” not “**people**”.
- Decertifying the incumbent could give rise to legal liability.
- Hiring new employees into newly decertified positions would be less risky.
- Prospective, unilateral decertification of positions is preferred. New eligible employees in those position would be enrolled in PEERS (assuming the employee does not have a DESE-issued certificate).

What if you want to decertify people?

PSRS/PEERS discourages this method of decertification.

However, it is possible to decertify the position and the incumbent.

How?

Lots of Collaboration!

Decertifying Incumbents

- **First, determine that you want to decertify non-mandatory PSRS positions.**
- **Second, engage the incumbent! (x 10!)**
 - The laws governing our systems do not, expressly, preclude you from involuntarily decertifying incumbents. However, labor/management and legal risk should dissuade you from doing so.
 - The incumbent may expressly waive the prospective nature of the decertification *in writing* so decertification has immediate applicability.
- **Do NOT infer or imply that this is a member directed process.**
 - This is an Employer decision that will impact the member's eligibility for each of our plans.
 - Employees should not investigate "moving to PEERS" because employees have very limited ability to select a plan (the PEERS Election provision may apply *at time of hire* in a PSRS covered position).

Decertifying Incumbents

What is really happening when decertifying incumbents?

- The employee is, actually, requesting immediate inclusion in the decertification process, *not to be transferred to PEERS from PSRS.*
- We cannot have members believing that they can transfer plans at their whim. **Members have no inherent right to transfer from PSRS to PEERS!** However, the employer's actions could result in a transfer because positions not certified for PSRS cannot be in PSRS.
- Admittedly, the practical effect of immediate decertification would be the member switching plans, but it's not a member driven process.
- Community Colleges do not need to notify current staff of plans to implement prospective decertification. As such, how would incumbents know to request inclusion in the process? (Labor/Management Agreements may require notice)

Decertifying Incumbents

Impact on decertified incumbents.

- First, call us before proceeding!
- Second, call us before proceeding!

Why?

- Service *may* need to be transferred.
- A LOT of benefits counseling will need to occur.

Trust the Process!!!

Prospective Decertification

- Notify PSRS/PEERS of your plan to decertify.
- Identify the positions you wish to decertify.
- Provide the list to PSRS/PEERS.

Immediate Decertification (including incumbents)

- Engage the incumbent!
- Instruct Member to contact PSRS/PEERS for advice!
- Receive written and signed waiver of continued PSRS membership.
- Provide a copy of the signed waiver to PSRS/PEERS for inclusion in the Member's record.

Who do you contact at PSRS/PEERS to discuss this process?

Get very familiar with the following four names:

- **Becky West, Employer Services Auditor**
- **Sheri Morgan, Member Services Auditor**
- **Cindy Rozier, Employer Services Educator**
- **Megan Ambrose, Employer Services Analyst**



Discussion