

Employee Eligibility Requirements

1. A person appointed or elected to a position in a Participating Agency is eligible to apply for enrollment immediately upon employment if it is anticipated the person will be employed for at least three months and in addition, the employee:

- a. works a regularly scheduled workweek of 20 hours or more;

A Participating Agency may establish a minimum workweek of more than 20 hours for the purpose of determining eligibility. When established, the new criteria may be applied to all employees, limited to certain classes or categories of employees, or applied only to employees hired after a specified date. The Participating Agency must notify the Employee Benefits Division of any increased eligibility requirements.

or

- b. is paid at least \$2,000 per year on an annual salary basis;

A Participating Agency may establish a minimum annual salary base greater than \$2,000 per year. When established, the new criteria may be applied to all employees, limited to certain classes or categories of employees, or applied only to employees hired after a specified date. The Participating Agency must notify the Employee Benefits Division of any increased annual salary base established for the purpose of determining eligibility.

or

- c. is an elected official, or a paid or unpaid member of a public legislative body, or a publicly elected member of a school board;

- 1) The determination of eligibility for such official or member is at the discretion of the Participating Agency. The agency may choose not to provide coverage for such employees or may require them to meet established workweek or annual salary eligibility criteria.
- 2) Eligible school board members who elect coverage are required to pay both the employer and employee contribution.
- 3) Eligible unpaid board members may be required to pay both the employee and employer share at the discretion of the agency.

or

- d. is an unpaid local elected official or board member of a Public Authority;

The determination of eligibility for such official or board member is at the discretion of the Participating Agency. Any such unpaid local elective official who occupies a position which by statute, local law, ordinance or resolution is

expressly prohibited from receiving compensation, shall be required to pay both the employer and the employee contribution for coverage under the plan. Civil Service Law mandates that an unpaid board member of a public authority serve in such position for six months before he/she is eligible for NYSHIP.

or

- e. is a person whose major source of family income is from his or her public employment;

In this case, the burden of proof of family income is on the employee.

- 2. Employees in the following categories are not eligible to enroll in the program even though they otherwise meet the above requirements:
 - a. Any person whose employment is scheduled for termination, other than by retirement, within three months after the effective date of the extension of the plan to employees of the Participating Agency.
 - b. Any person appointed or elected for a term of less than three months; or, if a Participating Agency elects to establish such additional requirement, any employee hired for an anticipated period of less than six months.
 - c. Any person who is employed by a public educational institution on other than a full-time basis and who is also a student therein enrolled for a degree.
 - d. Any person who retired prior to the effective date of the extension of the plan to employees of the Participating Agency and who is subsequently reemployed in a temporary, seasonal or occasional basis.
 - e. Any employee who is already covered as an enrollee under this program.
- 3. An employee who does not meet the eligibility requirements outlined above at the time of initial employment may later acquire eligibility by virtue of a change in employment status. Such employees should be treated as though they were new employees on the date the employment status changed. Eligibility for coverage would be determined based on the agency's policy for other new employees in the same class or category.
- 4. Employees who do not meet the eligibility requirements outlined in this section are **not** eligible to enroll in NYSHIP even by paying the full cost of coverage.
- 5. If the regularly scheduled workweek of an enrolled employee is reduced to less than 20 hours, the President of the New York State Civil Service Commission may grant extensions not exceeding one year each during which such enrolled employee's eligibility may be deemed to continue.
 - a. To be considered for such extension, the Participating Agency must anticipate the reestablishment of a workweek of 20 hours or more within one year.

- b. The Participating Agency may submit requests for such extensions to the Director of the Employee Benefits Division, New York State Department of Civil Service, Alfred E. Smith State Office Building, Albany, New York 12239.
6. If a Participating Agency raises the minimum workweek requirement or the annual salary requirement and an enrolled employee (not otherwise eligible) loses eligibility because of the increase, the employee's coverage must be terminated on the same basis as an employee who separates from service. (See Section 3.9)